

Chamber Bill Number

Tab 1	CS/SB 80 by EN, Harrell (CO-INTRODUCERS) Bradley, Smith, Gaetz, Davis, Bernard; Similar to CS/CS/H 00209 State Land Management					
Tab 2	SB 200 by Berman; Identical to H 00295 Comprehensive Waste Reduction and Recycling Plan					
Tab 3	CS/SB 408 by RI, Burgess; Compare to CS/CS/H 00105 Thoroughbred Permitholders					
Tab 4	CS/SB 496 by RI, McClain; Similar to CS/H 00897 Timeshare Management Firms					
Tab 5	CS/SB 622 by RI, Rodriguez (CO-INTRODUCERS) Calatayud; Compare to CS/H 00709 Jai Alai Permitholders					
Tab 6	CS/SB 712 by CA, Grall; Compare to CS/CS/CS/H 00683 Construction Regulations					
398732	D	S	RCS	AEG, Grall	Delete everything after	04/15 03:07 PM
574482	AA	S	RCS	AEG, Grall	Delete L.39 - 60:	04/15 03:07 PM
Tab 7	CS/SB 820 by GO, Yarborough; Similar to CS/H 00293 Office of Faith and Community					
Tab 8	CS/SB 1404 by RI, Simon; Similar to H 00953 Gambling					
766556	D	S	RCS	AEG, Simon	Delete everything after	04/15 03:08 PM
Tab 9	CS/SB 1574 by RI, DiCeglie; Similar to H 01239 Energy Infrastructure Investment					
Tab 10	CS/SB 1580 by EN, Rodriguez; Identical to CS/H 01345 Infrastructure and Resiliency					
Tab 11	CS/SB 1742 by RI, Bradley (CO-INTRODUCERS) Pizzo; Compare to CS/H 00913 Condominium and Cooperative Associations					
660470	D	S	RCS	AEG, Bradley	Delete everything after	04/15 03:26 PM
Tab 12	SB 1760 by Grall; Compare to CS/1ST ENG/H 01321 Public Officers and Employees					
484070	D	S	RCS	AEG, Grall	Delete everything after	04/15 03:26 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

Senator Brodeur, Chair
Senator Berman, Vice Chair

MEETING DATE: Tuesday, April 15, 2025

TIME: 12:30—4:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 80 Environment and Natural Resources / Harrell (Similar CS/CS/H 209)	State Land Management; Citing this act as the "State Park Preservation Act"; requiring public hearings for all updated conservation and nonconservation land management plans; requiring the Division of Recreation and Parks of the Department of Environmental Protection to comply with specified provisions when granting certain privileges, leases, concessions, and permits; requiring that individual management plans for parcels located within state parks be developed and updated with input from an advisory group, etc. EN 02/11/2025 Fav/CS AEG 04/15/2025 Favorable FP	Favorable Yeas 12 Nays 0
2	SB 200 Berman (Identical H 295, Compare H 189)	Comprehensive Waste Reduction and Recycling Plan; Requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan, etc. EN 02/11/2025 Favorable AEG 04/15/2025 Favorable FP	Favorable Yeas 12 Nays 0
3	CS/SB 408 Regulated Industries / Burgess (Compare CS/CS/H 105)	Thoroughbred Permitholders; Requiring certain thoroughbred permitholders to conduct a full schedule of live racing until such permitholders provide notice to the Florida Gaming Control Commission with certain information; revising the criteria for certain thoroughbred permitholders to pay the tax on handle for intertrack wagering; deleting certain criteria a thoroughbred permitholder must meet as part of its pari-mutuel annual license application in order to have its cardroom license renewed, etc. RI 04/01/2025 Fav/CS AEG 04/15/2025 Temporarily Postponed RC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Tuesday, April 15, 2025, 12:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 496 Regulated Industries / McClain (Similar CS/H 897)	<p>Timeshare Management Firms; Revising applicability for provisions governing conflicts of interest between community association managers or community association management firms and certain persons with a financial interest in such associations; deleting a provision requiring managing entities that perform community association management to comply with certain provisions related to community association management firms; requiring the board of administration of a timeshare condominium to meet once per year, etc.</p> <p>RI 04/01/2025 Fav/CS AEG 04/15/2025 Favorable FP</p>	Favorable Yeas 12 Nays 0
5	CS/SB 622 Regulated Industries / Rodriguez (Compare CS/H 709)	<p>Jai Alai Permitholders; Providing that holders of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessee to apply for a license, rather than be entitled to a permit and license, to conduct specified gaming activities at the leased premises, etc.</p> <p>RI 03/25/2025 Fav/CS AEG 04/15/2025 Favorable FP</p>	Favorable Yeas 12 Nays 0
6	CS/SB 712 Community Affairs / Grall (Identical CS/CS/H 683)	<p>Construction Regulations; Requiring the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on specified properties; prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, property owners from installing synthetic turf meeting certain standards on single-family residential property of a specified size; requiring local governmental entities to approve or deny certain price quotes and provide notice to contractors within a specified timeframe; prohibiting the state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions, etc.</p> <p>CA 03/31/2025 Fav/CS AEG 04/15/2025 Fav/CS RC</p>	Fav/CS Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Tuesday, April 15, 2025, 12:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 820 Governmental Oversight and Accountability / Yarborough (Similar CS/H 293)	Office of Faith and Community; Establishing the Office of Faith and Community within the Executive Office of the Governor for a specified purpose; providing for the appointment of a liaison for faith and community; providing that the Office of Faith and Community provides administrative support to the Florida Faith-Based and Community-Based Advisory Council, etc. GO 04/01/2025 Fav/CS AEG 04/15/2025 Favorable AP	Favorable Yeas 9 Nays 3
8	CS/SB 1404 Regulated Industries / Simon (Similar H 953, Compare H 1017, H 1467, S 1836)	Gambling; Prohibiting certain employment for a specified timeframe before or during a person's service with the commission; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; revising criminal penalties for offenses involving keeping a gambling house; revising criminal penalties for offenses involving renting a house for gambling purposes; prohibiting Internet gambling and Internet sports wagering and related offenses; prohibiting specified actions relating to manipulation of card games, etc. RI 03/25/2025 Fav/CS AEG 04/15/2025 Fav/CS FP	Fav/CS Yeas 12 Nays 0
9	CS/SB 1574 Regulated Industries / DiCeglie (Similar H 1239)	Energy Infrastructure Investment; Authorizing the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investment in gas; providing requirements for gas infrastructure investments, etc. RI 04/01/2025 Fav/CS AEG 04/15/2025 Favorable FP	Favorable Yeas 12 Nays 0
10	CS/SB 1580 Environment and Natural Resources / Rodriguez (Identical CS/H 1345)	Infrastructure and Resiliency; Granting the Department of Environmental Protection the exclusive authority to execute coastal resiliency projects through public-private partnerships; authorizing the department to take certain actions to encourage investment from the private sector in coastal resiliency projects, etc. EN 03/25/2025 Fav/CS AEG 04/15/2025 Favorable RC	Favorable Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Tuesday, April 15, 2025, 12:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/SB 1742 Regulated Industries / Bradley (Compare CS/H 913)	<p>Condominium and Cooperative Associations; Prohibiting a person whose community association manager license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for a specified timeframe; prohibiting a community association manager or a community association management firm from performing any act directed by the community association if such act violates any state or federal law; authorizing an association board meeting to be conducted in person or by videoconference; revising the duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding investigation of complaints, etc.</p> <p>RI 03/19/2025 Temporarily Postponed RI 03/25/2025 Fav/CS AEG 04/15/2025 Fav/CS RC</p>	<p>Fav/CS Yeas 12 Nays 0</p>
12	SB 1760 Grall (Compare CS/H 1321, CS/H 1445, CS/S 1726)	<p>Public Officers and Employees; Requiring certain public officers and employees to be United States citizens and residents of this state, and, for specified public officers and employees, to reside in a certain county; defining the term "office" for purposes of s. 5(a), Art. II of the State Constitution, etc.</p> <p>GO 03/25/2025 Favorable AEG 04/15/2025 Fav/CS RC</p>	<p>Fav/CS Yeas 12 Nays 0</p>
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 80

INTRODUCER: Environment and Natural Resources Committee and Senator Harrell and others

SUBJECT: State Land Management

DATE: April 14, 2025

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>Favorable</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 80, the State Park Preservation Act, directs state parks and preserves to be managed for conservation-based public outdoor recreational uses, public access and related amenities, and scientific research.

The bill specifies that “conservation-based public outdoor recreational uses” do not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities. The bill requires the Department of Environmental Protection (DEP) to manage recreational uses in a manner that is compatible with and that ensures the conservation of the state’s natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

The bill allows for the installation or operation of camping cabins at state parks with certain constraints and it prohibits the DEP from authorizing use or construction activities within a state park that may cause significant harm to the park’s resources. It directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts to a state park’s critical habitat and natural and historical resources. The bill prohibits the installation or operation of certain lodging establishments at state parks.

The bill directs the DEP to submit a report on the state park system to the Governor and the Legislature by December 1, 2025.

Regarding land management plans, the bill requires public hearings for plan updates, adds a deadline for publication of a land management plan before a public hearing, requires plans for state parks to be published by that deadline, directs plans for state parks to be developed with input from an advisory group, and adds a notice deadline for advisory group public hearings.

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

The bill has an effective date of July 1, 2025.

II. Present Situation:

The Florida Park Service is one of the largest in the country and manages the state's trails, historic sites, and 175 state parks.¹ This includes over 813,000 acres and 100 miles of beach.² The Florida park system is the first four-time winner of the Gold Medal awarded by the National Recreation and Parks Association and the American Academy for Park and Recreation Administration.³

The DEP's Division of Recreation and Parks is responsible for supervising, administering, regulating, and controlling the operation of all public parks, including all monuments, memorials, sites of historic interest and value, and certain sites of archaeological interest and value.⁴ The Division of Recreation and Parks is also tasked with preserving, managing, and protecting all parks and recreational areas held by the state, as well as studying and appraising the recreation needs of the state and assembling and disseminating information relating to recreation.⁵

The Division of Recreation and Parks' policy is to:

- Promote the state park system for the use, enjoyment, and benefit of Floridians and visitors.
- Acquire typical portions of the original domain of the state, which will be accessible to the public and of such character as to emblemize the state's natural values.
- Conserve these natural values for all time.
- Administer the development, use, and maintenance of these lands and enable Floridians and visitors to enjoy these values without depleting them.
- Contribute materially to the development of a strong mental, moral, and physical fiber in the public.
- Provide for perpetual preservation of historic sites and memorials of statewide significance and interpretation of their history to the people.
- Contribute to the tourist appeal of Florida.⁶

¹ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Jan. 2025).

² *Id.*

³ *Id.*; DEP, *2019 National Gold Medal Winner*, <https://www.floridastateparks.org/learn/2019-national-gold-medal-winner#:~:text=On%20Tuesday%2C%20September%2024%2C%20the%20National%20Recreation%20and,the%20nation%20to%20win%20a%20fourth%20Gold%20Medal> (last visited Jan. 2025).

⁴ Section 258.004(1), F.S.

⁵ Section 258.004(2) and (3), F.S.

⁶ Section 258.037, F.S.

State Park Experiences and Amenities

Visitors can experience state parks through hiking, biking, swimming, boating, camping, birding, geo-seeking, fishing, horseback riding, scuba diving, and more.⁷ State parks also offer amenities including, but not limited to, boat ramps, trails, gardens, picnic pavilions, restroom facilities, parking areas, playgrounds, amphitheaters, shower stations, visitor centers, and museums.⁸ Many state parks offer overnight stays in campgrounds, glamping tents, or four- to six-person cabins.⁹ There are 19 parks that provide cabins, a majority of which offer fewer than 10.¹⁰ The park with the most cabins is Grayton Beach State Park, which has 30.¹¹ Wakulla Springs State Park in the Big Bend region of Florida is the only state park that includes a lodge, which offers 27 guest rooms among its amenities.¹² The Wakulla Springs Lodge was built in the 1930s and was already constructed when Wakulla Springs was designated a state park.¹³ William J. “Billy Joe” Rish Recreational Area in the St. Joseph Peninsula State Park is the only state park with a swimming pool.¹⁴ The Recreational Area provides recreation opportunities for people with disabilities and their families and caregivers. The park offers mobility equipment rentals and the swimming pool has a chair lift and wheelchair access ramp.¹⁵ There are 31 state parks that offer concessions or restaurants.¹⁶

The 2024-2025 Great Outdoors Initiative

On August 19, 2024, the DEP announced the 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks (Initiative).¹⁷ The DEP intended to “expand public access, increase outdoor activities and provide new lodging options across Florida’s state parks” by increasing the number of campsites, cabins, and lodges on park property, as well as adding amenities like pickleball courts and golf courses.¹⁸ The announcement noted that these plans will “reinforce the state’s dedication to conservation, the outdoor recreation economy and a high quality of life for Floridians.”¹⁹

⁷ DEP, *Experiences and Amenities*, <https://www.floridastateparks.org/index.php/experiences-amenities> (last visited Jan. 2025).

⁸ *Id.*

⁹ DEP, *Experiences and Amenities*.

¹⁰ *Id.*

¹¹ DEP, *Grayton Beach State Park Cabins*, <https://www.floridastateparks.org/learn/grayton-beach-state-park-cabins> (last visited Feb. 2025).

¹² DEP, *Edward Ball Wakulla Springs State Park: Experiences and Amenities*, <https://www.floridastateparks.org/parks-and-trails/edward-ball-wakulla-springs-state-park/experiences-amenities> (last visited Jan. 2025).

¹³ *Id.*

¹⁴ DEP, *William J. “Billy Joe” Rish Recreation Area*, <https://www.floridastateparks.org/parks-and-trails/william-j-billy-joe-rish-recreation-area> (last visited Jan. 2025).

¹⁵ *Id.*

¹⁶ DEP, *Find a Park: Concession and Restaurant*, <https://www.floridastateparks.org/parks-and-trails?park%5B0%5D=amenities%3A269> (last visited Jan. 2025).

¹⁷ DEP, *DEP Announces 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks*, <https://content.govdelivery.com/accounts/FLDEP/bulletins/3afd277> (last visited Jan. 2025).

¹⁸ *Id.*

¹⁹ *Id.*

State parks that were included in the Initiative were Anastasia, Camp Helen, Dr. Von. D Mizell Eula Johnson, Grayton Beach, Hillsborough River, Honeymoon, Jonathan Dickinson, Oleta River, and Topsail Hill Preserve State Parks.²⁰

Following strong bipartisan opposition, the Initiative was withdrawn.²¹

Land Management Plans

Conservation²² and non-conservation land managers must submit land management plans to the DEP's Division of State Lands and update those plans at least every 10 years.²³ However, there are additional requirements for updating the land management plans for conservation lands. For conservation lands, managers must update land management plans if the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within one year after the addition of significant new lands.²⁴

State conservation lands must be managed to ensure conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of Florida's residents and visitors.²⁵ To meet these goals, land management plans must address the following topics, as appropriate: habitat restoration and improvement, public access and recreational opportunities, hydrological preservation and restoration, sustainable forest management, exotic and invasive species maintenance and control, capital facilities and infrastructure, cultural and historical resources, and imperiled species habitat maintenance, enhancement, restoration, or population restoration.²⁶

At least one public hearing to be held in any one affected county during the development of land management plans for both conservation and non-conservation lands.²⁷ If a parcel exceeds 160 acres in size, the Division of State Lands must make an electronic copy of the land management plan available to the public.²⁸ Land management plans for parcels over 160 acres must be developed with input from an advisory group.²⁹ The advisory group's membership includes, at a

²⁰ DEP, *Public Participation – Draft Unit Management Plans*, <https://floridadep.gov/parks/public-participation> (last visited Jan. 2025).

²¹ *Id.*; Max Chesnes, *Florida agency says group behind state park golf course is withdrawing plan*, Tampa Bay Times, Aug. 25, 2024, <https://www.tampabay.com/news/environment/2024/08/25/florida-agency-says-group-behind-state-park-golf-course-is-withdrawing-plan/>.

²² “Conservation lands” are defined in statute to mean “lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resources-based recreation, or archaeological or historic preservation...shall include, but not be limited to, the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, state university or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that do not possess significant natural or historical resources.” Section 253.034(2)(c), F.S.

²³ Section 253.034(5), F.S.

²⁴ *Id.*

²⁵ Section 253.034(5)(a), F.S.

²⁶ Section 253.034(5)(b), F.S.

²⁷ Section 253.034(f), F.S.

²⁸ Section 253.034(g), F.S.

²⁹ Section 259.032(8)(b), F.S.

minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. There are further requirements for membership if habitat or potentially restorable habitat for imperiled species is located on the lands included in the management plan.³⁰

The advisory group must conduct at least one public hearing within the county in which the parcel or project is located.³¹ If the parcel or parcels are within more than one county, at least one areawide public hearing must be conducted in the county where the core parcels are located and the lead managing agency must invite a local elected official from each county. Notice of the hearing must be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing.³²

III. Effect of Proposed Changes:

Section 1 titles this act the “State Park Preservation Act.”

Section 2 amends s. 253.034, F.S., to require at least one public hearing when conservation and nonconservation land management plans are *updated*. Current law only requires a public hearing when a land management plan is in development.

The bill also adds a deadline of at least 30 days before the public hearing by which the DEP’s Division of State Lands must make an electronic copy of certain land management plans available to the public. The bill requires an electronic copy to be available for parcels located within a state park, amending the current requirement that the electronic copy be available only for parcels that exceed 160 acres in size.

Section 3 amends s. 258.004, F.S., to require all lands managed pursuant to the laws on state parks and preserves (ch. 258, F.S.) to be managed for the greatest combination of benefits to the public and to the lands’ natural resources. The bill also requires lands to be managed for:

- Conservation-based public outdoor recreational uses;
- Public access and related amenities, including roads, parking areas, walkways, and visitor centers; and
- Scientific research, including archaeology.

The bill defines “conservation-based public outdoor recreational uses” to include fishing, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and similar, conservation-based public recreational uses. The bill specifies that the term does not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

The bill requires the DEP to manage these uses in a manner that is compatible with and that ensures the conservation of the state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

Section 4 amends s. 258.007, F.S., to highlight that the DEP's Division of Recreation and Parks may grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials in accordance with certain provisions *in a manner that is consistent with s. 258.004, F.S.*, which is amended by Section 3 of this bill.

The bill authorizes the Division of Recreation and Parks to acquire, install, or permit the installation or operation of camping cabins that have a maximum occupancy of six guests at state parks. The installation and operation of any camping cabin in a state park must be compatible with the park's land management plan and must be approved pursuant to the statutory requirements for land management plan approval.³³ The bill also requires that camping cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

The bill prohibits the Division of Recreation and Parks from authorizing uses or construction activities within a state park that may cause significant harm to the resources of the state park. This includes building or altering structures. The bill directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts on a state park's critical habitat and natural and historical resources. The bill further prohibits the Division of Recreation and Parks from installing or permitting the installation at state parks of any lodging establishment.³⁴

Section 5 amends s. 259.032, F.S., to require individual land management plans for parcels within a state park to be developed with input from an advisory group.

Current law requires the advisory group to hold at least one public hearing within the county in which the parcel or project is located and contains notice requirements for such hearing. The bill adds to the notice requirements that the public hearing must be noticed at least 30 days before it is held.

The bill also requires that individual land management plans for parcels within a state park must be updated with input from an advisory group.

Section 6 directs the DEP to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2025, which includes the following information regarding the state park system:

- The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

³³ These requirements are amended by Section 2 of this bill.

³⁴ Lodging establishments are defined in s. 509.242, F.S., in which they are classified as a hotel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies listed criteria.

- The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the following categories: operations, maintenance and repair, park improvement, and administrative overhead.
- The estimated costs associated with the facility maintenance backlog by each state park, including a plan to reduce or eliminate the backlog for the state park system by July 1, 2035, to ensure access to and the safe enjoyment of such public lands for Florida residents and visitors.

Section 7 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 253.034, 258.004, 258.007, and 259.032.

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 February 11, 2025:

- Removes language that might prevent the operation of Wakulla Lodge or prevent the state from acquiring properties with preexisting lodging establishments.
- Requires input from an advisory group when land management plans for parcels within a state park are updated. The underlying bill only requires input from an advisory group during the development of land management plans for parcels within a state park.
- Fixes a drafting error by restoring flush left language.

B. Amendments:

None.

By the Committee on Environment and Natural Resources; and
Senators Harrell, Bradley, Smith, and Gaetz

592-01943-25

202580c1

1 A bill to be entitled
2 An act relating to state land management; providing a
3 short title; amending s. 253.034, F.S.; requiring
4 public hearings for all updated conservation and
5 nonconservation land management plans; requiring the
6 Division of State Lands of the Department of
7 Environmental Protection to make available to the
8 public, within a specified timeframe, electronic
9 copies of land management plans for parcels of a
10 certain size and for parcels located in state parks;
11 making technical changes; amending s. 258.004, F.S.;
12 revising the duties of the Division of Recreation and
13 Parks of the Department of Environmental Protection;
14 specifying requirements for the management of parks
15 and recreational areas held by the state; defining the
16 term "conservation-based public outdoor recreational
17 uses"; making technical changes; amending s. 258.007,
18 F.S.; requiring the division to comply with specified
19 provisions when granting certain privileges, leases,
20 concessions, and permits; authorizing the division to
21 acquire, install, or permit the installation or
22 operation at state parks of camping cabins that meet
23 certain requirements; prohibiting the division from
24 authorizing certain uses or construction activities
25 within a state park; prohibiting the division from
26 installing or permitting the installation of any
27 lodging establishment at a state park; amending s.
28 259.032, F.S.; requiring that individual management
29 plans for parcels located within state parks be

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

592-01943-25

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30 developed and updated with input from an advisory
31 group; requiring that the advisory group's required
32 public hearings be noticed to the public within a
33 specified timeframe; requiring the department to
34 submit a report to the Governor and the Legislature by
35 a specified date; specifying requirements for the
36 report; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

40 Section 1. This act may be cited as the "State Park
41 Preservation Act."

42 Section 2. Subsection (5) of section 253.034, Florida
43 Statutes, is amended to read:

44 253.034 State-owned lands; uses.—

45 (5) Each manager of conservation lands shall submit to the
46 Division of State Lands a land management plan at least every 10
47 years in a form and manner adopted by rule of the board of
48 trustees and in accordance with s. 259.032. Each manager of
49 conservation lands shall also update a land management plan
50 whenever the manager proposes to add new facilities or make
51 substantive land use or management changes that were not
52 addressed in the approved plan, or within 1 year after the
53 addition of significant new lands. Each manager of
54 nonconservation lands shall submit to the Division of State
55 Lands a land use plan at least every 10 years in a form and
56 manner adopted by rule of the board of trustees. The division
57 shall review each plan for compliance with the requirements of
58 this subsection and the requirements of the rules adopted by the

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

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board of trustees pursuant to this section. All nonconservation land use plans, whether for single-use or multiple-use properties, ~~must shall~~ be managed to provide the greatest benefit to the state. Plans for managed areas larger than 1,000 acres ~~must shall~~ contain an analysis of the multiple-use potential of the property which includes the potential of the property to generate revenues to enhance the management of the property. In addition, the plan ~~must shall~~ contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands and whether nonconservation lands would be more appropriately transferred to the county or municipality in which the land is located for the purpose of providing affordable multifamily rental housing that meets the criteria of s. 420.0004(3). If a newly acquired property has a valid conservation plan that was developed by a soil and water conservation district, such plan ~~must shall~~ be used to guide management of the property until a formal land use plan is completed.

(a) State conservation lands ~~must shall~~ be managed to ensure the conservation of this state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of this state, both present and future. Each land management plan for state conservation lands ~~must shall~~ provide a desired outcome, describe both short-term and long-term management goals, and include measurable objectives to achieve those goals. Short-term goals ~~must shall~~ be achievable within a 2-year planning period, and long-term goals ~~must shall~~ be achievable within a 10-year planning period. These short-term and long-term management goals are ~~shall be~~ the

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basis for all subsequent land management activities.

(b) Short-term and long-term management goals for state conservation lands ~~must shall~~ include measurable objectives for the following, as appropriate:

1. Habitat restoration and improvement.
2. Public access and recreational opportunities.
3. Hydrological preservation and restoration.
4. Sustainable forest management.
5. Exotic and invasive species maintenance and control.
6. Capital facilities and infrastructure.
7. Cultural and historical resources.
8. Imperiled species habitat maintenance, enhancement, restoration, or population restoration.

(c) The land management plan ~~must shall~~, at a minimum, contain the following elements:

1. A physical description of the land.
2. A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other significant land, cultural, or historical features. The inventory ~~must shall~~ reflect the number of acres for each resource and feature, when appropriate. The inventory ~~must shall~~ be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan. All quantitative data collected ~~must shall~~ be aggregated, standardized, collected, and presented in an electronic format to allow for uniform management reporting and analysis. The information collected by the Department of

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Environmental Protection pursuant to s. 253.0325(2) must ~~shall~~ be available to the land manager and his or her assignee.

3. A detailed description of each short-term and long-term land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives. Each land management objective must be addressed by the land management plan, and if practicable, a land management objective may not be performed to the detriment of the other land management objectives.

4. A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities. The schedule must ~~shall~~ include for each activity a timeline for completion, quantitative measures, and detailed expense and manpower budgets. The schedule must ~~shall~~ provide a management tool that facilitates development of performance measures.

5. A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees must ~~shall~~ be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget must ~~shall~~ be prepared in such manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

(d) Upon completion, the land management plan must be transmitted to the Acquisition and Restoration Council for

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review. Within ~~The council shall have~~ 90 days after receipt of the plan, the council shall ~~to~~ review the plan and submit its recommendations to the board of trustees. During the review period, the land management plan may be revised if agreed to by the primary land manager and the council taking into consideration public input. The land management plan becomes effective upon approval by the board of trustees.

(e) Land management plans are to be updated every 10 years on a rotating basis. Each updated land management plan must identify any conservation lands under the plan, in part or in whole, that are no longer needed for conservation purposes and could be disposed of in fee simple or with the state retaining a permanent conservation easement.

(f) In developing or updating land management plans, at least one public hearing must ~~shall~~ be held in any one affected county.

(g) The Division of State Lands shall make available to the public at least 30 days before the public hearing required by paragraph (f) an electronic copy of each land management plan for parcels that exceed 160 acres in size and for parcels located within a state park. The division shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules adopted by the board of trustees pursuant to this section. The Acquisition and Restoration Council shall also consider the propriety of the recommendations of the managing entity with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing entity, and the

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possibility of disposal of the property by the board of trustees. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan. If the council fails to make a recommendation for a land management plan, the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees must ~~shall~~ submit the land management plan to the board of trustees.

(h) The board of trustees shall consider the land management plan submitted by each entity and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands which ~~that~~ is not in accordance with an approved land management plan is subject to termination by the board of trustees.

(i)1. State nonconservation lands must ~~shall~~ be managed to provide the greatest benefit to the state. State nonconservation lands may be grouped by similar land use types under one land use plan. Each land use plan must ~~shall~~, at a minimum, contain the following elements:

a. A physical description of the land to include any significant natural or cultural resources as well as management strategies developed by the land manager to protect such resources.

b. A desired development outcome.

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c. A schedule for achieving the desired development outcome.

d. A description of both short-term and long-term development goals.

e. A management and control plan for invasive nonnative plants.

f. A management and control plan for soil erosion and soil and water contamination.

g. Measurable objectives to achieve the goals identified in the land use plan.

2. Short-term goals shall be achievable within a 5-year planning period and long-term goals shall be achievable within a 10-year planning period.

3. The use or possession of any such lands that is not in accordance with an approved land use plan is subject to termination by the board of trustees.

4. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan.

Section 3. Section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(1) ~~It shall be the duty of~~ The Division of Recreation and Parks of the Department of Environmental Protection shall:

(a) ~~to~~ Supervise, administer, regulate, and control the operation of all public parks, including all monuments, memorials, sites of historic interest and value, and sites of archaeological interest and value which are owned, or ~~which~~ may

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be acquired, by the state, ~~or to the operation, development,~~
~~preservation, and maintenance of~~ which the state may have made
 or may make contribution or appropriation of public funds for
their operation, development, preservation, and maintenance.

~~(b)(2) The Division of Recreation and Parks shall~~ Preserve,
 manage, regulate, and protect all parks and recreational areas
 held by the state. The Division of Recreation and Parks and may
 provide these services by contract or interagency agreement for
 any water management district when the governing board of a
 water management district designates or sets aside any park or
 recreation area within its boundaries. All lands managed
pursuant to this chapter must be:

1. Managed in a manner that will provide the greatest
combination of benefits to the public and to the land's natural
resources; and

2. Managed for conservation-based public outdoor
recreational uses; public access and related amenities,
including roads, parking areas, walkways, and visitor centers;
and scientific research, including archaeology. Such uses must
be managed in a manner that is compatible with and that ensures
the conservation of this state's natural resources by minimizing
impacts to undisturbed habitat and using disturbed upland
regions to the maximum extent practicable. As used in this
subparagraph, the term "conservation-based public outdoor
recreational uses" includes fishing, camping, bicycling, hiking,
nature study, swimming, boating, canoeing, horseback riding,
diving, birding, sailing, jogging, and similar conservation-
based public recreational uses. The term does not include sports
that require sporting facilities, such as golf courses, tennis

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courts, pickleball courts, ball fields, and other similar
facilities.

~~(c)(3) The Division of Recreation and Parks shall~~ Study and
 appraise the recreational ~~recreation~~ needs of the state and
 assemble and disseminate information relative to recreation.

~~(d)(4) The Division of Recreation and Parks shall~~ Provide
 consultation assistance to local governing units as to the
 protection, organization, and administration of local recreation
 systems and the planning and design of local recreational
~~recreation~~ areas and facilities.

~~(e)(5) The Division of Recreation and Parks shall~~ Assist in
 recruiting, training, and placing recreation personnel.

~~(f)(6) The Division of Recreation and Parks shall~~ Sponsor
 and promote recreation institutes, workshops, seminars, and
 conferences throughout this ~~the~~ state.

~~(g)(7) The Division of Recreation and Parks shall~~ Cooperate
 with state and federal agencies, private organizations, and
 commercial and industrial interests in the promotion of a state
 recreation program.

~~(2)(8) This part shall be enforced by~~ The Division of Law
 Enforcement of the Department of Environmental Protection and
 its officers and ~~by~~ the Division of Law Enforcement of the Fish
 and Wildlife Conservation Commission and its officers shall
enforce this part.

Section 4. Present subsection (5) of section 258.007,
 Florida Statutes, is redesignated as subsection (7), a new
 subsection (5) and subsection (6) are added to that section, and
 subsection (3) of that section is amended, to read:

258.007 Powers of division.—

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291 (3) (a) The division may, as consistent with s. 258.004,
 292 grant privileges, leases, concessions, and permits for the use
 293 of land for the accommodation of visitors in the various parks,
 294 monuments, and memorials in accordance with all of the following
 295 provisions:

296 1. ~~provided no~~ Natural curiosities or objects of interest
 297 may not ~~shall~~ be granted, leased, or rented on ~~such~~ terms that
 298 ~~as shall~~ deny or interfere with free access to them by the
 299 public.

300 2. ~~provided further,~~ Such grants, leases, and permits may
 301 be made and given without advertisement or securing competitive
 302 bids. ~~and~~

303 3. ~~provided further, that no~~ Such grants, leases, and
 304 permits may not grant, lease, or permit ~~shall~~ be assigned or
 305 transferred by any grantee without consent of the division.

306 (b) Notwithstanding paragraph (a), ~~after May 1, 2014,~~ the
 307 division may not grant new concession agreements for the
 308 accommodation of visitors in a state park that provides beach
 309 access and contains less than 7,000 feet of shoreline if the
 310 type of concession is available within 1,500 feet of the park's
 311 boundaries. This paragraph does not apply to concession
 312 agreements for accommodations offered at a park on or before May
 313 1, 2014. ~~This paragraph shall take effect upon this act becoming~~
 314 ~~a law.~~

315 (5) The division may acquire, install, or permit the
 316 installation or operation at state parks of camping cabins that
 317 have a maximum occupancy of six guests. The installation and
 318 operation of camping cabins must be compatible with the state
 319 park's land management plan and must be approved pursuant to s.

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320 253.034(5). Camping cabins must, to the maximum extent
 321 practicable, be sited to avoid impacts to a state park's
 322 critical habitat and natural and historical resources.

323 (6) The division may not authorize uses or construction
 324 activities, including the building or alteration of structures,
 325 within a state park which may cause significant harm to the
 326 resources of the state park. Any use or any construction
 327 activity must, to the maximum extent practicable, be conducted
 328 in a manner that avoids impacts to a state park's critical
 329 habitat and natural and historical resources. The division may
 330 not install or permit the installation at state parks of any
 331 lodging establishment as defined in s. 509.242.

332 Section 5. Paragraphs (b) and (c) of subsection (8) of
 333 section 259.032, Florida Statutes, are amended to read:

334 259.032 Conservation and recreation lands.—

335 (8)

336 (b) Individual management plans required by s. 253.034(5),
 337 for parcels over 160 acres and for parcels located within a
 338 state park, must ~~shall~~ be developed with input from an advisory
 339 group.

340 1. Members of ~~the this~~ advisory group shall include, at a
 341 minimum, representatives of the lead land managing agency,
 342 comanaging entities, local private property owners, the
 343 appropriate soil and water conservation district, a local
 344 conservation organization, and a local elected official. If
 345 habitat or potentially restorable habitat for imperiled species
 346 is located on state lands, the Fish and Wildlife Conservation
 347 Commission and the Department of Agriculture and Consumer
 348 Services ~~must shall~~ be included on any advisory group required

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under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management without restricting other uses identified in the management plan.

2. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects ~~that are~~ within more than one county, at least one areawide public hearing is shall be acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing must shall be held in the county in which the core parcels are located. At least 30 days before the public hearing, notice of ~~the such public hearing~~ must shall be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body ~~before the actual public hearing.~~

3. The management prospectus required pursuant to paragraph (7) (b) must shall be available to the public for a period of 30 days before the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 years in a form and manner adopted by rule of the board. Such updates, for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the council for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their

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resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

By July 1 of each year, each governmental agency and each private entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

Section 6. By December 1, 2025, the Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes all of the following information regarding the state park system:

(1) The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

(2) The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the following categories: operations, maintenance and repair, park improvement, and administrative overhead.

(3) The estimated costs associated with the facility maintenance backlog by each state park, including a plan to reduce or eliminate the facility maintenance backlog for the

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407 state park system by July 1, 2035, to ensure access to and the
408 safe enjoyment of such public lands for the residents of this
409 state and its visitors.

410 Section 7. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Higher
Education, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Committee on Health
and
Human Services
Children, Families, and Elder Affairs
Education Postsecondary
Environment and Natural Resources
Rules

SENATOR GAYLE HARRELL
31st District

March 7, 2025

Senator Brodeur
201 The Capitol
Tallahassee, FL 32399

Dear Chair Brodeur,

I respectfully request that SB 80 – State Land Management be placed on the next available agenda for the Appropriations Committee on Agriculture, Environment and General Government Committee.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in blue ink that reads "Gayle".

Senator Gayle Harrell
Senate District 31

Cc: Giovanni Betta, Staff Director
Julie Brass, Committee Administrative Assistant

REPLY TO:

☐ 312 SE Denver Avenue, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
☐ 404 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

4/15/2025

Meeting Date

The Florida Senate
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§ SB80

Bill Number or Topic

Committee

Name

Victoria Rivera

Phone

(305) 793 7447

Address

13264 SW 143 Terrace

Email

vriviera305@proton.me

Street

Miami

FL

33186

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
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sponsored by:

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

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Meeting Date

Aggr. Ag. Env.
Committee

SBC80
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chadwick Leonard Phone 407 954 0605

Address 308 N. Monroe Email cleonard@1000FofF.org
Street

Kalshesse FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

1000 Friends
of Florida

☐ I am not a lobbyist, but received
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CS/SB 80

Meeting Date
Appropriations Committee

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Bill Number or Topic

Committee
Katherine Ross
Name

Amendment Barcode (if applicable)
(904) 472-9437

Phone

Address
12651 Sand Ridge Drive

rosskinfl@gmail.com

Email

Street

Jacksonville

FL

32258

City

State

Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist,
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S-001 (08/10/2021)

The Florida Senate

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4/15/25

Meeting Date

80

Bill Number or Topic

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Approp. on Agriculture

Committee

Amendment Barcode (if applicable)

Name

Dylan Lovings

Phone

941-960-5266

Address

3651 N Goldenrod Rd

Email

dylanlovings070202@gmail.com

Street

Winter Park

FL

32792

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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4/15/2025

The Florida Senate

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CS/SB 80

Meeting Date
Appropriations Committee

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Bill Number or Topic

Committee
Elizabeth Ross

Amendment Barcode (if applicable)
(904) 472-9437

Name _____ Phone _____

Address **12651 Sand Ridge Drive** Email **efross07@comcast.net**

Street
Jacksonville **FL** **32258**
City State Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

Appropriations Committee on Agriculture, Environment, and General Government

Committee

The Florida Senate

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SB 80

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Elizabeth Alvi

Phone

850-999-1028

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Email

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Street

Tallahassee

Fl

32312

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Audubon Florida

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

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

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The Florida Senate

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4/15/25

Meeting Date

AE66

Committee

S 80

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JACQUELINE (JACKIE) LARSON

Phone

850 567 5230

Address

117 S GADSDEN ST

Street

Email

jackielarson@FSBPA.COM

TALLAHASSEE

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FLORIDA SHORE & BEACH

PRESERVATION ASSOCIATION

☐

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

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4/15/25

The Florida Senate

APPEARANCE RECORD

SB80

Meeting Date

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Bill Number or Topic

Approp. on Agr., Environ., Gen. Gov.
Committee

Amendment Barcode (if applicable)

Name

Samantha Kaddis

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727 242 0579

Address

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Email

skaddis@cleoinstitute.org

Street

Miami

FL

33133

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The CLEO Institute

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

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

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4/15/2025

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Appropriations Committee on Agriculture, Environment, and General Government

Committee

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SB 80

Bill Number or Topic

Amendment Barcode (if applicable)

Name **JP Bell** Phone _____

Address **200 South Monroe St** Email **jp.bell@floridarealtors.org**

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

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representing:

Florida Realtors Association

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S-001 (08/10/2021)

4/15/24

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 80

Bill Number or Topic

AG & NATURAL RES

Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name RICK KENDUST

Phone 321 288 4035

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Street

Email Rick@GongRunStrategies.com

JACKSONVILLE FL 32205

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

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representing:

**FLORIDA
WILDLIFE FEDERATION**

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S-001 (08/10/2021)

4/15/25

Meeting Date

The Florida Senate
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SB80

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Alyssa White

Phone

443-643-6145

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Email

alyssa.flspn@floridaring.org

Street

Tampa

City

FL

State

33605

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
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S-001 (08/10/2021)

The Florida Senate

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Meeting Date

SB 80

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Julia Colarossi

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Street

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City

FL

State

32826

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

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representing:

Florida Student
Power

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S-001 (08/10/2021)

4/15/25

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SB 80

Bill Number or Topic

Committee

Name Emely Herrera

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Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

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representing:

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something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag. Env. Gen Gov.

Committee

The Florida Senate
APPEARANCE RECORD

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SB 80

Bill Number or Topic

Amendment Barcode (if applicable)

Name DANAY S SILVA

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Street

Email DANAY.S@SILVA@gmail

Hialeah

City

FL

State

33018

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 200

INTRODUCER: Senator Berman

SUBJECT: Comprehensive Waste Reduction and Recycling Plan

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

I. Summary:

SB 200 directs the Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan by July 1, 2026, and convene a technical assistance group within the DEP to help develop the plan. The bill provides minimum criteria for the plan and directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon its completion.

The bill has no fiscal impact on state revenues or expenditures. **See Section V. Fiscal Impact Statement below.**

The bill has an effective date of July 1, 2025.

II. Present Situation:

Florida's Recycling Goal

In 2008, the Legislature set a statewide goal to recycle at least 75 percent of municipal solid waste (MSW) by 2020.¹ The goal includes only MSW² and is measured by weight.³ The DEP established numerous programs and initiatives to reach the 75 percent recycling goal. In 2010, the Legislature amended s. 403.706, F.S., to require counties to implement local recycling programs with specific interim goals.

¹ Section 403.7032, F.S.

² MSW is any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Section 403.706(5), F.S. MSW also includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. *Id.*

³ Department of Environmental Protection (DEP), *Florida and the 2020 75% Recycling Goal: Final Report*, 3, 8 (2020), available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

Year	Interim Recycling Goal ⁴	Actual Statewide Recycling Rate ⁵
2012	40%	~48%
2014	50%	~50%
2016	60%	56%
2018	70%	49%
2020	75%	50%

While Florida achieved the interim goals for 2012 and 2014, the state’s recycling rate for 2016 fell short of the interim goal.⁶ Between 2016 and 2020, Florida’s statewide recycling rate continued to decline, with a rate of 52 percent in 2019 and 50 percent in 2020.⁷ Only three of Florida’s 36 large counties—Charlotte, Lee, and Pinellas—successfully met the 75 percent recycling goal by 2020.⁸ However, there is evidence that recycling rates are rebounding: the single-family recycling participation rate increased four percent from 2020 to 2023.⁹ Commercial recycling participation rates increased 6 percent during the same timeframe.¹⁰

Local Government Solid Waste and Recycling Responsibilities

Each Florida county has the authority and responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.¹¹ Counties may charge reasonable fees for the handling and disposal of solid waste at

⁴ Ch. 2010-143, s. 7, Laws of Fla.; section 403.706(2)(a), F.S. These are interim goals to help Florida reach the goal of recycling at least 75 percent of municipal solid waste by 2020. *See also* s. 403.7032(2), F.S.

⁵ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, 9, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>; DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report*, Vol. 1, 9 (2019), available at https://floridadep.gov/sites/default/files/Final%20Strategic_Plan_2019%2012-13-2019_1.pdf.

⁶ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2.

⁷ *Id.* at 6. Notably, prior to the implementation of the 75 percent recycling goal, Florida’s recycling rate, which was calculated based on recycling traditional materials, was 30 percent. *Id.* If the same methodology was applied to 2020, the recycling rate would be only 25 percent. *Id.*

⁸ *Id.* at 9. “Large counties” are those with a population of over 100,000. *Id.*

⁹ DEP, *2023 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2023%20Single-Family%20Participation.pdf>; DEP, *2022 Single-Family Participation in Recycling*, available at https://floridadep.gov/sites/default/files/2022_Single_Family_Participation.pdf; DEP, *2021 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2021%20Single%20Family%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2020%20Single-Family%20Participation%20in%20Recycling.pdf>.

¹⁰ DEP, *2023 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2023%20Commercial%20Participation.pdf>; DEP, *2022 Commercial Participation in Recycling*, available at https://floridadep.gov/sites/default/files/2022_Commercial_Participation.pdf; DEP, *2021 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2021%20Commercial%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2020%20Commercial%20Participation%20in%20Recycling.pdf>.

¹¹ Section 403.706(1), F.S. Municipalities are also authorized to construct and operate solid waste disposal facilities if certain statutory requirements are met. Fla. Admin. Code Ch. 62-701.

their facilities.¹² Municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or county contractor.¹³ Local governments are also authorized to provide for the collection of recyclable materials.¹⁴ A market must exist for the recyclable materials, and the local government must specifically intend for them to be recycled.¹⁵

As discussed above, counties are required to implement recycling programs that include the statutory interim goals established in s. 403.706(2)(a), F.S.¹⁶ These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers;
- Aluminum cans;
- Steel cans;
- Glass;
- Plastic bottles;
- Cardboard;
- Office paper; and
- Yard trash.¹⁷

In addition, each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.¹⁸ Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs,¹⁹ and must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a specified service area for a county or municipality.²⁰

Certain activities are eligible for special credit towards achieving a county's recycling goals, including the use of solid waste as fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.²¹ To assess progress, counties must provide information on their solid waste management programs and recycling activities to the DEP by April 1st of each year.²²

The DEP may reduce or modify a county's recycling goal if the county demonstrates that:

¹² *Id.*

¹³ *Id.*

¹⁴ Section 403.706(21), F.S.

¹⁵ *Id.*

¹⁶ Section 403.706(2)(a), F.S.

¹⁷ Section 403.706(2)(f), F.S.

¹⁸ Section 403.706(3), F.S.

¹⁹ Section 403.706(2)(a), F.S.

²⁰ Section 403.706(9), F.S.

²¹ Section 403.706(4), F.S.

²² Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

- The achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county's waste-to-energy facility; and
- The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.²³

However, the goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.²⁴

Local governments can require all residential properties, multifamily dwellings, apartment complexes, and industrial, commercial, and institutional establishments to create programs for the separation of recyclable materials designated by the local government.²⁵ Local governments can also require a commercial establishment to source-separate the recovered materials generated on the premises.²⁶ However, a local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator's right to sell such recovered materials to any properly certified recovered materials dealer who has satisfied the statutory requirements; or
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.²⁷

The DEP's Recycling Report

The DEP was required to submit a report to the President of the Senate and the Speaker of the House of Representatives in years when the interim recycling goals established in s. 403.706(2)(a), F.S., were not met.²⁸ These reports had to identify additional programs or statutory changes needed to achieve the recycling goals.²⁹ In 2020, the DEP released its final report titled "Florida and the 2020 75% Recycling Goal."³⁰ The report explains that in 2020 alone, the amount of MSW generated in Florida was equivalent to over two tons per resident—approximately twice the national average.³¹ However, there is no universal methodology for measuring progress toward recycling goals, making it difficult to compare states' recycling rates. Moreover, Florida's MSW calculations do not account for tourists—while calculations by the

²³ Section 403.706(6), F.S.

²⁴ *Id.*

²⁵ Section 403.706(21), F.S. Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials and ensuring the collection of recovered materials as necessary to protect public health and safety. *Id.*

²⁶ Section 403.7046(2)(a), F.S.

²⁷ Section 403.7046(2), F.S.

²⁸ Section 403.706(2)(e), F.S.; *see* s. 403.705(3), F.S. DEP must evaluate and report biennially to the President of the Senate and the Speaker of the House on the state's success in meeting the solid waste recycling goal in s. 403.706(2), F.S.

²⁹ Section 403.706(2)(e), F.S.

³⁰ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

³¹ *Id.* at 8.

U.S. Environmental Protection Agency and other states do—thereby inflating the amount of MSW generated “per resident.”³²

In its final report, the DEP recommends convening a technical assistance group (TAG) to develop a comprehensive waste reduction and recycling plan for Florida. The TAG, if convened, would include the Florida Recycling Workgroup, local governments, and other interested parties, and the comprehensive plan would implement stakeholder recommendations by:

- Identifying a set of recycling goals that use sustainable materials management³³ and waste diversion³⁴ concepts;
- Developing objectives and proposing a three-year plan to develop a recycling market, education and outreach, and local government assistance; and
- Proposing statutory language to implement the revised recycling goals and strategies.³⁵

The DEP’s final report also provides recommendations from the Florida Recycling Workgroup and a group of local governments, including:

- Replacing the current 75 percent weight-based goal with a goal or set of goals that are better indicators of program performance and desired environmental and economic outcomes;³⁶
- Using sustainable materials management to prioritize which materials to recycle based on environmental metrics and market availability and setting recycling goals for these specific materials; and
- Focusing on three strategies: education and outreach, funding and incentives to support local government recycling efforts, and developing recycling markets.³⁷

Recycling Education and Outreach

Education on the types of recycling services available, how materials are collected, and which materials are accepted is important for a successful recycling program. Because recycling programs within the state vary significantly, education should be tailored to local recycling programs.³⁸

Currently, the DEP operates several education programs, including:

- The Florida Food Waste Prevention Week, which focuses on engagement with local municipalities, universities, national food recovery networks, and the hospitality industry to raise awareness about food waste;³⁹

³² *Id.*

³³ Sustainable materials management is a term for alternative approaches to recycling that recognize the differences among waste components with respect to environmental and resource outcomes. Sustainable materials management focuses on using and reusing materials more productively over their life cycles. *Id.* at 4.

³⁴ Waste diversion is the process of diverting waste from landfills; it is the amount of material that is reduced, reused, and/or recycled per capita and can be measured by the amount of waste not being disposed of in landfills. Waste diversion reduces disposal costs and the burden on landfills. United States Environmental Protection Agency (EPA), *Waste Diversion at EPA*, <https://www.epa.gov/greeningepa/waste-diversion-epa> (last visited Feb. 7, 2025); DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

³⁵ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

³⁶ *Id.* at 4. There is a consensus in Florida’s recycling industry (as well as other states and at the federal level) that using a weight-based goal does not result in efficient or effective recycling. *Id.* at 6.

³⁷ *Id.* at 4.

³⁸ *Id.*

³⁹ See Food Waste Prevention Week, <https://www.foodwastepreventionweek.com/about-us> (last visited Feb. 7, 2025).

- The Rethink. Reset. Recycle. Program, which explains what items can be recycled and provides counties and municipalities with a variety of customized digital products illustrating correct preparation of recyclables prior to disposing of them;⁴⁰ and
- The Recycling Recognition Program, which encourages private businesses, institutions, schools, organizations, and the public to increase recycling by setting recycling goals.⁴¹

The DEP also developed a business recycling tracking tool (Re-TRAC) that allows organizations to track, compare, and report their recycling efforts.⁴²

The DEP's final report explains that the TAG, if convened, would propose an education and outreach approach that evaluates statewide solutions but is customized for local needs, including a possible application for mobile devices that provides recycling information based on location.

Local Government Assistance

In 1988, the Solid Waste Management Act required counties to initiate recycling programs to address the growing costs and environmental problems associated with solid waste disposal in the state. To aid counties in setting up recycling programs, the Legislature established the Recycling and Education Grant Program. Under the program, counties received funds for initial capital costs, operations, recycling education, market development, and special projects. The program sunset in 2001.

In its final report, the DEP recommends that the TAG evaluate the benefits and problems of the now defunct Recycling and Education Grant Program, make a recommendation to reinstate the program, or consider other means to provide recycling assistance to local governments.⁴³

Recycling Market Development

In order for the recycling industry to operate efficiently and provide reasonable returns on investments, there must be a market for finished goods that are manufactured from recycled materials. When the markets for these finished goods increase, the demand for recycled materials will increase, driving up profitability and incentivizing increased investments in the collection, sorting, processing, and manufacturing sectors.⁴⁴

To increase markets for recyclable materials, the DEP recommends in its final report that the following be considered when developing the comprehensive recycling plan:

- Tax incentives for usage of recycled materials as feed stocks in manufacturing processes;
- Tax incentives and credits to support materials recovery plant upgrades;
- Public/private partnerships to invest in new processing technologies;

⁴⁰ DEP, *Rethink. Reset. Recycle.*, <https://floridarecycles.org/> (last visited Feb. 7, 2025).

⁴¹ DEP, *Recycling Recognition Program*, <https://floridadep.gov/waste/waste-reduction/content/recycling-recognition-program> (last visited Jan. 27, 2025).

⁴² *Id.*; see also DEP, *Re-TRAC*, <https://app.re-trac.com/> (last visited Feb. 7, 2025).

⁴³ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

⁴⁴ *Id.* at 5.

- Investments in expansion of Recycling Business Assistance Center⁴⁵ activities;
- End-user purchase rebates for Florida Certified Compost; and
- Preference programs to use and purchase products made from recycled content material.⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 403.7032, F.S., to direct the DEP to develop a comprehensive waste reduction and recycling plan by July 1, 2026, based on recommendations from the DEP's "Florida and the 2020 75% Recycling Goal: Final Report." The bill requires the DEP to create and convene a technical assistance group to help develop the plan.

The bill provides that the plan must:

- Identify recycling goals based on sustainable materials management and waste diversion; and
- Include a three-year plan to implement the following strategies:
 - Recycling education and outreach: The DEP must propose statewide solutions to provide local recycling information and education.
 - Local government recycling assistance: The DEP must evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or consider other means of providing assistance to local governments.
 - Recycling materials market development: The DEP must consider and recommend plans to develop and promote markets for recycling materials.

The bill directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon completion of the comprehensive waste reduction and recycling plan. The bill requires that the report include any recommendations for statutory changes necessary to achieve the recycling goals and strategies identified in the plan.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴⁵ The Recycling Business Assistance Center was established in 2010 pursuant to s. 403.7032(5), F.S., to coordinate between state agencies and the private sector to develop new markets for recyclable materials locally and globally. DEP, *Recycling Business Assistance Center*, <https://floridadep.gov/waste/waste-reduction/content/recycling-business-assistance-center> (last visited Feb. 7, 2025).

⁴⁶ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 403.7032 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 Berman

26-00224A-25

2025200__

A bill to be entitled

An act relating to a comprehensive waste reduction and recycling plan; amending s. 403.7032, F.S.; requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; specifying minimum requirements for the comprehensive plan; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan; specifying requirements for the report; providing an effective date.

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

Section 1. Subsection (6) is added to section 403.7032, Florida Statutes, to read:

403.7032 Recycling.—

(6) By July 1, 2026, the Department of Environmental Protection shall develop a comprehensive waste reduction and recycling plan for this state based on the recommendations contained in the department's "Florida and the 2020 75% Recycling Goal, Final Report." The department shall create and convene a technical assistance group to assist in the development of the plan.

(a) At a minimum, the plan must do all of the following:

1. Identify recycling goals based on sustainable materials management and waste diversion.

Page 1 of 2

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26-00224A-25

2025200__

2. Include a 3-year plan to implement all of the following strategies:

a. Recycling education and outreach. The department shall propose statewide solutions to provide local recycling information and education throughout this state.

b. Local government recycling assistance. The department shall evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or consider other means of providing recycling assistance to local governments.

c. Recyclable materials market development. The department shall consider and recommend plans to develop and promote markets for recyclable materials.

(b) Upon completion of the plan, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives, which must include recommendations for statutory changes necessary to achieve the recycling goals and strategies identified in the plan.

Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

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The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: February 14, 2025

I respectfully request that **Senate Bill #200**, relating to Comprehensive Waste Reduction and Recycling Plan, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink that reads "Lori Berman". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Senator Lori Berman
Florida Senate, District 26

cc:
Giovanni Betta, Staff Director

The Florida Senate

APPEARANCE RECORD

SB 200

Bill Number or Topic

Meeting Date

4/15/2025
APPROPS - AG, ENVIRON

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

Committee

GG

Amendment Barcode (if applicable)

Name

KEYNA CORY

Phone

850 566 9575

Address

730 E. PARK AVE

Email

keynacory@paconsultants.com

Street

TANAHASSEE

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

NATIONAL WASTE + RECYCLING ASSN - FL CHAPTER

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

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

S-001 (08/10/2021)

4-15-2025

Meeting Date

Appropriations Committee on Agriculture, Environment and Natural Resources

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 200

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Lance Lozano**

Phone **8505284526**

Address **215 S. Monroe St., Ste 310**

Email **;ahlozano.2020@gmail.com**

Street

Tallahassee

FL

32309

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

**Palm Beach County Solid Waste
Authority**

☐

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

4/15

Meeting Date

SB 200

Bill Number or Topic

Approps. AEG

Committee

Amendment Barcode (if applicable)

Name

Jared Grigas

Phone

(850) 322-0229

Address

100 S Monroe St

Email

jgrigas@fl-counties.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FAC

☐

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

200

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Street

City

State

Zip

Email

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

FLA RECYCLING ASSOC

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 408

INTRODUCER: Regulated Industries Committee and Senator Burgess

SUBJECT: Thoroughbred Permitholders

DATE: April 14, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 408 allows thoroughbred permitholders who operate a slot machine facility or cardroom to decouple from the live racing requirements after giving notice on or after July 1, 2028, which contains the date that live racing will end. The live racing cannot end any earlier than four years after the date of the notice.

Additionally, the bill provides that the tax on handle for intertrack wagering is 0.5 percent if the host track and guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder that conducted a full schedule of live racing the preceding fiscal year.

The bill provides that a thoroughbred permitholder, in order to continue to operate slot machines, must have on file with the Florida Gaming Control Commission (commission) a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., until a thoroughbred permitholder is no longer conducting live racing pursuant to the new section of the bill.

Finally, the bill provides that thoroughbred permitholders are no longer required to conduct at least 90 percent of the live performances during the initial year of licensure. Further, this section provides that a thoroughbred permitholder, who operates a cardroom facility, must continue to use at least 50 percent cardroom monthly net proceeds to supplement purses and breeder's

awards during the permitholders' next ensuing racing meet until he or she is no longer conducting live racing.

The bill has an indeterminate fiscal impact. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

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

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://www.flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf>

(last April 9, 2025), 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.

- 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

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

Pari-mutuel Wagering

Since approximately 1931, pari-mutuel wagering has been authorized in Florida for jai alai, greyhound racing, and horseracing. These activities are overseen and regulated²⁰ by the Division of Pari-Mutuel Wagering (division) at the commission, which is housed within the Department of Legal Affairs, Office of the Attorney General.²¹ The commission issues permits and operating licenses for pari-mutuel wagering activities. Only pari-mutuel wagering permitholder under certain conditions are authorized to conduct other gaming activities like operating a cardroom or operating slot machines at their facilities.

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 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 From 1932 to 1969, Florida’s pari-mutuel industry was regulated by the State Racing Commission. In 1970, the State Racing Commission became a division within the Department of Business Regulation, which, in 1993, became the Department of Business and Professional Regulation.

²¹ *See ss. 16.71-16.716, F.S.*

Pari-mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (act)²² provides specific permitting and licensing requirements for the pari-mutuel industry.²³ Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.²⁴ Certain permitholders are also authorized to operate cardrooms²⁵ and slot machines at their facility.²⁶

Currently, there are three pari-mutuel operating licenses that were issued for Fiscal Year 2024-2025 to conduct live thoroughbred racing performances. These licenses and their locations include:²⁷

- Gulfstream Park Racing Association Inc., which operates at Gulfstream Park in Broward County.
- Gulfstream Park Thoroughbred After Racing Program, Inc., which operates at Gulfstream Park in Broward County.
- Tampa Bay Downs, Inc., which operates at Tampa Bay Downs in Hillsborough County.

Live Racing Requirements

Currently, only thoroughbred permitholders are required to conduct live racing in order to operate other pari-mutuel gaming activities. Greyhound permitholders are prohibited from conducting live racing, and jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders have the option to conduct live racing or games.²⁸

A greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games:²⁹

- Retains its permit.
- Is a pari-mutuel facility as defined in s. 550.002(23), F.S.
- Is eligible, but not required, to be a guest track, and if the permitholder is a harness horse racing permitholder, is eligible to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305, F.S.
- Remains eligible for a cardroom license.

Intertrack Wagering Tax on Handle

Current law requires each permitholder to pay a tax on contributions to pari-mutuel pools, known as “handle,” on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance.

²² See ch. 550, F.S.

²³ Section 550.054(1), F.S.

²⁴ Section 550.0115, F.S.

²⁵ Section 849.086, F.S.

²⁶ Section 551.104, F.S.

²⁷ Florida Gaming Control Commission, *Permit Holder Operating Licenses 2024-2025*, available at <https://flgaming.gov/pmw/tracks-frontons/permitholder-operating-licenses-2024-2025/> (last visited April 3, 2025).

²⁸ Section 550.01215(1)(b)1., F.S.

²⁹ *Id.*

If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.³⁰

The tax on handle for intertrack wagering is broken down into the following categories:³¹

- 2.0 percent of the handle if the host track is a horse track.
- 3.3 percent if the host track is a harness track.
- 5.5 percent if the host track is a dog track.
- 7.1 percent if the host track is a jai alai fronton.
- 0.5 percent if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder currently conducting a live race meet.

The tax on handle for intertrack wagering on rebroadcasts of simulcast thoroughbred horse races is 2.4 percent of the handle and 1.5 percent of the handle for intertrack wagering on rebroadcasts of simulcast harness horseraces. The tax is deposited into the Pari-mutuel Wagering Trust Fund.³²

Slot Machine Licensing

An application for a license to conduct slot machine gaming may be approved by the commission only after the voters of the county where the applicant's facility is located have authorized by referendum slot machines within pari-mutuel facilities in that county as specified in s. 23, Art. X of the State Constitution.³³ Currently, slot machines are only authorized in eight licensed pari-mutuel facilities located in Miami-Dade and Broward counties and on tribal property.³⁴

Slot machine licenses are only allowed to be issued to licensed pari-mutuel permitholders, and slot machine gaming may be conducted only at the eligible facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.³⁵

As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, slot machine licensees that hold a thoroughbred permit, may conduct no fewer than a full schedule of live racing or games as defined in s. 550.002(10), F.S. A permitholder's responsibility to conduct live races or games shall be reduced by the number of races or games that could not be conducted due to the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the control of the permitholder.³⁶

³⁰ Section 550.0951(3), F.S.

³¹ Section 550.0951(3)(c)1., F.S.

³² *Id.*

³³ Section 551.104(2), F.S.

³⁴ Section 551.101, F.S.

³⁵ Section 551.104(3), F.S.

³⁶ Section 551.104(4)(c), F.S.

Slot Machine Gaming Locations and Operations

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. The voters in Broward and Miami-Dade counties approved slot machine gaming. Slot machine gaming in the state, by authorized slot machine gaming licensees at specified pari-mutuel facility locations, is limited to Broward and Miami-Dade counties, and as authorized by federal law and the 2021 Gaming Compact, in the tribal gaming facilities of the Seminole Tribe currently operating in Broward County, Collier County, Okeechobee County, and Hillsborough County.

Cardroom Licensing

An application for a license to conduct cardroom gaming may be approved by the commission upon proof that the local government where the applicant for such license desires to conduct cardroom gaming has voted to approve such activity by a majority vote of the governing body of the municipality or the governing body of the county if the facility is not located in a municipality.³⁷

Municipalities are authorized to prohibit the establishment of a cardroom on or after July 1, 2021, within their jurisdiction. This does not apply to a licensed pari-mutuel permitholder who held an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021 in the municipality's jurisdiction or to a cardroom that was previously approved by the municipality.³⁸

Only those persons holding a valid cardroom license issued by the commission may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder, and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.³⁹

A pari-mutuel permitholder, other than a converted quarter horse to thoroughbred permitholder or a purchaser, transferee, or assignee holding a valid permit for the conduct of pari-mutuel wagering, 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 2020-2021.⁴⁰

In order for an initial cardroom license to be issued to a converted quarter horse to thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least a full schedule of live racing.⁴¹

In order for a cardroom license to be renewed by a thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90

³⁷ Section 849.086(16)(a), F.S.

³⁸ Section 849.086(16)(b), F.S.

³⁹ Section 849.086(5)(a), F.S.

⁴⁰ Section 849.086(5)(c), F.S.

⁴¹ *Id.*

percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year.⁴²

Horse Breeding and Racing in Florida

The Florida horse industry generates an annual \$12.8 billion impact on the gross domestic product of Florida, along with providing nearly 112,000 jobs.⁴³ The Florida Thoroughbred industry has, in addition to the economic impact, produced one Triple Crown winner, six Kentucky Derby winners, seven Preakness winners, six Belmont Stakes winners, and 52 national champions. Marion County (Ocala) has more horses and ponies than any other county in the United States.⁴⁴

The Florida Thoroughbred Breeders' and Owners' Association Inc., (Breeders) is a not-for-profit that represents more than 1,300 Thoroughbred breeders and owners in Florida. The Breeders work with the Department of Agriculture and Consumer Services (DACS) to promote and market the industry both nationally and internationally, as well as providing awards to promote Florida Thoroughbreds in the industry.

The Florida Horseman's Benevolent & Protective Association Inc., (Horsemen) is a not-for-profit representing more than 5,000 Thoroughbred horse owners and trainers who do business in Florida. The organization promotes relationships with racetracks, community, and government.

The Horsemen representing the majority of the thoroughbred racehorse owners and trainers at any particular facility received a 1 percent distribution from the purses at that facility for authorized uses. The awards for breeders, trainers, and owners are generally provided for in statute, although the specific awards, procedures, and payments may vary according to adopted plans.

Tampa Bay Downs is one of America's oldest tracks, and is the only Thoroughbred racetrack on the west coast of Florida. It opened in 1926, and has been used for Thoroughbred racing for most of the intervening years, subject to economic downturns, wars, and natural disasters.⁴⁵

Gulfstream Park Racing, located between Fort Lauderdale and Miami, has been in operation since the 1940s, and known as the host of the G1 Florida Derby, a race that has produced the Kentucky Derby winner 25 times in 71 years.⁴⁶

⁴² *Id.*

⁴³ American Horse Council, *2023 Economic Impact Study of the U.S. Horse Industry*, Graphic referencing Florida impact available at <https://nwdistrict.ifas.ufl.edu/phag/2024/04/12/economic-impact-study-indicates-the-florida-equine-industry-remains-strong/#:~:text=Contributes%20%2412.8%20billion%20to%20the,%E2%80%93> (last visited April 9, 2025).

⁴⁴ *Id.*

⁴⁵ Tampa Bay Downs, *A Legacy in Thoroughbred Racing & More*, available at <https://www.tampabaydowns.com/visitor-info/history/> (last visited April 9, 2025).

⁴⁶ Kentucky Derby, *Florida Derby Race History*, available at <https://www.kentuckyderby.com/races/2025/03/florida-derby/> (last visited April 9, 2025).

Thoroughbred Purses and Awards

Thoroughbred purses represent the prize money distributed to the owners, trainers, and jockeys of the horses that finish in the top positions in a race. Awards are honors given to recognize outstanding achievements by horses, jockeys, trainers, owners, and breeders, typically on an annual basis.

A slot machine license may not be issued, or renewed, to an applicant holding a permit to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the commission a binding written agreement between the applicant and the.⁴⁷

- Horsemen, governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel facility.
- Breeders, governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility.

The agreements may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses and awards are subject to the terms of ch. 550, F.S. All sums for breeders', stallion, and special racing awards are remitted monthly to the Breeders, for the payment of awards subject to the administrative fee authorized in s. 550.2625(3), F.S.⁴⁸

"Purse" means the cash portion of the prize for which a race or game is contested.⁴⁹ "Breeders' and stallions awards" means financial incentives paid to encourage the agricultural industry of breeding racehorses in this state.⁵⁰ Current law provides that "the purse structure and the availability of breeder awards are important factors in attracting the entry of well-bred horses in racing meets in this state which in turn helps to produce maximum racing revenues for the state and the counties."⁵¹

Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.⁵² Each horseracing permitholder conducting any thoroughbred race is required to pay a sum on all pari-mutuel pools conducted during any such race for the payment of breeders', stallion, or special racing awards.⁵³

Florida Agricultural Promotional Campaign

In 1990, the Legislature created the Florida Agricultural Promotional Campaign Trust Fund (Trust Fund) to support the Florida Agricultural Promotional Campaign (campaign).⁵⁴ The goal of the campaign was to "increase consumer awareness and expand the market for Florida's

⁴⁷ Section 551.104(10)(a)1., F.S.

⁴⁸ *Id.*

⁴⁹ Section 550.002(28), F.S.

⁵⁰ Section 550.002(2), F.S.

⁵¹ Section 550.2625(1), F.S.

⁵² *See* s. 550.2625(2)(a), F.S.

⁵³ *See* s. 550.2625(3), F.S.

⁵⁴ Chapter 90-323, Laws of Fla., s. 16.

agricultural products.”⁵⁵ The Trust Fund, within the DACS, holds funding for implementing the campaign.⁵⁶

In 2023, the Legislature amended s. 212.20, F.S., to distribute \$27.5 million to the Trust Fund to be used by the DACS to “encourage breeding thoroughbred racehorses and the conducting of thoroughbred racing at thoroughbred tracks in Florida.”⁵⁷

Section 571.265, F.S., requires the funds to be distributed as follows:

- \$5 million to the Breeders, to be used for:
 - Purses or purse supplements for Florida-bred or Florida-sired horses that participate in Florida thoroughbred races.
 - Awards to breeders of Florida-bred horses that win, place, or show in Florida thoroughbred races.
 - Awards to owners of stallions who sired Florida-bred horses that win Florida thoroughbred stakes races, if the stallions are registered with the Breeders as Florida stallions.
 - Other racing incentives connected to Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races in Florida.
 - Awards administration.
 - Promotion of the Florida thoroughbred breeding industry.
- \$5 million to Tampa Bay Downs, Inc., to be used as purses in thoroughbred races conducted at its pari-mutuel facilities and for the maintenance and operation of that facility, pursuant to an agreement with its local majority horsemen’s group.
- \$15 million to Gulfstream Park Racing Association, Inc., to be used as purses in thoroughbred races conducted at its pari-mutuel facility and for the maintenance and operation of its facilities, pursuant to an agreement with the Horsemen.
- \$2.5 million to be distributed as follows:
 - \$2 million to Gulfstream Park Racing Association, Inc., to be used as purses and purse supplements for Florida-bred or Florida-sired horses registered with the Breeders that participate in thoroughbred races at the permitholder’s pari-mutuel facility, pursuant to a written agreement filed with the DACS establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the Breeders, and the Horsemen.
 - \$500,000 to Tampa Bay Downs, Inc., to be used as purses and purse supplements for Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races at the permitholder’s pari-mutuel facility, pursuant to a written agreement filed with the DACS establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the association, and the local majority horsemen’s group at the permitholder’s pari-mutuel facility.

On or before the first day of the August following each fiscal year in which a recipient under s. 571.265, F.S., received or used such funds, each such recipient must submit a report to the DACS detailing how all funds were used in the prior fiscal year.⁵⁸

⁵⁵ Section 571.22, F.S.

⁵⁶ Section 571.26, F.S.

⁵⁷ Chapter 2023-157, Laws of Fla., s. 42.

⁵⁸ Section 571.265(4), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 550.01215, F.S., to allow thoroughbred permitholders who operate a slot machine facility or cardroom to decouple from the live racing requirements after giving notice on or after July 1, 2028, which contains the date that live racing will end. The live racing cannot end any earlier than four years after the date of the notice.

Section 2 amends s. 550.0951, F.S., to modify the requirement that a thoroughbred permitholder must *currently be conducting a live race meet* for the 0.5 percent applicable tax rate on handle for intertrack wagering to apply to the guest tracks outside the market area of the host and within the market area of a thoroughbred permitholder. The bill revises the criteria to apply if a thoroughbred permit holder *conducted a full schedule of live racing the preceding fiscal year*.

Section 3 amends s. 551.104, F.S., to provide that a thoroughbred permitholder, in order to continue to operate slot machines, must have on file with the commission a binding written agreement between the applicant and the Florida Horsemen's (Horsemen) Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., (Breeders) until a thoroughbred permitholder is no longer conducting live racing pursuant s. 550.01215, F.S.

Section 4 amends s. 849.086, F.S., to provide that thoroughbred permitholders are no longer required to conduct at least 90 percent of the live performances during the initial state fiscal year of licensure or the state fiscal year immediately preceding the initial year. Further, this section provides that a thoroughbred permitholder, who operates a cardroom facility, must continue to use at least 50 percent cardroom monthly net proceeds to supplement purses and breeder's awards during the permitholders' next ensuing racing meet until the thoroughbred holder is no longer conducting live racing pursuant to s. 550.01215, F.S.

Sections 5-9, relating to ss. 550.3551, 550.615, 550.09511, and 550.6305, F.S., are reenacted for the purpose of incorporating the amendments being made by the bill.

Section 10 provides an effective date of July 1, 2025.

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:

Decoupling may displace families, eliminate jobs, and jeopardize 110,000 acres of horse farms. This could further degrade the horse breeding industry and thoroughbred racing in Florida.⁵⁹

C. Government Sector Impact:

In Fiscal Year 2023-24 the Florida Gaming Control Commission (commission) expended approximately \$640,000 in OPS dollars associated with occupational licensing and post-race specimen collection for the detection of impermissible substances in thoroughbred racing animals. The amount the commission would realize in the reduction of OPS expenditures would be dependent on the number of live racing performances reduced or eliminated by Florida Thoroughbred licensees.⁶⁰ However, the bill has no fiscal impact on state revenue or expenditures in Fiscal Year 2025-2026. In future years, the fiscal impact of the bill, is indeterminate dependent on the effects of decoupling.

The Federal Horse Racing and Integrity Authority (HISA) applies an annual assessment to all covered tracks nationwide to recoup its costs. The cost methodology is based on the number of live performances and total purses paid. Should a Florida thoroughbred track cease live racing, the overall costs would likely impact the potential annual assessment of all tracks nationwide.⁶¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁵⁹ Florida Gaming Control Commission, *2025 Agency Analysis Legislative Bill Analysis* (February 6, 2025), available at <https://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=36208> (last visited March 31, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

⁶⁰ *Id.*

⁶¹ *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 550.01215, 550.0951, 551.104, and 849.086.

This bill reenacts sections 550.3551, 550.615, 550.09515, 550.09511, and 550.6305 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 April 1, 2025:

The committee substitute:

- Allows thoroughbred permitholders who operate a slot machine facility or cardroom to decouple from the live racing requirements after giving notice on or after July 1, 2028, which contains the date that live racing will end, which cannot be earlier than four years after the date of the notice.
- Clarifies that the tax on handle for intertrack wagering is 0.5 percent if the host track and guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder that conducted a full schedule of live racing the preceding fiscal year.
- Clarifies that a thoroughbred permitholder, in order to continue to operate slot machines, must have on file with the commission a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., until a thoroughbred permitholder is no longer conducting live racing pursuant to the new section of the bill.
- Provides that thoroughbred permitholders are no longer required to conduct at least 90 percent of the live performances during the initial year of licensure.
- Provides that a thoroughbred permitholder, in order to continue to operate a cardroom facility, must have on file with the commission a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., until a thoroughbred permitholder is no longer conducting live racing pursuant to the new section of the bill.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senator Burgess

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1 A bill to be entitled
 2 An act relating to thoroughbred permitholders;
 3 amending s. 550.01215, F.S.; requiring certain
 4 thoroughbred permitholders to conduct a full schedule
 5 of live racing until such permitholders provide notice
 6 to the Florida Gaming Control Commission with certain
 7 information; providing that such notice is not valid
 8 unless it is delivered to the commission on or after a
 9 specified date; conforming provisions to changes made
 10 by the act; amending s. 550.0951, F.S.; revising the
 11 criteria for certain thoroughbred permitholders to pay
 12 the tax on handle for intertrack wagering; amending s.
 13 551.104, F.S.; conforming provisions to changes made
 14 by the act; amending s. 849.086, F.S.; deleting
 15 certain criteria a thoroughbred permitholder must meet
 16 as part of its pari-mutuel annual license application
 17 in order to have its cardroom license renewed;
 18 conforming provisions to changes made by the act;
 19 reenacting ss. 550.3551(3) and 550.615(2), F.S.,
 20 relating to the transmission of racing and jai alai
 21 information and commingling of pari-mutuel pools and
 22 intertrack wagering, respectively, to incorporate the
 23 amendment made to s. 550.01215, F.S., in references
 24 thereto; reenacting ss. 550.09515(5), 550.09511(3)(a),
 25 and 550.6305(9)(a), F.S., relating to thoroughbred
 26 horse taxes and abandoned interest in a permit for
 27 nonpayment of taxes; jai alai taxes and abandoned
 28 interest in a permit for nonpayment of taxes; and
 29 intertrack wagering, guest track payments, and

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30 accounting rules, respectively, to incorporate the
 31 amendment made to s. 550.0951, F.S., in references
 32 thereto; providing an effective date.
 33

34 Be It Enacted by the Legislature of the State of Florida:
 35

36 Section 1. Paragraph (b) of subsection (1) of section
 37 550.01215, Florida Statutes, is amended to read:

38 550.01215 License application; periods of operation;
 39 license fees; bond.—

40 (1) Each permitholder shall annually, during the period
 41 between January 15 and February 4, file in writing with the
 42 commission its application for an operating license for a pari-
 43 mutuel facility for the conduct of pari-mutuel wagering during
 44 the next state fiscal year, including intertrack and simulcast
 45 race wagering. Each application for live performances must
 46 specify the number, dates, and starting times of all live
 47 performances that the permitholder intends to conduct. It must
 48 also specify which performances will be conducted as charity or
 49 scholarship performances.

50 (b)1. A greyhound permitholder may not conduct live racing.
 51 A jai alai permitholder, harness horse racing permitholder, or
 52 quarter horse racing permitholder may elect not to conduct live
 53 racing or games. A thoroughbred permitholder must conduct live
 54 racing pursuant to subparagraph 2. A greyhound permitholder, jai
 55 alai permitholder, harness horse racing permitholder, ~~or~~ quarter
 56 horse racing permitholder, or thoroughbred permitholder pursuant
 57 to subparagraph 2. that does not conduct live racing or games
 58 retains its permit; is a pari-mutuel facility as defined in s.

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550.002(23); if such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license pursuant to s. 551.104(3), and is exempt from ~~ss. 551.104(10) and 551.114(2)~~ ~~ss. 551.104(4)(c) and (10) and 551.114(2)~~; is eligible, but not required, to be a guest track and, if the permitholder is a harness horse racing permitholder or a thoroughbred permitholder pursuant to subparagraph 2., to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and remains eligible for a cardroom license.

2. A thoroughbred permitholder who operates a slot machine facility or cardroom shall conduct a full schedule of live racing until such permitholder notifies the commission that it will no longer conduct live racing. Notice under this subparagraph is not valid unless it is delivered to the commission on or after July 1, 2028, and contains the date on which the permitholder will no longer conduct live racing, which may not be earlier than 4 years after the date of the notice.

~~3.2-~~ A permitholder or licensee may not conduct live greyhound racing or dogracing in connection with any wager for money or any other thing of value in the state. The commission may deny, suspend, or revoke any permit or license under this chapter if a permitholder or licensee conducts live greyhound racing or dogracing in violation of this subparagraph. In addition to, or in lieu of, denial, suspension, or revocation of such permit or license, the commission may impose a civil penalty of up to \$5,000 against the permitholder or licensee for

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a violation of this subparagraph. All penalties imposed and collected must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

Section 2. Paragraph (c) of subsection (3) of section 550.0951, Florida Statutes, is amended to read:

550.0951 Payment of daily license fee and taxes; penalties.-

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance. If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.

(c)1. The tax on handle for intertrack wagering is 2.0 percent of the handle if the host track is a horse track, 3.3 percent if the host track is a harness track, 5.5 percent if the host track is a dog track, and 7.1 percent if the host track is a jai alai fronton. The tax on handle for intertrack wagering is 0.5 percent if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder that conducted a full schedule of live racing the preceding fiscal year ~~currently conducting a live race meet~~. The tax on handle for intertrack wagering on rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent of the handle and 1.5 percent of the handle for intertrack wagering on rebroadcasts of simulcast harness

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117 horseraces. The tax shall be deposited into the Pari-mutuel
118 Wagering Trust Fund.

119 2. The tax on handle for intertrack wagers accepted by any
120 dog track located in an area of the state in which there are
121 only three permitholders, all of which are greyhound
122 permitholders, located in three contiguous counties, from any
123 greyhound permitholder also located within such area or any dog
124 track or jai alai fronton located as specified in s. 550.615(6)
125 or (9), on races or games received from the same class of
126 permitholder located within the same market area is 3.9 percent
127 if the host facility is a greyhound permitholder and, if the
128 host facility is a jai alai permitholder, the rate shall be 6.1
129 percent except that it shall be 2.3 percent on handle at such
130 time as the total tax on intertrack handle paid to the
131 commission by the permitholder during the current state fiscal
132 year exceeds the total tax on intertrack handle paid to the
133 commission by the permitholder during the 1992-1993 state fiscal
134 year.

135 Section 3. Paragraph (a) of subsection (10) of section
136 551.104, Florida Statutes, is amended to read:

137 551.104 License to conduct slot machine gaming.—

138 (10)(a)1. Until a thoroughbred permitholder is no longer
139 conducting live racing pursuant to s. 550.01215(1)(b)2., a ~~no~~
140 slot machine license or renewal thereof may not ~~shall~~ be issued
141 to an applicant holding a permit under chapter 550 to conduct
142 pari-mutuel wagering meets of thoroughbred racing unless the
143 applicant has on file with the commission a binding written
144 agreement between the applicant and the Florida Horsemen's
145 Benevolent and Protective Association, Inc., governing the

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146 payment of purses on live thoroughbred races conducted at the
147 licensee's pari-mutuel facility. In addition, a ~~no~~ slot machine
148 license or renewal thereof may not ~~shall~~ be issued to such an
149 applicant unless the applicant has on file with the commission a
150 binding written agreement between the applicant and the Florida
151 Thoroughbred Breeders' Association, Inc., governing the payment
152 of breeders', stallion, and special racing awards on live
153 thoroughbred races conducted at the licensee's pari-mutuel
154 facility. The agreement governing purses and the agreement
155 governing awards may direct the payment of such purses and
156 awards from revenues generated by any wagering or gaming the
157 applicant is authorized to conduct under ~~Florida~~ law. All purses
158 and awards are ~~shall be~~ subject to the terms of chapter 550. All
159 sums for breeders', stallion, and special racing awards are
160 ~~shall be~~ remitted monthly to the Florida Thoroughbred Breeders'
161 Association, Inc., for the payment of awards subject to the
162 administrative fee authorized in s. 550.2625(3).

163 2. A ~~No~~ slot machine license or renewal thereof may not
164 ~~shall~~ be issued to an applicant holding a permit under chapter
165 550 to conduct pari-mutuel wagering meets of quarter horse
166 racing unless the applicant has on file with the commission a
167 binding written agreement between the applicant and the Florida
168 Quarter Horse Racing Association or the association representing
169 a majority of the horse owners and trainers at the applicant's
170 eligible facility, governing the payment of purses on live
171 quarter horse races conducted at the licensee's pari-mutuel
172 facility. The agreement governing purses may direct the payment
173 of such purses from revenues generated by any wagering or gaming
174 the applicant is authorized to conduct under ~~Florida~~ law. All

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175 purses ~~are shall be~~ subject to the terms of chapter 550.

176 Section 4. Paragraph (c) of subsection (5) and paragraph
177 (d) of subsection (13) of section 849.086, Florida Statutes, are
178 amended to read:

179 849.086 Cardrooms authorized.—

180 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
181 operate a cardroom in this state unless such person holds a
182 valid cardroom license issued pursuant to this section.

183 (c) Notwithstanding any other ~~provision of~~ law, a pari-
184 mutuel permitholder, other than a permitholder issued a permit
185 pursuant to s. 550.3345 or a purchaser, transferee, or assignee
186 holding a valid permit for the conduct of pari-mutuel wagering
187 approved pursuant to s. 550.054(15)(a), may not be issued a
188 license for the operation of a cardroom if the permitholder did
189 not hold an operating license for the conduct of pari-mutuel
190 wagering for fiscal year 2020-2021. In order for an initial
191 cardroom license to be issued to a thoroughbred permitholder
192 issued a permit pursuant to s. 550.3345, the applicant must have
193 requested, as part of its pari-mutuel annual license
194 application, to conduct at least a full schedule of live racing.
195 ~~In order for a cardroom license to be renewed by a thoroughbred~~
196 ~~permitholder, the applicant must have requested, as part of its~~
197 ~~pari-mutuel annual license application, to conduct at least 90~~
198 ~~percent of the total number of live performances conducted by~~
199 ~~such permitholder during either the state fiscal year in which~~
200 ~~its initial cardroom license was issued or the state fiscal year~~
201 ~~immediately prior thereto if the permitholder ran at least a~~
202 ~~full schedule of live racing or games in the prior year.~~

203 (13) TAXES AND OTHER PAYMENTS.—

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204 (d)1. Each jai alai permitholder that conducts live
205 performances and operates a cardroom facility shall use at least
206 4 percent of such permitholder's cardroom monthly gross receipts
207 to supplement jai alai prize money during the permitholder's
208 next ensuing pari-mutuel meet.

209 2. Until a thoroughbred permitholder is no longer
210 conducting live racing pursuant to s. 550.01215(1)(b)2., each
211 thoroughbred permitholder ~~or harness horse racing permitholder~~
212 that conducts live performances and operates a cardroom facility
213 shall use at least 50 percent of such permitholder's cardroom
214 monthly net proceeds as follows: 47 percent to supplement purses
215 and 3 percent to supplement breeders' awards during the
216 permitholder's next ensuing racing meet.

217 3. A ~~No~~ cardroom license or renewal thereof may not shall
218 be issued to an applicant holding a permit under chapter 550 to
219 conduct pari-mutuel wagering meets of quarter horse racing and
220 conducting live performances unless the applicant has on file
221 with the commission a binding written agreement between the
222 applicant and the Florida Quarter Horse Racing Association or
223 the association representing a majority of the horse owners and
224 trainers at the applicant's eligible facility, governing the
225 payment of purses on live quarter horse races conducted at the
226 licensee's pari-mutuel facility. The agreement governing purses
227 may direct the payment of such purses from revenues generated by
228 any wagering or gaming the applicant is authorized to conduct
229 under Florida law. All purses are ~~shall be~~ subject to the terms
230 of chapter 550.

231 Section 5. For the purpose of incorporating the amendment
232 made by this act to section 550.01215, Florida Statutes, in a

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233 reference thereto, subsection (3) of section 550.3551, Florida
 234 Statutes, is reenacted to read:
 235 550.3551 Transmission of racing and jai alai information;
 236 commingling of pari-mutuel pools.—
 237 (3) Any horse track licensed under this chapter may receive
 238 broadcasts of horseraces conducted at other horse racetracks
 239 located outside this state at the racetrack enclosure of the
 240 licensee, if the horse track conducted a full schedule of live
 241 racing during the preceding state fiscal year, or if the horse
 242 track does not conduct live racing as authorized under s.
 243 550.01215.
 244 (a) All broadcasts of horseraces received from locations
 245 outside this state must comply with the provisions of the
 246 Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss.
 247 3001 et seq.
 248 (b) Wagers accepted at the horse track in this state may
 249 be, but are not required to be, included in the pari-mutuel
 250 pools of the out-of-state horse track that broadcasts the race.
 251 Notwithstanding any contrary provisions of this chapter, if the
 252 horse track in this state elects to include wagers accepted on
 253 such races in the pari-mutuel pools of the out-of-state horse
 254 track that broadcasts the race, from the amount wagered by
 255 patrons at the horse track in this state and included in the
 256 pari-mutuel pools of the out-of-state horse track, the horse
 257 track in this state shall deduct as the takeout from the amount
 258 wagered by patrons at the horse track in this state and included
 259 in the pari-mutuel pools of the out-of-state horse track a
 260 percentage equal to the percentage deducted from the amount
 261 wagered at the out-of-state racetrack as is authorized by the

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262 laws of the jurisdiction exercising regulatory authority over
 263 the out-of-state horse track.
 264 (c) All forms of pari-mutuel wagering are allowed on races
 265 broadcast under this section, and all money wagered by patrons
 266 on such races shall be computed as part of the total amount of
 267 money wagered at each racing performance for purposes of
 268 taxation under ss. 550.0951, 550.09512, and 550.09515. Section
 269 550.2625(2)(a), (b), and (c) does not apply to any money wagered
 270 on races broadcast under this section. Similarly, the takeout
 271 shall be increased by breaks and uncashed tickets for wagers on
 272 races broadcast under this section, notwithstanding any contrary
 273 provision of this chapter.
 274 Section 6. For the purpose of incorporating the amendment
 275 made by this act to section 550.01215, Florida Statutes, in a
 276 reference thereto, subsection (2) of section 550.615, Florida
 277 Statutes, is reenacted to read:
 278 550.615 Intertrack wagering.—
 279 (2) Except as provided in subsection (1), a pari-mutuel
 280 permitholder that has met the applicable requirement for that
 281 permitholder to conduct live racing or games under s.
 282 550.01215(1)(b), if any, for fiscal year 2020-2021 is qualified
 283 to, at any time, receive broadcasts of any class of pari-mutuel
 284 race or game and accept wagers on such races or games conducted
 285 by any class of permitholders licensed under this chapter.
 286 Section 7. For the purpose of incorporating the amendment
 287 made by this act to section 550.0951, Florida Statutes, in a
 288 reference thereto, subsection (5) of section 550.09515, Florida
 289 Statutes, is reenacted to read:
 290 550.09515 Thoroughbred horse taxes; abandoned interest in a

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291 permit for nonpayment of taxes.—

292 (5) Notwithstanding the provisions of s. 550.0951(3)(c),
 293 the tax on handle for intertrack wagering on rebroadcasts of
 294 simulcast horseraces is 2.4 percent of the handle; provided
 295 however, that if the guest track is a thoroughbred track located
 296 more than 35 miles from the host track, the host track shall pay
 297 a tax of .5 percent of the handle, and additionally the host
 298 track shall pay to the guest track 1.9 percent of the handle to
 299 be used by the guest track solely for purses. The tax shall be
 300 deposited into the Pari-mutuel Wagering Trust Fund.

301 Section 8. For the purpose of incorporating the amendment
 302 made by this act to section 550.0951, Florida Statutes, in a
 303 reference thereto, paragraph (a) of subsection (3) of section
 304 550.09511, Florida Statutes, is reenacted to read:

305 550.09511 Jai alai taxes; abandoned interest in a permit
 306 for nonpayment of taxes.—

307 (3)(a) Notwithstanding the provisions of subsection (2) and
 308 s. 550.0951(3)(c)1., any jai alai permitholder which is
 309 restricted under Florida law from operating live performances on
 310 a year-round basis is entitled to conduct wagering on live
 311 performances at a tax rate of 3.85 percent of live handle. Such
 312 permitholder is also entitled to conduct intertrack wagering as
 313 a host permitholder on live jai alai games at its fronton at a
 314 tax rate of 3.3 percent of handle at such time as the total tax
 315 on intertrack handle paid to the commission by the permitholder
 316 during the current state fiscal year exceeds the total tax on
 317 intertrack handle paid to the former Division of Pari-mutuel
 318 Wagering by the permitholder during the 1992-1993 state fiscal
 319 year.

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320 Section 9. For the purpose of incorporating the amendment
 321 made by this act to section 550.0951, Florida Statutes, in a
 322 reference thereto, paragraph (a) of subsection (9) of section
 323 550.6305, Florida Statutes, is reenacted to read:

324 550.6305 Intertrack wagering; guest track payments;
 325 accounting rules.—

326 (9) A host track that has contracted with an out-of-state
 327 horse track to broadcast live races conducted at such out-of-
 328 state horse track pursuant to s. 550.3551(5) may broadcast such
 329 out-of-state races to any guest track and accept wagers thereon
 330 in the same manner as is provided in s. 550.3551.

331 (a) For purposes of this section, "net proceeds" means the
 332 amount of takeout remaining after the payment of state taxes,
 333 purses required pursuant to s. 550.0951(3)(c)1., the cost to the
 334 permitholder required to be paid to the out-of-state horse
 335 track, and breeders' awards paid to the Florida Thoroughbred
 336 Breeders' Association and the Florida Standardbred Breeders and
 337 Owners Association, to be used as set forth in s. 550.625(2)(a)
 338 and (b).

339 Section 10. This act shall take effect July 1, 2025.

APPEARANCE RECORD

SB 408

Meeting Date

Deliver both copies of this form to

Bill Number or Topic

Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

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S-001 (08/10/2021)

4-15-25

Meeting Date

The Florida Senate
APPEARANCE RECORD

SD 408

Bill Number or Topic

appropriation on AEB

Committee

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Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

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St Augustine FL

City

State

Zip

32095

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

04-15-2025

Meeting Date

AE G

Committee

408

Bill Number or Topic

Amendment Barcode (if applicable)

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Danielle Damond-Bishop

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City

State

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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Meeting Date

S.B. 408

Bill Number or Topic

Appropriations on A.E.G.

Committee

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

Amendment Barcode (if applicable)

Name

Teresa Palmer

Phone

561-310-1162

Address

6694 N.W.

Street

Email

teresa@WCircle+.com

Morriston, FL 32668

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

4/15
Appropriations Committee AG

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

408
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Tom CANNELL

Phone

813-220-7893

Address

34736 Heavenly Lane

Email

CAN\$WANI@MSN.COM

Street

DADE City

FL

33525

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

HB408

Bill Number or Topic

4/15/25
Meeting Date

Appropriations on AEG
Committee

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

Amendment Barcode (if applicable)

Name CHAPLAIN BOB MILLER

Phone 352-239-0420

Address 11588 NW 60 AVE REDDICK FL 32686
Street

Email CHAPLAIN OCATLA @YAHOO.COM

REDDICK FL
City State

32686
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

4-15-2

The Florida Senate
APPEARANCE RECORD

SB 408

Meeting Date

Appropriations on AEB

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Matt Markovich

Phone 904-566-8839

Address 141300 NW 172 Lane
Street

Email Matt-Markovich@icloud.com

Williston FL 32696
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

4-15-2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 408

Bill Number or Topic

appropriation on AEG

Committee

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

Amendment Barcode (if applicable)

Name McKayla Markovich

Phone 904-860-8568

Address 217 latrobe ave

Street

Email Matt_Markovich@icloud.com

St Augustine

City

FL

State

32095

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

4/15/2025

Meeting Date

SB 408

Bill Number or Topic

APPROPRIATIONS ON AGR...

Committee

Amendment Barcode (if applicable)

Name PATRICK CUMMINGS

Phone 215-205-0985

Address 679 GINGERMILL LN

Email PCUMMINGS@GLOBALRACINGSOLUTIONS.COM

Street

LEXINGTON

City

KY

State

40509

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

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

REPOLE STABLE

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For



☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

408

4-15

Meeting Date

AEGG

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name CONNOR POWELL

Phone 352 / 629 / 2160

Address 801 SW 60th AVE

Email

Street

Ocala

FL

34474

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

FL Thoroughbred Breeders & Owners Assn

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

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

S-001 (08/10/2021)

4-15

Meeting Date

AEGG

Committee

The Florida Senate APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name

STEVE KOCH

Phone

352 / 629 / 2160

Address

801 SW 60th AVE

Street

OCALA

City

FL

State

34474

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

FL Thoroughbred Breeders & Owners Assn

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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4-15

Meeting Date

AE99

Committee

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name

George Isaacs

Phone

352-622-5319

Address

6318 NW 90th Terrace

Email

Street

Ocala

City

FL

State

34482

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

Bridlewood Farms

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

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S-001 (08/10/2021)

4/15/25

Meeting Date

Ag Approps

Committee

Name **Dr. Bill Russell**

Address **4747 SW 60th Ave**

Street

Ocala

City

FL

State

34474

Zip

The Florida Senate
APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **352.307.3000**

Email **PSEH@petersonsmith.com**

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

The Florida Senate
APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Mark Casse**

Phone **352-622-6401**

Address **6851 SW 66th Street**

Email **Casseracing@aol.com**

Street

Ocala

City

FL

State

34476

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Mike Dini**

Phone **813-925-0192**

Address **341 Countryside Key Road**

Email **tampabayhbpa@aol.com**

Street

Oldsmar

City

FL

State

34677

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Francis Vanlangendonck**

Phone **352-843-3288**

Address **14489 NW 145th Ave**

Email **francis@summerfieldsales.com**

Street

Williston

City

FL

State

32696

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

4/15/25

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jan Meehan**

Phone **(813) 925-0192**

Address **PO BOX 1768**

Email **tampabayhbpa@aol.com**

Street

OLDSMAR

City

FL

State

34677

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

4/15/25

Meeting Date

Ag Approps

Committee

Name Tom Ventura

Address 5000 SE 40th Street

Street

Ocala

City

FL

State

34487

Zip

The Florida Senate
APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 352-237-2154

Email tomv@obssales.com

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

4/15/25

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Vanessa Nye

Phone

(813) 247-1199

Address

1401 E 22nd Ave

Email

nyev@hotmail.com

Street

Tampa

FL

33605

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

4/15/25

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Nicole Pieratt**

Phone **(859) 340-8283**

Address **3329 NW 27th Ave**

Email **npieratt@salleehorsevans.com**

Street

Ocala

City

FL 34475

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Damon Thayer

Phone

859-621-6956

Address

105 Spy Glass Drive

Email

damonthayer@aol.com

Street

Georgetown

KY

40324

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jena Antonucci**

Phone **(352) 266-6555**

Address **4240 NW 130th Ave**

Email **info@jenaantonucci.com**

Street

Ocala

City

FL

State

34482

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

The Florida Senate

APPEARANCE RECORD

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

408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Eric Hamelback**

Phone **(859) 259-0451**

Address **3380 Paris Pike**

Email **ehamelback@hbpa.org**

Street

Lexington

City

KY

State

40511

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

Name Barry Eisaman

Name

The Florida Senate
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408

Bill Number or Topic

Amendment Barcode (if applicable)

Phone (352) 529-0060

Phone

Address 15749 West Highway 316

Address

Email barry@eisamanequine.com

Email

Street

Williston

City

FL

State

32696

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



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representing:



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S-001 (08/10/2021)

4/15/2025

Meeting Date

Ag Approps

Committee

Name David O Farrell

Phone

352-237-2171

Address 4400 SW 27th Ave

Email david@ocalastud.com

Street

Ocala

FL

34471

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



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I am a registered lobbyist, representing:



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4/15/25

Meeting Date

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Committee

Name Mandy Pope

Address 2999 NW 165th St

Street

Citra

City

FL

State

32113

Zip

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Bill Number or Topic

Amendment Barcode (if applicable)

Phone (352) 591-1843

Email whisperhillfarm16@gmail.com

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

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representing:



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S-001 (08/10/2021)

4/15/2025

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Bill Number or Topic

Amendment Barcode (if applicable)

Name **Lynda Darden-Hayes**

Phone **352-591-1843**

Address **2999 NW 165th**

Email **whisperhillfarm16@gmail.com**

Street

Ocala

City

FL

State

32113

Zip

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

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Committee

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408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Nick De Meric**

Phone **352-843-5548**

Address **4001 NW 130th Ave**

Email **nick@demeric.com**

Street

Ocala

City

FL

State

34482

Zip

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

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S-001 (08/10/2021)

4/15/2025

Meeting Date

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408

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Bryan Rice**

Phone **352-620-4005**

Address **11580 NE Highway 315**

Email **woodsideranch@gmail.com**

Street

Fort McCoy

FL

32134

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/15/2025
Meeting Date

SB 408
Bill Number or Topic

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Appropriations Committee
Committee

Amendment Barcode (if applicable)

Name PAQUITA MANSOUR

Phone 813-960-0221

Address 14540 WINDING CREEK CT
Street

Email PMANSOUR2@TampaBayFL.com

Tampa
City

FL
State

3313
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
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representing:

☐ I am not a lobbyist, but received
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S-001 (08/10/2021)

4/15/2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB 408

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

CARLO VACCAREZZA

Phone

561-714-6019

Address

1576 WINNERS CIRCLE

Email

CARLOVACCAREZZA@GMAIL

Street

LEWINGTON

KY

40513

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am a registered lobbyist,
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S-001 (08/10/2021)

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APPEARANCE RECORD

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4/15/25

Meeting Date

AG/ENV ASR

Committee

SB 408

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JAY WAGLE

Phone

859.288.2813

Address

100 W. MAIN ST, STE 700

Street

Email

jingle@jacksonkelly.com

Lexington

City

KY

State

40507

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
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sponsored by:

Florida HBPA

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 496

INTRODUCER: Regulated Industries Committee and Senator McClain

SUBJECT: Timeshare Management Firms

DATE: April 14, 2025

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>Favorable</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 496 revises regulations related to timeshare plans and their management. It clarifies that timeshare plans are governed by ch. 721, F.S., rather than created under that chapter. The bill provides that community association managers (CAMs) and CAM firms who manage timeshare plans are subject to s. 721.13, F.S., relating to the managing entities of timeshare plans, rather than to part VIII of ch. 468, F.S., relating to the regulation of CAMs, including record-keeping requirements that are applicable to the managing entities of timeshare plans.

The bill also exempts CAMs and CAM firms managing timeshares from the conflict-of-interest provisions that are applicable to the CAMs and community associations, such as condominium and homeowners' associations. The bill provides that CAMs and CAM firms managing timeshares are subject to the related party transaction disclosure that the managing entity of timeshare plans must make in the annual budget. Under current law, CAMs managing a community association must disclose any activity or proposed service which may reasonably be construed by the association's board to be a conflict of interest, and associations are required to follow a process for addressing potential conflicts of interest, such as considering multiple bids for the activity or proposed service.

The bill provides that timeshare management firms and their licensed employees are subject to the regulations governing timeshare managing entities, including violations related to refusal to mail any material requested by the purchaser and any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers. The bill also includes the timeshare management

firm, and any individual licensed as a CAM employed by the timeshare management firm, in the exemption from liability for monetary damages in s. 721.13(13)(a), F.S., as provided in s. 617.0834, F.S., unless the officer, director, agent, or firm does not qualify for an exemption.

Additionally, the bill requires timeshare boards to meet at least once annually, instead of at least once each quarter as required for the boards of condominium associations.

The bill provides that, if a management firm provides goods or services through arrangements with a parent, affiliate, or subsidiary of the timeshare management firm, the existence of such arrangements must be disclosed annually to the members of that owners' association pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

The bill has an insignificant negative fiscal impact on state revenues and expenditures that can be absorbed within current resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

A timeshare interest is a form of ownership of real and personal property.¹ In a timeshare, multiple parties hold the right to use a condominium unit or a cooperative unit. Each owner of a timeshare interest is allotted a period of time (typically one week) during which the owner has the exclusive right to use the property.

The Florida Vacation Plan and Timesharing Act, ch. 721, F.S., establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers and prospective purchasers.² Chapter 721, F.S., applies to all timeshare plans consisting of more than seven timeshare periods over a period of at least three years when the accommodations and facilities are located or offered within this state.³ Part I of ch. 721, F.S., relates to vacation plans and timesharing, and part II of ch. 721, F.S., relates to multisite vacation and timeshare plans that are also known as vacation clubs.

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) of the Department of Business and Professional Regulation (DBPR or department) administers ch. 721, F.S.

Condominiums

A condominium is a “form of ownership of real property created under ch. 718, F.S.”⁴ the “Condominium Act.” Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common

¹ See s. 721.05(36), F.S.

² Section 721.02(2) and (3), F.S.

³ Section 721.03, F.S.

⁴ Section 718.103(11), F.S.

elements, and members of the condominium association.⁵ For unit owners, membership in the association is an unalienable right and required condition of unit ownership.⁶ The association that operates a condominium, including a timeshare condominium, must be a Florida corporation for profit or a Florida corporation not for profit.⁷

A condominium association is administered by a board of directors referred to as a “board of administration.”⁸ The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.⁹

Section 718.112(2)(c), F.S., requires the board of administration for a condominium association of 10 or more units to meet at least once each quarter. At least four times per year, the meeting agenda must include an opportunity for members to ask questions. Members have the right to ask questions at meetings with respect to reports on the status of construction or repair projects, status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium.

Definitions - Timeshares

The term “timeshare plan” means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, where a purchaser, for consideration, receives ownership rights in or a right to use accommodations and facilities, if any, for a period of time less than a full year during any given year, but not necessarily for consecutive years.¹⁰ The term includes both personal property timeshare and real property timeshare plans.¹¹

A “timeshare unit” is an accommodation of a timeshare plan which is divided into timeshare periods or a condominium unit in which timeshare estates have been created.¹²

A “timeshare estate” is a right to occupy a timeshare unit, coupled with a freehold estate or an estate for years with a future interest in a timeshare property or a specified portion thereof.¹³ The term also includes an interest in a condominium unit, a cooperative unit, or a trust. Whether the

⁵ See s. 718.103, F.S., for the terms used in the Condominium Act.

⁶ *Id.*

⁷ Section 718.111(1)(a), F.S.

⁸ Section 718.103(4), F.S.

⁹ Section 718.103(2), F.S.

¹⁰ Section 721.05(39), F.S.

¹¹ Section 721.05(39)(a), F.S., defines a “personal property timeshare plan,” as a timeshare plan in which the accommodations are comprised of personal property that is not permanently affixed to real property. Section 721.05(39)(b), F.S., defines a “real property timeshare plan,” as a timeshare plan in which the accommodations of the timeshare plan are comprised of or permanently affixed to real property.

¹² See ss. 721.05(41) and 718.103(26), F.S.

¹³ Section 721.05(34), F.S.

term includes both direct and indirect interests in trusts is not specified. An example of an indirect interest in a trust is the interest of a trust beneficiary's spouse or other dependent.

A "timeshare license" is the right to occupy a timeshare unit, which right is not a personal property timeshare interest or a timeshare estate.¹⁴ A "timeshare interest" is a timeshare estate, a personal property timeshare interest, or a timeshare license.¹⁵

Timeshare Managing Entity

Section 721.13(1), F.S., requires the developer to provide a managing entity for each timeshare plan. The managing entity operates or maintains the timeshare plan.¹⁶ Section 721.13, F.S., provides the duties of a managing entity. The managing entity may be the developer, a separate manager or management firm, or an owners' association.¹⁷

Section 721.13(1)(e), F.S., requires that any managing entity performing community association management must comply with part VIII of ch. 468, F.S. The managing entity must act in the capacity of a fiduciary to the purchasers of the timeshare plan.¹⁸

The managing entity must arrange for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the DBPR, in accordance with generally accepted auditing standards. The financial statements must be prepared on an accrual basis using fund accounting and presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board and officers of the owners' association no later than five calendar months after the end of the timeshare plan's fiscal year.¹⁹

The annual budget must contain, as a footnote or otherwise, any related party transaction disclosures or notes which appear in the audited financial statements of the managing entity for the previous budget year. A copy of the final budget must be filed with the division for review within 30 days after the beginning of each fiscal year.²⁰

As a nonprofit corporation, timeshare associations are subject to the provisions of ch. 617, F.S., which provide that a conflict-of-interest transaction is not void or voidable if:²¹

- The fact of such relationship or interest is disclosed or known to the board which authorizes the contract by a vote sufficient for the purpose without counting the votes of such interested directors;
- The fact of such relationship or interest is disclosed to the members entitled to vote on such contract, if any, and they authorize it by vote or written consent; or

¹⁴ Section 721.05(37), F.S.

¹⁵ Section 721.05(36), F.S.

¹⁶ See s. 721.05(22), F.S., defining the term "managing entity."

¹⁷ Section 721.13(1)(a), F.S.

¹⁸ Section 721.13(2)(a), F.S.

¹⁹ Section 721.13(3)(e), F.S.

²⁰ Section 721.13(3)(c)1., F.S.

²¹ Section 617.0832, F.S.

- The contract or transaction is fair and reasonable as to the corporation at the time it is authorized by the board, a committee, or the members.

Community Association Managers

Community association managers (CAMs) are licensed and regulated by the DBPR pursuant to part VIII of ch. 468, F.S. A license is required to practice community association management.²²

The term “community association” means:²³

residential homeowners' association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.

Section 468.431(2), F.S., defines “community association management” to mean:

any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community and do not assist in any of the management services.²⁴

Community association managers are regulated by the seven-member Regulatory Council of Community Association Managers. Five of the members must be licensed CAMs, one of whom must be a CAM for a timeshare. The other two must not be CAMs. Members are appointed to four-year terms by the Governor and confirmed by the Senate.²⁵

To become licensed as a CAM, a person must apply to the DBPR to take the licensure examination and submit to a background check. Upon determination that the applicant is of good moral character, the applicant must attend a department-approved in-person training prior to taking the examination.²⁶ Community association managers must successfully complete an exam

²² Section 468.432(1), F.S.

²³ Section 468.431(1), F.S.

²⁴ Section 468.431(2), F.S.

²⁵ Section 468.4315(1), F.S.

²⁶ Section 468.433, F.S.

and pay a fee to become licensed. They must also complete continuing education hours as approved by the council to maintain their licenses.²⁷

CAM Practice Standards and Conflicts of Interest

Section 468.4334, F.S., delineates the professional practice standards for CAMs and CAM firms, including the duty to “discharge the duties performed on behalf of the association as authorized by [ch. 468, F.S.], loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.”

Section 468.4334(4), F.S., requires CAMs and CAM firms to return all community association records in their possession within 20 business days of termination of a services agreement or a written request, whichever occurs first, with license suspension and civil penalties per day for up to 10 business days for noncompliance. These requirements do not apply to timeshare plans created under ch. 721, F.S. Instead, the applicable time periods for timeshare plans are provided in s. 721.14(4)(b), F.S., relating to the discharge of a managing entity, which provides a 90-day period for the manager or management firm to transfer records after the termination of a managing entity. Section 721.14(2)(a), F.S., provides that an owners' association and a manager or management firm may, in the management contract or other written document, agree to the transition procedures and related time periods to be followed in the event the manager or management firm is discharged, i.e., termination of the management contract.

Section 468.4335, F.S., provides conflict of interest disclosure requirements for CAMs and CAM firms and a process for associations to approve contracts with a CAM or CAM firm, or a relative of such persons,²⁸ that may present a conflict of interest.

A CAM or CAM firm, including the directors, officers, persons with a financial interest in the CAM firm and any relatives of such persons, must disclose to the board of a community association any activity which may reasonably be construed by the board to be a conflict of interest. There is a rebuttable presumption of an existing conflict of interest if a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or the relative of such persons:²⁹

- Enters into a contract for goods or services with the association, other than community association management services; and
- Holds an interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.

If a community association receives and considers a bid to provide a good or service that exceeds \$2,500, other than community association management services, from a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or a relative of such

²⁷ Sections 468.4336 and 468.4337, F.S.

²⁸ Section 568.4335(6), F.S., provides that the term “relative” means a relative within the third degree of consanguinity by blood or marriage.

²⁹ Section 568.4335(1), F.S.

persons, the association must also solicit multiple bids from other third-party providers of such good or service.³⁰

The proposed activity that may be a conflict of interest must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to the board's meeting agenda and entered into the written minutes of the meeting. The board must approve the contracts with a potential conflict of interest, and all management contracts, by an affirmative vote of two-thirds of all directors present.³¹

If the contract is canceled because the board finds that the CAM or CAM firm has violated the disclosure requirements, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.³²

If the activity has not been properly disclosed as a conflict of interest or potential conflict of interest, the contract is voidable and terminates upon the association filing a written notice terminating the contract with the consent of at least 20 percent of the voting interests of the association for the written notice terminating the management services contract.³³

Section 468.436(2)(a), F.S., provides grounds to discipline licensed CAMs and CAM firms for failure to disclose a conflict of interest as required under s. 468.4335, F.S.³⁴

Section 468.438, F.S., requires a CAM firm acting as managing entity of a timeshare plan pursuant to ch. 721, F.S., can only be required to employ at least one individual licensed under part VIII of ch. 468, F.S., at each noncontiguous geographic location at which the management firm provides community association management. No other person providing community association management on behalf of such management firms can be required to hold a license pursuant to this part, provided that any community association management provided is performed under the direct supervision and control of a licensed CAM. A licensed CAM employed by a timeshare management firm assumes responsibility for all community association management performed by unlicensed persons employed by the timeshare management firm.

III. Effect of Proposed Changes:

The bill amends s. 468.4334(4), F.S., to provide that timeshare plans are governed by ch. 721, F.S., instead of created under ch. 721, F.S. It also specifies that s. 721.14(4), F.S., applies for the return of records requirements in s. 468.4334(4), F.S.

The bill creates s. 468.4335(7), F.S., to provide that the conflict-of-interest provisions in s. 468.4335, F.S., for community association managers (CAMs) and CAM firms do not apply to community association management firms that manage a timeshare plan governed by ch. 721, F.S., and that must provide the disclosure under s. 721.13(13)(c)1., F.S.

³⁰ Section 568.4335(2), F.S.

³¹ Section 568.4335(3), F.S.

³² Section 568.4335(4), F.S.,

³³ Section 568.4335(5), F.S.,

³⁴ Section 568.436(2)b.7., F.S.,

The bill creates s. 468.438(3), F.S., to provide that a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., who is employed by a timeshare management firm are governed by ch. 721, F.S., and not by s. 468.4335, F.S.

The bill deletes s. 721.13(1)(e), F.S., requiring that any managing entity performing community association management must comply with part VIII of ch. 468, F.S.

The bill amends s. 721.13(4), F.S., to provide that it is a violation of ch. 721, F.S., for the board of administration or the manager or management firm to refuse to mail any material requested by the purchaser to be mailed, provided the sole purpose of the materials is to advance legitimate owners' association business. The bill deletes the provision that any failure of managing entity to faithfully discharge the fiduciary duty to purchasers imposed by s. 721.13, F.S., or otherwise comply with that section is a violation of part VIII of ch. 468, F.S.

The bill amends s. 721.13(10), F.S., to provide that any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers imposed by s. 721.13, F.S., or to otherwise comply with the provisions of that section is a violation of ch. 721, F.S., and deletes the provision that such failure is also a violation of part VIII of ch. 468, F.S.

The bill amends s. 721.13(13)(a), F.S., which requires an officer, director, or agent of an owners' association to discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, to include as subject to this requirement a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., employed by the timeshare management firm.

The bill also includes the management firm and any individual licensed under part VIII of ch. 68, F.S., employed by the timeshare management firm, in the exemption from liability for monetary damages in s. 721.13(13)(a), F.S., as provided in s. 617.0834, F.S., unless the officer, director, agent, or firm does not qualify for exemption for the reasons specified in this paragraph and in s. 617.0834, F.S.³⁵

The bill creates s. 721.13(13)(b), F.S., to provide that the board of administration of a timeshare condominium is required to meet only once each year, unless additional board meetings are called pursuant to a timeshare instrument.

The bill creates s. 721.13(13)(c)1., F.S., to provide that, if a management firm provides goods or services through arrangements with a parent, affiliate, or subsidiary of the timeshare management firm, the existence of such arrangements must be disclosed annually to the members of that owners' association pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special

³⁵ Sections 721.13(13)(a) and 617.0834, F.S., provide that the exemption from liability for monetary damages does not apply if breach or failure duties constitutes a violation of criminal law; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

The bill amends s. 721.13(13)(c)2., F.S., to provide that a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., employed by the timeshare management firm are governed by ss. 721.13 and 468.438, F.S.

Section 721.1(2), F.S., relating to the discharge of a managing entity, is reenacted by the bill to incorporate the amendment made to s. 721.13, F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an insignificant negative fiscal impact on the Department of Business and Professional Regulation (DBPR); however, the bill is not expected to affect state government revenues and expenditures. According to the DBPR, updates to the DBPR's

licensing computer systems, Versa Regulation, Versa Online, and the QLIK Reporting System to make required configuration changes due to the bill will be made with existing DBPR resources.³⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.4334, 468.4335, 468.438, and 721.13.

The bill reenacts section 721.14 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 April 1, 2025:

The committee substitute:

- Amends s. 468.4335(7), F.S., to provide that community association managers (CAMs) and CAM firms that manage a timeshare plan governed by ch. 721, F.S., must provide the disclosure under s. 721.13(13)(c)1., F.S., which requires the managing entities of timeshare plans to provide a related party transaction disclosure in the annual budget;
- Amends s. 468.438(3), F.S., to provide that timeshare management firms are not subject to the conflict-of-interest provisions in s. 468.4335, F.S., for CAMs and CAM firms; and
- Amends s. 721.13(13)(c)1., F.S., to provide that the disclosure in an explanatory note to the annual budget of the fact that goods or services are being provided by a related party of the timeshare management firm or owners' association may be made as an explanatory note to the annual budget pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

- B. **Amendments:**

None.

³⁶ See Department of Business and Professional Regulation, *2025 Agency Legislative Bill Analysis for SB 496* at 6 (Feb. 10, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

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

By the Committee on Regulated Industries; and Senator McClain

580-03182-25

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1 A bill to be entitled
 2 An act relating to timeshare management firms;
 3 amending s. 468.4334, F.S.; conforming provisions to
 4 changes made by the act; amending s. 468.4335, F.S.;
 5 revising applicability for provisions governing
 6 conflicts of interest between community association
 7 managers or community association management firms and
 8 certain persons with a financial interest in such
 9 associations; amending s. 468.438, F.S.; providing
 10 construction; amending s. 721.13, F.S.; deleting a
 11 provision requiring managing entities that perform
 12 community association management to comply with
 13 certain provisions related to community association
 14 management firms; requiring timeshare management firms
 15 and individuals employed by timeshare management firms
 16 to discharge their duties in good faith; exempting
 17 such firms and individuals from liability for monetary
 18 damages; requiring the board of administration of a
 19 timeshare condominium to meet once per year; providing
 20 an exception; requiring disclosure of certain
 21 information annually to certain persons if a timeshare
 22 management firm or an owners' association provides
 23 goods and services through arrangements with specified
 24 entities; providing construction; reenacting s.
 25 721.14(2), F.S., relating to discharge of a managing
 26 entity, to incorporate the amendment made to s.
 27 721.13, F.S., in a reference thereto; providing an
 28 effective date.
 29

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

31
 32 Section 1. Subsection (4) of section 468.4334, Florida
 33 Statutes, is amended to read:

34 468.4334 Professional practice standards; liability;
 35 community association manager requirements; return of records
 36 after termination of contract.—

37 (4) A community association manager or a community
 38 association management firm shall return all community
 39 association official records within its possession to the
 40 community association within 20 business days after termination
 41 of a contractual agreement to provide community association
 42 management services to the community association or receipt of a
 43 written request for return of the official records, whichever
 44 occurs first. A notice of termination of a contractual agreement
 45 to provide community association management services must be
 46 sent by certified mail, return receipt requested, or in the
 47 manner required under such contractual agreement. The community
 48 association manager or community association management firm may
 49 retain, for up to 20 business days, those records necessary to
 50 complete an ending financial statement or report. If an
 51 association fails to provide access to or retention of the
 52 accounting records to prepare an ending financial statement or
 53 report, the community association manager or community
 54 association management firm is relieved from any further
 55 responsibility or liability relating to the preparation of such
 56 ending financial statement or report. Failure of a community
 57 association manager or a community association management firm
 58 to timely return all of the official records within its

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possession to the community association creates a rebuttable presumption that the community association manager or community association management firm willfully failed to comply with this subsection. A community association manager or a community association management firm that fails to timely return community association records is subject to suspension of its license under s. 468.436, and a civil penalty of \$1,000 per day for up to 10 business days, assessed beginning on the 21st business day after termination of a contractual agreement to provide community association management services to the community association or receipt of a written request from the association for return of the records, whichever occurs first. However, for a timeshare plan governed by created under chapter 721, s. 721.14(4) applies the time periods provided in s. 721.14(4)(b) apply.

Section 2. Subsection (7) is added to section 468.4335, Florida Statutes, to read:

468.4335 Conflicts of interest.—

(7) This section does not apply to a community association manager or a community association management firm that manages a timeshare plan governed by chapter 721 and that must provide disclosure under s. 721.13(13)(c)1.

Section 3. Subsection (3) is added to section 468.438, Florida Statutes, to read:

468.438 Timeshare management firms.—

(3) A timeshare management firm and any individual licensed under this part who is employed by a timeshare management firm are governed by s. 721.13 and not by s. 468.4335.

Section 4. Paragraph (e) of subsection (1) and subsections

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(4), (10), and (13) of section 721.13, Florida Statutes, are amended to read:

721.13 Management.—

(1)

~~(e) Any managing entity performing community association management must comply with part VIII of chapter 468.~~

(4) The managing entity shall maintain among its records and provide to the division upon request a complete list of the names and addresses of all purchasers and owners of timeshare units in the timeshare plan. The managing entity shall update this list no less frequently than quarterly. Pursuant to paragraph (3)(d), the managing entity may not publish this owner's list or provide a copy of it to any purchaser or to any third party other than the division. However, the managing entity shall mail to those persons listed on the owner's list materials provided by any purchaser, upon the written request of that purchaser, if the purpose of the mailing is to advance legitimate owners' association business, such as a proxy solicitation for any purpose, including the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The use of any proxies solicited in this manner must comply with the provisions of the timeshare instrument and this chapter. A mailing requested for the purpose of advancing legitimate owners' association business shall occur within 30 days after receipt of a request from a purchaser. The board of administration of the owners' association shall be responsible for determining the appropriateness of any mailing requested pursuant to this subsection. The purchaser who requests the mailing must reimburse the owners' association in

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advance for the owners' association's actual costs in performing the mailing. It ~~is shall be~~ a violation of this chapter ~~and, if applicable, of part VIII of chapter 468,~~ for the board of administration or the manager or management firm to refuse to mail any material requested by the purchaser to be mailed, provided the sole purpose of the materials is to advance legitimate owners' association business. If the purpose of the mailing is a proxy solicitation to recall one or more board members elected by the owners or to discharge the manager or management firm and the managing entity does not mail the materials within 30 days after receipt of a request from a purchaser, the circuit court in the county where the timeshare plan is located may, upon application from the requesting purchaser, summarily order the mailing of the materials solely related to the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The court shall dispose of an application on an expedited basis. In the event of such an order, the court may order the managing entity to pay the purchaser's costs, including attorney ~~attorney's~~ fees reasonably incurred to enforce the purchaser's rights, unless the managing entity can prove it refused the mailing in good faith because of a reasonable basis for doubt about the legitimacy of the mailing.

(10) Any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers imposed by this section or to otherwise comply with ~~the provisions of this section is shall be~~ a violation of this chapter ~~and of part VIII of chapter 468.~~

(13)(a) ~~Notwithstanding any provisions of chapter 607,~~

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chapter 617, or chapter 718, an officer, a director, or an agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, shall discharge ~~its~~ ~~his or her~~ duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner it he or she reasonably believes to be in the interests of the owners' association. An officer, a director, or an agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, ~~are shall be~~ exempt from liability for monetary damages in the same manner as provided in s. 617.0834 unless such officer, director, ~~or agent, or firm~~ breached or failed to perform its ~~his or her~~ duties and the breach of, or failure to perform, its ~~his or her~~ duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) Notwithstanding chapter 718, the board of administration of a timeshare condominium is required to meet only once each year, unless additional board meetings are called pursuant to a timeshare instrument.

(c)1. If a timeshare management firm or an owners' association provides goods or services through a parent, an affiliate, or a subsidiary of a timeshare management firm, the

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fact that a related party provides goods or services must be disclosed annually to the members of that owners' association as an explanatory note to the annual budget pursuant to subparagraph (3)(c)1. or in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

2. A timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm are governed by this section and s. 468.438.

Section 5. For the purpose of incorporating the amendment made by this act to section 721.13, Florida Statutes, in a reference thereto, subsection (2) of section 721.14, Florida Statutes, is reenacted to read:

721.14 Discharge of managing entity.—

(2) In the event the manager or management firm is discharged, the board of administration of the owners' association shall remain responsible for operating and maintaining the timeshare plan pursuant to the timeshare instrument and s. 721.13(1). If the board of administration fails to do so, any timeshare owner may apply to the circuit court within the jurisdiction of which the accommodations and facilities lie for the appointment of a receiver to manage the affairs of the owners' association and the timeshare plan. At least 30 days before applying to the circuit court, the timeshare owner shall mail to the owners' association and post in a conspicuous place on the timeshare property a notice describing the intended action. If a receiver is appointed, the

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owners' association shall be responsible as a common expense of the timeshare plan, for payment of the salary and expenses of the receiver, relating to the discharge of her or his duties and obligations as receiver, together with the receiver's court costs, and reasonable attorney's fees. The receiver shall have all powers and duties of a duly constituted board of administration and shall serve until discharged by the circuit court.

Section 6. This act shall take effect July 1, 2025.

4/15/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

CS/KB 496

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Gary Hunter

Phone

850-567-5763

Address

119 S. Monroe St Suite 500

Email

ghunter@holtzmanvogel.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

American Resort Development Assoc.

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

4/15/2025
Meeting Date
Approps. AEGG
Committee

496
Bill Number or Topic
Amendment Barcode (if applicable)

Name Colton Madill Phone 850-766-7983
Address 136 S Bronough St. Email cmadill@flchamber.com
Tallahassee, FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chamber of Commerce

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

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

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

S-001 (08/10/2021)

4/15/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 496

Bill Number or Topic

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

S- Agriculture, Enviro, 66

Committee

Amendment Barcode (if applicable)

Name Cameron Fink

Phone 850-933-4665

Address 516 N Adams St

Street

Email cfink@aif.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated Industries of Florida

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

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #496**, relating to Timeshare Management Firms, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Stan McClain".

Senator Stan McClain
Florida Senate, District 9

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 622

INTRODUCER: Regulated Industries Committee and Senator Rodriguez and others

SUBJECT: Jai Alai Permitholders

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</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 622 provides that holders of a valid pari-mutuel permit are entitled to lease their pari-mutuel permitted facilities to any jai alai permitholder within a 35-mile radius. This changes the current restriction that only allows holders of valid pari-mutuel permits lease their facilities to any other holder of a same class valid pari-mutuel permit. The bill also removes the authority for these permitholders to be entitled to obtain an additional permit; however, they may apply for a license to conduct specified gaming activities at the leased premises.

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

The bill takes July 1, 2025.

II. Present Situation:

Pari-Mutuel Wagering in Florida

Since approximately 1931, pari-mutuel wagering (PMW) activities have been authorized in Florida for jai alai, greyhound racing, and horseracing. Pari-mutuel wagering is a system of betting where all bets are placed into a pool and the payout is *then* distributed among the winners, proportionally to their wagers, after deducting a percentage for the house.

These activities are overseen and regulated¹ by the Division of Pari-Mutuel Wagering (division) within the Florida Gaming Control Commission (commission), which is housed for administrative purposes within the Department of Legal Affairs, Office of the Attorney General.² The commission issues permits and operating licenses for PMW activities. Only pari-mutuel wagering permitholders under certain conditions are authorized to conduct other gaming activities like operating a cardroom or operating slot machines at their PMW facilities.

Pari-Mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (Act)³ provides specific permitting and licensing requirements for the conduct of the pari-mutuel industry.⁴ Pari-mutuel wagering activities are limited to operators who have received a permit from the division, which is then subject to ratification by county referendum.⁵ Permitholders apply for an operating license annually to conduct PMW activities.⁶ Certain permitholders are also authorized to operate cardrooms⁷ and slot machines at their facility.⁸

The Act generally requires that any transfer or assignment of a permit receive prior approval⁹ by the commission, which must determine the eligibility¹⁰ of persons and entities to hold a permit. Similarly, if a permit is held by a corporation or business entity other than an individual, the transfer of ten percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the commission.¹¹

The Act restricts pari-mutuel permitholders from being issued an operating license to conduct PMW, slot machine gaming, or the operation of a cardroom if the permitholder did not hold an operating license for the conduct of PMW for Fiscal Year 2020-2021.¹²

The Act restricts pari-mutuel permitholders from holding a permit to conduct PMW and associated cardroom or slot machine licenses¹³ unless the permitholder, other than a limited thoroughbred permitholder, held an operating license for the conduct of PMW for Fiscal Year 2020-2021.¹⁴

¹ From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation, which, in 1993, became the Department of Business and Professional Regulation.

² See ss. 16.71-16.716, F.S.

³ Chapter 550, F.S.

⁴ Section 550.054(1), F.S.

⁵ Section 550.054(2), F.S.

⁶ Section 550.0115, F.S.

⁷ Section 849.086, F.S.

⁸ Section 551.104, F.S.

⁹ There is one exception to the prior-approval requirement in s. 550.054(11)(a), F.S., which is that the holder of a permit converted to a jai alai permit "may lease or build anywhere within the county in which its permit is located." As of 2021, such conversions are prohibited. See s. 550.054(15)(d), F.S.

¹⁰ See s. 550.1815, F.S.

¹¹ Section 550.054(11)(b), F.S.

¹² Section 550.01215(1)(d), F.S.

¹³ Under s. 551.114(4), F.S., designated slot machine gaming areas must be located at the address specified in the licensed permitholder's slot machine license issued for Fiscal Year 2020-2021.

¹⁴ Section 550.054(15)(a), F.S.

The Act specifies that permits held on January 1, 2021, are deemed valid,¹⁵ but new permits for pari-mutuel wagering may not be approved or issued.¹⁶

The commission is required to revoke the permit of any permitholder, other than a limited thoroughbred permitholder, who did not hold an operating license for the conduct of PMW for Fiscal Year 2020- 2021. A permit revoked under this provision is void and may not be reissued.¹⁷

Those pari-mutuel permits approved under ch. 550, F.S., are issued to the specific location in the permit application and for a specific type of pari-mutuel activity. Authorized pari-mutuel permit types include: greyhound racing, jai alai, thoroughbred racing, quarter horse racing, and harness horse racing.

Leasing of Pari-Mutuel Facilities

Florida allows holders of pari-mutuel permits to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit.¹⁸ There is a requirement that the facility be located within a 35-mile radius of the lessee.¹⁹ Once a lease agreement is in place, the lessee is entitled to a permit and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premise.²⁰

Florida defines the same class of races, games or permit as:

With respect to a jai alai permitholder, jai alai games or other jai alai permitholders; with respect to a greyhound permitholder, other greyhound permitholders conducting pari-mutuel wagering; with respect to a thoroughbred permitholder, thoroughbred races or other thoroughbred permitholders; with respect to a harness permitholder, harness races or other harness permitholders; with respect to a quarter horse permitholder, quarter horse races or other quarter horse permitholders.²¹

During Fiscal Year 2024-2025, approximately six pari-mutuel operating licenses are operating by lease at another same class pari-mutuel permitholder's permitted facility under s. 550.475, F.S.²²

Jai Alai

Jai alai is a fast-paced sport involving players hurling a ball against a wall, that can be configured in various ways, typically involving single players, teams of two, or in modern leagues, teams of

¹⁵ Section 550.054(15)(b), F.S.

¹⁶ Section 550.054(15)(c), F.S.

¹⁷ Section 550.054(9)(c), F.S.

¹⁸ Section 550.475, F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 550.002(31), F.S.

²² See Florida Gaming Control Commission, *2025 Agency Legislative Bill Analysis for SB 622* at 2 (March 4, 2025) (on file with the Senate Committee on Regulated Industries).

six. Beginning in the early 20th century in Florida, jai alai experienced great popularity but has since seen a decline in popularity throughout the 21st century.

There are approximately 10 jai alai operating licenses operating at seven permitted facilities.²³ During Fiscal Year 2023-2024, jai alai permitholders brought in less than \$1,000,000 in revenue from the pari-mutuel handle.²⁴ In Fiscal Year 2023-2024, only Dania Jai Alai and Magic City Jai Alai were conducting live jai alai games.

III. Effect of Proposed Changes:

Section 1 amends s. 550.475, F.S., to allow a pari-mutuel permit holder to lease their facilities to *any* jai alai permitholder when located within a 35-mile radius.

This amends the current law to allow a pari-mutuel permit holder to lease their facilities to jai alai permitholders, even if the jai alai permitholder *is not* in the same class as the pari-mutuel holder, (i.e., thoroughbred permit holder could lease their premises to a jai alai permitholder).

The bill also removes the authority for these permitholders to be entitled to obtain an additional permit; however, they may apply for a license to conduct intertrack wagering and operate its race meet or jai alai games activities at the leased premises.

Sections 2 and 3 reenacts ss. 550.54 and 550.615, F.S., for the purpose of incorporating the amendments being made by the bill.

Section 4 provides an effective date of July 1, 2025.

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.

²³ See Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited March 24, 2025).

²⁴ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive economic impact on businesses by opening up more opportunities for lessors and lessees of pari-mutuel wagering facilities. The amount of additional revenue that may be generated is unknown.

C. Government Sector Impact:

The bill is not expected to impact state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 550.475 of the Florida Statutes.

This bill reenacts sections 550.054 and 550.615 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 March 25, 2025:

The committee substitute provides that a holder of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of a same class valid or to any jai alai permitholder.

Additionally, the committee substitute provides that such lessee may apply (as opposed to being entitled) for a license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premises.

B. Amendments:

None.

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

By the Committee on Regulated Industries; and Senators Rodriguez and Calatayud

580-02870-25

2025622c1

A bill to be entitled

An act relating to jai alai permitholders; amending s. 550.475, F.S.; providing that holders of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessee to apply for a license, rather than be entitled to a permit and license, to conduct specified gaming activities at the leased premises; reenacting ss. 550.054(14)(b) and 550.615(8), F.S., relating to application for permit to conduct pari-mutuel wagering and intertrack wagering, respectively, to incorporate the amendment made to s. 550.475, F.S., in references thereto; providing an effective date.

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

Section 1. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering in this state ~~may be~~ entitled to lease any and all of their pari-mutuel permitted facilities to any other holder of a same class valid pari-mutuel permit or to any jai alai permitholder, when located within a 35-mile radius of each other; and such lessee may apply for a license ~~entitled to a permit and~~ license to conduct intertrack wagering and operate its race meet or jai alai games at the leased

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premises.

Section 2. For the purpose of incorporating the amendment made by this act to section 550.475, Florida Statutes, in a reference thereto, paragraph (b) of subsection (14) of section 550.054, Florida Statutes, is reenacted to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(14)

(b) The commission, upon application from the holder of a jai alai permit meeting all conditions of this section, shall convert the permit and shall issue to the permitholder a permit to conduct greyhound racing. A permitholder of a permit converted under this section shall be required to apply for and conduct a full schedule of live racing each fiscal year to be eligible for any tax credit provided by this chapter. The holder of a permit converted pursuant to this subsection or any holder of a permit to conduct greyhound racing located in a county in which it is the only permit issued pursuant to this section who operates at a leased facility pursuant to s. 550.475 may move the location for which the permit has been issued to another location within a 30-mile radius of the location fixed in the permit issued in that county, provided the move does not cross the county boundary and such location is approved under the zoning regulations of the county or municipality in which the permit is located, and upon such relocation may use the permit for the conduct of pari-mutuel wagering and the operation of a cardroom. The provisions of s. 550.6305(9)(d) and (f) shall apply to any permit converted under this subsection and shall continue to apply to any permit which was previously included

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59 under and subject to such provisions before a conversion
60 pursuant to this section occurred.

61 Section 3. For the purpose of incorporating the amendment
62 made by this act to section 550.475, Florida Statutes, in a
63 reference thereto, subsection (8) of section 550.615, Florida
64 Statutes, is reenacted to read:

65 550.615 Intertrack wagering.—

66 (8) In any three contiguous counties of the state where
67 there are only three permitholders, all of which are greyhound
68 permitholders, if any permitholder leases the facility of
69 another permitholder for all or any portion of the conduct of
70 its live race meet pursuant to s. 550.475, such lessee may
71 conduct intertrack wagering at its pre-lease permitted facility
72 throughout the entire year.

73 Section 4. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Committee on Appropriations Committee on Agriculture, Environment, and
General Government

Subject: Committee Agenda Request

Date: March 25, 2025

I respectfully request that **CS/SB 622**, relating to Jai Alai Permit Holders, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "A. Rodriguez", is written above a horizontal line.

Senator Ana Maria Rodriguez
Florida Senate, District 40

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/CS/SB 712

INTRODUCER: Appropriations Committee on Agriculture, Environment and General Government;
Community Affairs Committee and Senator Grall

SUBJECT: Construction Regulations

DATE: April 17, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 712 contains a variety of provisions related to construction and development. The bill:

- Requires the Department of Environmental Protection (DEP) to adopt standards for the installation of synthetic turf on residential property and prohibits local governments from adopting regulations inconsistent with those.
- Requires local governments to approve or deny change orders from their contractors within 30 days.
- Prohibits the state and political subdivisions from penalizing large volume construction bidders or rewarding small volume bidders in the bidding process for public works projects.
- Prohibits local building departments from requiring copies of contracts and associated documents in order to apply for or receive a building permit.
- Adds surveillance cameras to the scope of certification for alarm system contractors.
- Requires that standards for mass timber as construction materials be amended to the Florida Building Code.
- Exempts systems and equipment on spaceport territory involved in space launch vehicles, payloads, or spacecraft from the Building Code.

The bill specifies that only one interior support rail in an elevator must be continuous and at least 42 inches long, instead of requiring all interior support rails in an elevator to meet these requirements.

The bill amends the definition of commercial pool/spa contractor to include renovation, remodel and deconstruction of swimming pools, hot tubs, and spas (swimming pools) and includes splash pads, other interactive features, decorative water features, public bathing places and swimming pool and spa appurtenances.

It substantially amends the scope of work for swimming pool/spa servicing contractors.

The bill provides that the scope of work does not include the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

The bill provides that the use of swimming pool equipment for the purposes of water treatment or cleaning do not require licensure unless such use involves installation, modification, or replacement of such equipment.

The bill amends the definition of a swimming pool/spa servicing contractor to include all aspects of the repair, renovation, remodeling, or servicing of a swimming pool.

It provides that the scope of work includes the installation, repair, and replacement of all swimming pool equipment, including, but not limited to pumps, filters, feeders, controllers, and heaters, whether electric, gas, or solar. It substantially amends the scope of work to include connection activities for power wiring on the load side electrical circuit lighting for swimming pool equipment.

It includes the repair, replacement, and sanitizing of lighting equipment, including partial dismantling of equipment. It also includes the repair of equipment rooms and the repair and replacement of perimeter and filter piping.

The scope includes draining the swimming pools for renovation or repair, the removal and reapplication of finishes and the installation, repair, or replacement of all tile and coping.

The bill provides that a swimming pool/spa servicing contractor's scope of work does not include the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

The bill provides that the use of swimming pools for the purposes of water treatment or cleaning do not require a license under certain circumstances. The bill clarifies that water treatment, filter media changes, or the cleaning of a swimming pool or its associated equipment, which does not affect the structural integrity of the swimming pool, does not require a license.

The bill allows private providers to perform "single-trade plans review," an analogous concept to single-trade inspections provided for in current law, authorizing private provider plans review for single construction trades such as plumbing, mechanical, or electrical. Single-trade plans review can be conducted using an automated or software-based system and qualifies for expedited permit processing, from 20 days to five, for single-family and two-family dwellings.

The bill also expands the universe of valid trade work for which private providers can perform inspections, and now plans review, to include solar energy and energy storage installations or alterations and specifically allows private providers to conduct single-trade inspections virtually.

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

The bill takes effect July 1, 2025.

II. Present Situation:

Synthetic Turf

Synthetic turf, also known as “artificial grass,” is a surface that closely replicates the look and feel of natural grass. Synthetic turf is a type of landscaping that eliminates the potentially unpredictable growth of natural grass.¹ Current law prohibits homeowners’ associations from restricting property owners or their tenants from installing, displaying, or storing synthetic turf that is not visible from the parcel’s frontage or an adjacent parcel.² However, there is no law restricting local governments from regulating synthetic turf.

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.³ Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.⁴ Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.⁵

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.⁶

¹ Kevin Sullivan, *Artificial Turf 101: A Comprehensive Guide to Synthetic Grass*, Turf Network Directory & Information Hub, available at <https://turfnetwork.org/artificial-turf-101/> (last visited Mar. 26, 2025).

² Section 720.3045, F.S.

³ Art. VIII, s. 1(f), Fla. Const.

⁴ Art. VIII, s. 1(g), Fla. Const.

⁵ Art. VIII, s. 2(b); *see also* Section 166.021(1), F.S.

⁶ Preemption Definition, Black’s Law Dictionary (12th ed. 2024).

Where state preemption applies, a local government may not exercise authority in that area.⁷ Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.⁸

Prompt Payments for Public Construction Contracts

Contracts between local governments and private contractors for construction of public projects are subject to prompt payment requirements. The Local Government Prompt Payment Act⁹ provides for timely payment by local governmental entities¹⁰ to construction contractors.¹¹ The collection of statutes provides timelines for payment, schedules for interest on late payments, and dispute resolution processes.¹²

Change Orders

A “change order” is an amendment to a construction contract that changes the contractor’s scope of work. Most change orders modify the work required by the contract or adjust the amount of time the contractor has to complete the work, or both.¹³

Competitive Solicitation of Construction Services

Current law specifies construction services procurement procedures for public property and public owned buildings.¹⁴ The Department of Management Services (DMS) is responsible for establishing by rule procedures to:¹⁵

- Determine the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.¹⁶
- Award each state agency construction project to the lowest qualified bidder.¹⁷
- Govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.¹⁸
- Enter into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.¹⁹

⁷ *D’Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, [*The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*](#), 83 Fla. B.J. 92 (June 2009).

⁸ See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

⁹ Part VII, Ch. 218, F.S.

¹⁰ A county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof. Section 218.72(5), F.S.

¹¹ A contractor is one who contracts directly with a local government to provide construction services. Section 218.72(3), F.S.

¹² Section 218.71, F.S.

¹³ Luke J. Farley, Sr., *Construction 101: The Basics of Change Orders*, American Bar Association (October 8, 2018) https://www.americanbar.org/groups/construction_industry/publications/under_construction/2018/fall/construction-101/ (last visited Mar. 26, 2025).

¹⁴ See ch. 255, F.S.

¹⁵ Section 255.29, F.S.

¹⁶ Rules 60D-5.004 and F.A.C.

¹⁷ Rule 60D-5.007, F.A.C.

¹⁸ Rule 60D-5.008, F.A.C.

¹⁹ Rule 60D-5.0082, F.A.C.

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.²⁰ A county, municipality, special district, or other political subdivision seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000.²¹

Prohibited Local Government Preferences in Contracts for Construction Services

In a competitive solicitation²² for construction services that is paid for with state-appropriated funds, a local government may not use a local ordinance or regulation that provides a preference based upon a contractor, subcontractor, or material supplier or carrier:²³

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

A local government that will use state-appropriated funds to pay for construction services must disclose in the solicitation document that any of the aforementioned preferences will be prohibited.²⁴

Public Works Projects

A public works project is an activity that is paid for with any state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.²⁵

Prohibited Local Government Preferences in Public Works Projects

Except as required by federal or state law, the state or any political subdivision²⁶ that contracts for a public works project may not:²⁷

- Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the headquarters or offices of the party, unless the local government is the sole source of funding for the project;

²⁰ See s. 255.0525, F.S.; see also Rules 60D-5.002 and 60D-5.0073, F.A.C.

²¹ Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over \$75,000.

²² “Competitive solicitation” means an invitation to bid, a request for proposals, or an invitation to negotiate. Section 255.248, F.S.

²³ Section 255.0991(2), F.S.

²⁴ Section 255.0991(3), F.S.

²⁵ Section 255.0992(1)(b), F.S.

²⁶ “Political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works. See s. 255.0992(1)(a), F.S.

²⁷ Section 255.0992, F.S.

- Require a contractor, subcontractor, or material supplier or carrier engaged in the project to:
 - Pay employees a predetermined amount of wages or prescribe any wage rate;
 - Provide employees a specified type, amount, or rate of employee benefits;
 - Control, limit, or expand staffing; or
 - Recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is able to perform the work described and is qualified, licensed, or certified as required by state law.

Enforcement of the Florida Building Code: Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.²⁸ Authorized state and local government agencies enforce the Florida Building Code and issue building permits.²⁹

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.³⁰ A local building department or enforcement agency must post each type of building permit application on its website.³¹ Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.³²

A local government may not require a contract between a builder and an owner for the issuance of a building permit, or as a requirement for the submission of a building permit application.³³

Elevator Regulation

The Elevator Safety Act (the act), located in ch. 399, F.S., establishes the minimum standards for elevator personnel in order “to provide for the safety of life and limb and to promote public safety awareness”.³⁴ The Elevator Safety Act broadly defines the term “elevator” to include:³⁵

- Hoisting Mechanical Devices;
- Escalators;
- Dumbwaiters;
- Moving Walks;
- Inclined Stairway Chairlifts; and
- Inclined or Vertical Wheelchair Lifts.

²⁸ Section 553.72(2), F.S.

²⁹ See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

³⁰ See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

³¹ Section 553.79(1)(b), F.S.

³² Section 105.3, 2023 Florida Building Code.

³³ Section 553.79(1)(f), F.S.

³⁴ Section 399.001, F.S.

³⁵ Section 399.01(6), F.S.

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) has both rulemaking and enforcement authority under ch. 399, F.S. The division is also responsible for issuing elevator permits and certificates of operation for companies or individuals to install, service, or inspect elevators.³⁶

The act prohibits an elevator from being “erected, constructed, installed or altered” until a permit is issued from the DBPR. The act further requires each elevator to have a certificate of operation from the DBPR before being operated.³⁷

Section 399.061, F.S., requires an annual inspection of elevators by a certified elevator inspector. The certified elevator inspector may be a private elevator inspector, a state-employed elevator inspector, or an inspector for a municipality or country under contract with the DBPR.³⁸

Section 399.02(6)(b), F.S., provides that the division may enter and have reasonable access to all buildings and rooms or spaces in which an existing or newly installed conveyance and equipment are located.

Interior Support Rails

The act requires every elevator, except elevators in private residences, to have at least one support rail to assist persons with physical handicaps.³⁹

Support rails must be continuous and have a minimum length of 42 inches. Support rails must also be:⁴⁰

- Smooth and have no sharp edges;
- Not more than 1.5 inches thick or 2.5 inches in diameter;
- Between 31-33 inches off the ground; and
- 1.5 inches from the elevator’s wall.

The railing requirements are also provided in section 3009.2 of the Florida Building Code which provides that “[e]ach elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1 1/2 inches (38 mm) thick or 2 1/2 inches (63 mm) in diameter. Support rails must be continuous and a minimum length of 42 inches (1067 mm) overall.”

Contractors

Contractors are regulated by ch. 489, F.S., which outlines the law pertaining to contractors in the state of Florida. Part I of ch. 489, F.S., covers construction contracting regulated by the Construction Industry Licensing Board (CILB) and pt. II of ch. 489, F.S., covers electrical/alarm system contracting regulated by the Electrical Contractors’ Licensing Board. Both boards are housed in the Department of Business and Professional Regulation (DBPR).

³⁶ Section 399.10, F.S.

³⁷ Section 399.03(1) and (5), F.S.

³⁸ See S: 399.061, F.S. In 2000, the Legislature amended s. 399.061, F.S., (ch. 2000-356 s. 4, Laws of Fla.) to provide for the use of private elevator inspectors.

³⁹ Sections 399.02, and 399.035, F.S.

⁴⁰ Section 399.035, F.S.

Construction contractors are either certified or registered by the CILB. The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate. The CILB meets to approve or deny applications for licensure, review disciplinary cases, and to conduct informal hearings relating to discipline.⁴¹

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by the DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.⁴²

"Registered contractors" are individuals who have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued. Registered contractors must register their license with the CILB after obtaining a local license.⁴³

In order to perform construction contracting in the state, a person must be certified or registered as a contractor, be an employee⁴⁴ of a certified or registered contractor, or fall under an exemption provided in current law.⁴⁵ The construction industry, in general, received 2,464 unlicensed activity complaints in the year fiscal year 2022-2023.⁴⁶

Currently, a "general contractor" is required to subcontract all swimming pool work except for structural swimming pool work.⁴⁷

Swimming Pool/Spa Contractors

"Commercial pool/spa contractors" are individuals who are certified or registered to construct, repair, and service any public or private swimming pool, hot tub, or spa including:⁴⁸

- Installing, repairing, or replacing existing equipment;
- Cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes;
- Installing new pool/spa equipment, interior finishes, package pool heaters, and perimeter piping and filter piping;
- Constructing equipment rooms or housing for pool/spa equipment; and
- The scope of work of a swimming pool/spa servicing contractor.

⁴¹ Section 489.107, F.S.

⁴² Section 489.105, F.S.

⁴³ Sections 489.105, and 489.117, F.S.

⁴⁴ "Employee" means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law. Section 489.103(2)(b), F.S.

⁴⁵ Section 489.103(2), and 489.113, F.S.

⁴⁶ DBPR, *Fiscal Year 2022-2023 Annual Report on Unlicensed Activity*, <https://www2.myfloridalicense.com/reg/documents/ULA%20Report%20FY22-23.pdf>, (last visited March 11, 2025).

⁴⁷ Section 489.113(3)(c).

⁴⁸ Section 489.105(3)(j), F.S.

“Residential pool/spa contractors” are individuals who are certified or registered to construct repair, and service any residential swimming pool, hot tub, or spa. The scope of work is identical to the scope of work for commercial pool/spa contractors; however, residential pool/spa contractors may only work on residential swimming pools, hot tubs, and spas.⁴⁹

“Swimming pool/spa servicing contractors” are individuals who are certified or registered to repair and service any public or private swimming pool, hot tub, or spa including:⁵⁰

- Repairing or replacing existing equipment;
- Cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes;
- Installing new pool/spa equipment and interior refinishing;
- Reinstalling or adding pool heaters;
- Repairing or replacing perimeter piping and filter piping;
- Repairing equipment rooms or housing for pool/spa equipment; and
- Substantially or completely draining a swimming pool, or hot tub or spa, for the purpose of repair or renovation.

The scope of work for all three types of swimming pool/spa contractors does not include direct connections to a sanitary sewer system or to potable water lines.⁵¹

Water treatment or cleaning a pool or spa does not require a license unless the structural integrity of the pool or spa is affected, or equipment attached to the pool or spa must be substantially or completely disassembled or replaced in order to treat the water or clean the pool. Installing an aboveground pool also does not require a license.⁵²

A contractor, including pool/spa contractors, must subcontract all electrical, mechanical, plumbing, roofing, sheet metal, and air-conditioning work, to a contractor certified or registered in the respective category, unless the pool/spa contractor also holds a state certificate or registration in the respective category.⁵³

In order to obtain certification as a swimming pool/spa contractor, a person must:⁵⁴

- Apply to the DBPR in writing;
- Be 18 years of age;
- Be of good moral character;
- Pass the examination for the certification sought; and
- Have one of the following:
 - A bachelor degree from a four year college in the appropriate field of engineering, architecture, or building construction, and one year of proven experience;

⁴⁹ Section 489.105(3)(k), F.S.

⁵⁰ Section 489.105(3)(l), F.S.

⁵¹ Section 489.105, F.S.

⁵² Sections 489.103(6), and 489.105, F.S.; DBPR, *Trust but Verify*, http://www.myfloridalicense.com/dbpr/reg/documents/trustbutverify_000.pdf?x40199 (last visited March 11, 2025).

⁵³ Section 489.113(3), F.S.

⁵⁴ Sections 489.111, & 489.113, F.S.

- Four years of experience as a foreman or a skilled worker with at least one year as a foreman;
- A combination of college and experience as a foreman or skilled worker that equals four years with at least one of the years as a foreman; or
- One year of experience and 60 hours of instruction courses approved by the CILB; however, this only applies to swimming pool/spa servicing contractors.

Swimming Pool/Spa Specialty Contractors

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction that is a subset of a certified contractor’s scope of work, such as a drywall specialty license or a demolition specialty license. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.⁵⁵

The CILB has created eight types of pool/spa specialty contractor certifications. Pool/spa specialty contractors, except residential swimming pool/spa servicing specialty contractors, must work under contract with and under the supervision of a licensed swimming pool/spa contractor. However, they are not required to be employees of a licensed pool/spa contractor.⁵⁶

In order to obtain certification as a certified specialty pool/spa contractor a person must:⁵⁷

- Submit a written application to the CILB;
- Be at least 18 years of age;
- Be of good moral character;
- Pass a written examination for the specialty pool/spa contractor category sought; and
- Demonstrate four years of experience in the specialty pool/spa contractor category sought, or one year of experience and 60 hours of instruction courses approved by the CILB; however, the one year of experience only applies to residential swimming pool/spa servicing contractors.

Additionally, a pool/spa contractor (commercial, residential, and servicing) is required to complete 14 hours of continuing education and pay a renewal fee of \$205 per year.⁵⁸

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida’s minimum standards were met. Local governments could choose from four separate model codes. The state’s role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.⁵⁹

⁵⁵ Section 489.105(3)(q), F.S.

⁵⁶ Fla. Admin. Code R. 61G4-15.032; Rule 61G4-15.040.

⁵⁷ *Id.*

⁵⁸ DBPR, *Getting Started in the Construction Industry*, CE Requirements, <https://www2.myfloridalicense.com/construction-industry/#ce> (last visited March 11, 2025).

⁵⁹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Mar. 11, 2025).

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study’s commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.⁶⁰ The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.⁶¹

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁶²

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁶³ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶⁴

Private Providers Alternative Plans Review and Inspection

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

“Private provider” means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.⁶⁵

Private providers and their duly authorized representatives⁶⁶ are able to approve building plans and perform building code inspections, including single-trade inspections, as long as the plans

⁶⁰ *Id.*

⁶¹ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Mar. 11, 2025).

⁶² See s. 553.72(1), F.S.

⁶³ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Mar. 11, 2025).

⁶⁴ Section 553.73(7)(a), F.S.

⁶⁵ Section 553.791(1)(n) and (3), F.S.

⁶⁶ “Duly authorized representative” means an employee of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building official, inspector, or plans examiner. Section 553.791(1)(f), F.S.

approval and building inspections are within the scope of the provider's or representative's license. "Single-trade inspection" is defined as:

"...any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping."⁶⁷

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.⁶⁸

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.⁶⁹ 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.⁷⁰

Current law specifies a process for an owner or contractor to notify the local government that a private provider has been contracted to perform building code inspection services, including single-trade inspections. Such notice must be provided in writing at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.⁷¹

After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner, the owner or contractor may elect to use a private provider to provide inspection services by notifying the local building official by 2 p.m., two days before the next schedule inspection.⁷²

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.⁷³

⁶⁷ Section 553.791(1)(q), F.S.

⁶⁸ Section 553.791(16)(b), F.S.

⁶⁹ "Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services." Section 553.791(2)(b), F.S.

⁷⁰ Section 553.791(2)(b), F.S.

⁷¹ Section 553.791(4), F.S.

⁷² Section 553.791(5), F.S.

⁷³ Section 553.791(8), F.S.

For plans review, a private provider must review the plans⁷⁴ to determine compliance with the applicable codes⁷⁵ and prepare an affidavit⁷⁶ certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.⁷⁷

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.⁷⁸ If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and shall be issued on the next business day.⁷⁹ If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.⁸⁰ The law further specifies the process for a private provider to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.

Effect of Proposed Changes:

Section 1 creates s. 125.572, F.S., to direct the Department of Environmental Protection (DEP) to adopt minimum standards for the installation of synthetic turf on single-family residential properties one acre or less in size. These standards must take into account material type, permeability, stormwater management, potable water conservation, water quality, proximity to vegetation, and other environmental conditions.

Upon the adoption of such standards, the section prohibits local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf on his or her land that complies with these standards.

The section also prohibits a local government from adopting or enforcing any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent to the standards adopted.

The term “synthetic turf” is defined to mean “a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.”

The bill directs the DEP to adopt rules to implement the section.

Section 2 creates s. 218.755, F.S., to provide that if a local government receives a price quote for a change order from its contractor, which meets all statutory and contractual requirements, the

⁷⁴ “Plans” means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.

⁷⁵ “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to ch. 633, F.S. Section 553.791(1)(a), F.S.

⁷⁶ The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

⁷⁷ Section 553.791(6), F.S.

⁷⁸ Section 553.791(7)(a), F.S.

⁷⁹ *Id.*

⁸⁰ Section 553.791(7)(b), F.S.

local government must provide written notice to the contractor approving or denying the price quote within 35 days.

If a local government denies the price quote, the written notice must specify the alleged deficiencies in the quote and list the actions necessary to remedy the deficiencies. If a local government fails to provide such information in the written denial notice then it is liable to the contractor for any additional labor, staffing, materials, supplies, equipment, and overhead associated with the change order.

A contract between a local government and a contractor may not alter these provisions.

Section 3 amends s. 255.0992, F.S., to provide that the state or any political subdivision which contracts for public works may not, when scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4 amends s. 399.035, F.S., to provide that only one interior support rail in an elevator must be continuous and at least 42 inches long, instead of requiring all interior support rails in an elevator to meet these requirements.

Section 5 amends s. 489.105, F.S., to revise the scope of allowable work for commercial, residential, and servicing swimming pool contractors in the following ways:

Commercial Pool/Spa Contractor:

- Expands the definition of a commercial pool/spa contractor to provide that a commercial pool/spa contractor's scope of work involves but is not limited to:
 - All phases of construction repair, renovation, remodel, deconstruction, and servicing of a swimming pool, hot tub, or spa, splash pad, or other interactive water feature, decorative water feature, public bathing place, or a swimming pool or spa appurtenance.
- Expands the scope of work to:
 - The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.
 - The installation of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.
 - The construction of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment for the protection of the equipment from outside elements or preventing unauthorized access.
 - The excavation and earthmoving required for the installation of swimming pools, spas, hot tubs, or interactive water features and the operation of construction pumps for dewatering purposes for swimming pool, spa, hot tub, or interactive water feature excavation sites and draining swimming pools, spas, hot tubs, or interactive water features.

- The installation of rebar or similar support materials for swimming pool, spa, hot tub, or interactive water feature structures, and the shaping and shooting of gunite dry mix and wet mix, concrete, or similar product mix used in the construction of swimming pools, spas, hot tubs, or interactive water features.
- The installation of fiberglass swimming pool, spa, or hot tub shells and vinyl swimming pool, spa, or hot tub liners.
- The application and removal of all interior swimming pool, spa, hot tub, or interactive water feature finishes.
- The construction, maintenance, or remodel of decorative or interactive water features, displays, or areas that use recirculated water, including fountains, waterfalls, and spray nozzles.
- The installation of all swimming pool, spa, hot tub, or interactive water feature piping, including, but not limited to, drain piping, perimeter piping, and circulation or filter piping used in the construction of swimming pools, spas, hot tubs, or decorative or interactive water feature displays or areas.
- The construction and installation of retaining walls, concrete flatwork, pavers and bricks, and footings for the construction of a swimming pool, spa, hot tub, or interactive water feature, whether newly constructed or additions to or remodels of existing swimming pools, spas, hot tubs, or interactive water features.
- Limits the scope of work by providing that the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel, is not included within the scope of work.
- Clarifies that licensure is not required when using equipment for:
 - Treating or cleaning a swimming pool, spa, hot tub, or interactive water feature unless such use involves installation, modification, or replacement of the equipment.
 - Treating water, filter media changes, or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature.

Residential Pool/Spa Contractor:

- Revises the definition of a residential pool/spa contractor to mean:
 - A contractor whose scope of work is the same as a commercial pool/spa contractor under paragraph (j), except a residential pool/spa contractor may not construct any new commercial swimming pool, spa, hot tub, or public bathing place.

Swimming Pool/Spa Servicing Contractor:

- Revises the definition of a swimming pool/spa servicing contractor to include:
 - All aspects of the repair, renovation, remodeling, or servicing of a swimming pool, hot tub, spa, splash pad, or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance.
- Clarifies a swimming pool/spa servicing contractor's scope of work by including but not limiting to:
 - The installation, repair, or replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, including, but not limited to, pool pumps; filters; feeders; controllers; and swimming pool, spa, or hot tub heaters, whether electric, gas, or solar.

- The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.
- The repair or replacement of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.
- The repair of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment.
- The repair or replacement of all perimeter piping and filter piping.
- The substantial or complete draining of a swimming pool, spa, or hot tub for repair or renovation and the operation of construction pumps for dewatering purposes for drained swimming pools, spas, hot tubs, or interactive water features.
- The removal and reapplication of all interior swimming pool, spa, hot tub, or interactive water feature finishes.
- The installation, repair, or replacement of all tile and coping for a swimming pool, spa, hot tub, or interactive water feature.
- Clarifies a swimming pool/spa servicing contractor's scope of work does not include:
 - The installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

Section 6 amends s. 489.113, F.S., to provide that a building contractor may not be required to subcontract structural swimming pool or pool wet deck area work. It further defines the term “pool wet deck area” as the four-foot-wide unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, pool slides, waterfalls, water features, starting blocks, planters, or lifeguard chairs.

Section 7 amends s. 489.505, F.S., to include surveillance cameras in the scope of work used to define certified alarm system contractors. Specifically, the bill provides that the scope of certification for alarm system contractors newly includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts, when those items are for the purpose of providing surveillance cameras.

Section 8 amends s. 553.73, F.S., to provide that, by January 1, 2026, or the next update of the Florida Building Code (currently scheduled for the end of 2026), the Florida Building Commission must amend the Florida Building Code to be consistent with the International Building Code provisions recognizing tall mass timber as allowable material for construction types IV-A, IV-B, IV-C, and IV-HT.⁸¹

The section also provides total exemption from the Florida Building Code for any system or equipment, whether affixed or movable, which is located on property within a spaceport

⁸¹ Mass timber is a category of engineered wood products designed to be strong and fire-resistant enough for use in large-scale construction. The International Building Code maintains regulations specifying fire-resistance ratings, maximum heights and floor areas for construction using mass timber products, and classification of construction types using mass timber.

territory,⁸² and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

Section 9 amends s. 553.79, F.S., to provide that a local enforcement agency may not require a copy of a contract between a builder and an owner or any ancillary documents such as letters of intent, material costs lists, labor costs, or overhead or profit statements, as a requirement to apply for or receive a building permit.

Section 10 amends s. 553.791, F.S., to allow private providers to perform “single-trade plans review,” an analogous concept to the existing single-trade inspections provided for in current law. Such single-trade plans review may be conducted using an automated or software-based plans review system to determine compliance with applicable codes, provided that the provider specifies in the required affidavit any such system used. Additionally, where the local building official must issue a permit within 20 business days after receipt of an application and private provider affidavit, the bill requires action within five business days if the permit application is related to single-trade plans review for single-family or two-family dwellings.

The bill also expands the universe of valid trade work for which private providers can perform inspections, and now plans review, to include solar energy and energy storage installations or alterations.

Finally, the bill specifically allows private providers to perform single-trade inspections virtually and requires the notice to the building official pursuant to s. 553.791(5), F.S., include whether inspections will be conducted virtually or in person.

Section 11 amends s. 497.271, F.S., to correct a cross-reference and make technical changes.

Sections 12 -25 reenact various statutes for the purpose of incorporation.

Section 26 provides an effective date of July 1, 2025.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁸² Section 331.304, F.S., provides areas that are designated as spaceport territory. The list includes Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Eglin Air Force Base, Cecil Airport in Duval County, Homestead Air Force Base, Tyndall Air Force Base, and certain other properties.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Requiring local governments to process change orders within 30 days may lead to a decrease in construction time.

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 255.0992, 399.035, 489.105, 489.113, 489.505, 553.73, 553.79, 553.791, and 497.271.

This bill creates the following sections of the Florida Statutes: 125.572 and 218.755.

This bill reenacts the following sections of the Florida Statutes: 489.107, 489.117, 489.118, 489.131, 489.141, 514.0315, 514.075, 201.21, 177.073, 468.621, 471.033, 481.225, and 553.80.

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

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

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:

The committee substitute:

- Requires one continuous interior support rail in elevators;
- Revises the scope of allowable work for swimming pool contractors;
- Allows private providers to perform single-trade plans reviews, provides for expedited permit processing, and expands the work for which private providers can perform inspections;
- Extends the timeline for local governments to approve or deny the price quote for a contractor change order from 30 days to 35 days, and;
- Includes clarifying language for prohibited governmental actions on public works projects.

CS by Community Affairs on March 31, 2025:

The committee substitute:

- Revises the turf preemption to require that the Department of Environmental Protection adopt standards for installation on residential properties smaller than one acre. The general preemption takes effect when those standards are adopted.
- Introduces three new subjects to the bill: adding surveillance cameras to the scope of certification for certified alarm system contractors; requiring that the Florida Building Commission include certain standards for mass timber in the Florida Building Code; and exempting systems and equipment involved in the launch of spacecraft from the Florida Building Code.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2025	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 125.572, Florida Statutes, is created to
read:

125.572 Regulation of synthetic turf.-

(1) As used in this section, the term "synthetic turf"
means a manufactured product that resembles natural grass and is
used as a surface for landscaping and recreational areas.



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(2) The Department of Environmental Protection shall adopt minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, color, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.

(3) Upon the Department of Environmental Protection adopting rules pursuant to subsection (4), a local government may not:

(a) Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(4) The Department of Environmental Protection shall adopt rules to implement this section.

Section 2. Section 218.755, Florida Statutes, is created to read:

218.755 Prompt processing of change orders.—Beginning on or after July 1, 2025, if a local governmental entity receives from its contractor a price quote for a change order issued by the



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local governmental entity, and the price quote conforms to all
statutory requirements and contractual requirements for the
project, the local governmental entity must approve or deny the
price quote and send written notice of such decision to the
contractor within 30 days after receipt of such quote. Any
denial notice must specify the alleged deficiencies in the price
quote and the actions necessary to remedy those deficiencies. If
the local governmental entity fails to provide such information
on a denial notice, it is liable to the contractor for all
additional labor, staffing, materials, supplies, equipment, and
overhead associated with the change order. A contract between a
local governmental entity and a contractor may not alter the
local governmental entity's duties under this section.

Section 3. Paragraph (d) is added to subsection (2) of
section 255.0992, Florida Statutes, to read:

255.0992 Public works projects; prohibited governmental
actions.—

(2) Except as required by federal or state law, the state
or any political subdivision that contracts for a public works
project may not take the following actions:

(d) Penalize a bidder for performing a larger volume of
construction work for the state or political subdivision or
reward a bidder for performing a smaller volume of construction
work for the state or political subdivision.

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

399.035 Elevator accessibility requirements for the
physically handicapped.—

(1) Each elevator, the installation of which is begun after



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October 1, 1990, must be made accessible to physically handicapped persons with the following requirements:

(b) Each elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1 1/2 inches thick or 2 1/2 inches in diameter. At least one support rail ~~Support rails~~ must be continuous and a minimum length of 42 inches overall. The inside surface of support rails must be 1 1/2 inches clear of the car wall. The distance from the top of the support rail to the finished car floor must be at least 31 inches and not more than 33 inches. Padded or tufted material or decorative materials such as wallpaper, vinyl, cloth, or the like may not be used on support rails.

Section 5. Paragraphs (j), (k), and (l) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height;



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and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(j) "Commercial pool/spa contractor" means a contractor whose scope of work includes ~~involves~~, but is not limited to, all phases of the construction, repair, renovation, remodel, deconstruction, and servicing of a ~~any~~ swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash pad or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance, whether public, private, or otherwise, regardless of use.

1. The scope of such work includes, but is not limited to, all of the following:

a. The scope of work of a swimming pool/spa servicing contractor.

b. The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.

c. The installation of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.

d. The construction of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment for the protection of the equipment from outside elements or preventing unauthorized access.

e. The excavation and earthmoving required for the



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installation of swimming pools, spas, hot tubs, or interactive water features and the operation of construction pumps for dewatering purposes for swimming pool, spa, hot tub, or interactive water feature excavation sites and draining swimming pools, spas, hot tubs, or interactive water features.

f. The installation of rebar or similar support materials for swimming pool, spa, hot tub, or interactive water feature structures, and the shaping and shooting of gunite dry mix and wet mix, concrete, or similar product mix used in the construction of swimming pools, spas, hot tubs, or interactive water features.

g. The installation of fiberglass swimming pool, spa, or hot tub shells and vinyl swimming pool, spa, or hot tub liners.

h. The application and removal of all interior swimming pool, spa, hot tub, or interactive water feature finishes.

i. The construction, maintenance, or remodel of decorative or interactive water features, displays, or areas that use recirculated water, including fountains, waterfalls, and spray nozzles.

j. The installation of all swimming pool, spa, hot tub, or interactive water feature piping, including, but not limited to, drain piping, perimeter piping, and circulation or filter piping used in the construction of swimming pools, spas, hot tubs, or decorative or interactive water feature displays or areas.

k. The construction and installation of retaining walls, concrete flatwork, pavers and bricks, and footings for the construction of a swimming pool, spa, hot tub, or interactive water feature, whether newly constructed or additions to or remodels of existing swimming pools, spas, hot tubs, or



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interactive water features ~~The installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor.~~

2. The scope of ~~such~~ work does not include direct connections to a sanitary sewer system or to potable water lines, the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel. ~~The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however,~~

3. The ~~use~~ usage of swimming pool, spa, hot tub, or interactive water feature ~~such~~ equipment for the purposes of water treatment or cleaning does not require licensure unless such use ~~the usage~~ involves installation ~~construction~~, modification, or replacement of such equipment. Water treatment that does not require such equipment; filter media changes; or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature, does not require a license. ~~In addition, a license is not required for the cleaning of the~~



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~~pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.~~

(k) "Residential pool/spa contractor" means a contractor whose scope of work is the same as a commercial pool/spa contractor under paragraph (j), except a residential pool/spa contractor may not construct any new commercial swimming pool, spa, hot tub, or public bathing place ~~means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of a residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for~~



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~~the cleaning of the pool or spa in a way that does not affect
the structural integrity of the pool or spa or its associated
equipment.~~

(1) "Swimming pool/spa servicing contractor" means a contractor whose scope of work includes ~~involves~~, but is not limited to, all aspects of the repair, renovation, remodeling, or and servicing of a swimming pool, or hot tub, or spa, splash pad or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance, whether public or private, or otherwise, regardless of use.

1. The scope of work includes, but is not limited to, all of the following:

a. The installation, repair, or replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, including, but not limited to, pool pumps; filters; feeders; controllers; and swimming pool, spa, or hot tub heaters, whether electric, gas, or solar.

b. The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.

c. The repair or replacement of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.

d. The repair of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment.



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e. The repair or replacement of all perimeter piping and filter piping.

f. The substantial or complete draining of a swimming pool, spa, or hot tub for repair or renovation and the operation of construction pumps for dewatering purposes for drained swimming pools, spas, hot tubs, or interactive water features.

g. The removal and reapplication of all interior swimming pool, spa, hot tub, or interactive water feature finishes.

h. The installation, repair, or replacement of all tile and coping for a swimming pool, spa, hot tub, or interactive water feature ~~the repair or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of repair or renovation.~~

2. The scope of the such work does not include direct connections to a sanitary sewer system or to potable water lines, the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel. ~~The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however,~~

3. The use usage of swimming pool, spa, hot tub, or



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272 interactive water feature ~~such~~ equipment for the purposes of
273 water treatment or cleaning does not require licensure unless
274 such use ~~the usage~~ involves installation ~~construction~~,
275 modification, ~~substantial or complete disassembly~~, or
276 replacement of such equipment. Water treatment that does not
277 require such equipment; filter media changes; or the cleaning of
278 a swimming pool, spa, hot tub, or interactive water feature, or
279 its associated equipment which does not affect the structural
280 integrity of the swimming pool, spa, hot tub, or interactive
281 water feature does not require a license. ~~In addition, a license~~
282 ~~is not required for the cleaning of the pool or spa in a way~~
283 ~~that does not affect the structural integrity of the pool or spa~~
284 ~~or its associated equipment.~~

285 Section 6. Paragraph (c) of subsection (3) of section
286 489.113, Florida Statutes, is amended to read:

287 489.113 Qualifications for practice; restrictions.—

288 (3) A contractor shall subcontract all electrical,
289 mechanical, plumbing, roofing, sheet metal, swimming pool, and
290 air-conditioning work, unless such contractor holds a state
291 certificate or registration in the respective trade category,
292 however:

293 (c) A general or building contractor may ~~shall~~ not be
294 required to subcontract structural swimming pool or pool wet
295 deck area work. All other swimming pool work must ~~shall~~ be
296 subcontracted to an appropriately licensed certified or
297 registered swimming pool contractor. For the purposes of this
298 paragraph, the term "pool wet deck area" means the 4-foot-wide
299 unobstructed pool deck area around the outside of the pool water
300 perimeter, curb, ladders, handrails, diving boards, diving



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towers, pool slides, waterfalls, water features, starting
blocks, planters, or lifeguard chairs.

Section 7. Subsection (7) of section 489.505, Florida
Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(7) “Certified alarm system contractor” means an alarm
system contractor who possesses a certificate of competency
issued by the department. The scope of certification is limited
to alarm circuits originating in the alarm control panel and
equipment governed by the applicable provisions of Articles 722,
725, 760, 770, 800, and 810 of the National Electrical Code,
Current Edition, and National Fire Protection Association
Standard 72, Current Edition. The scope of certification for
alarm system contractors also includes the installation, repair,
fabrication, erection, alteration, addition, or design of
electrical wiring, fixtures, appliances, thermostats, apparatus,
raceways, and conduit, or any part thereof not to exceed 98
volts (RMS), when those items are for the purpose of
transmitting data or proprietary video (satellite systems that
are not part of a community antenna television or radio
distribution system) or providing central vacuum capability,
surveillance cameras, or electric locks; however, this provision
governing the scope of certification does not create any
mandatory licensure requirement.

Section 8. Subsections (2) and (10) of section 553.73,
Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(2)(a) The Florida Building Code shall contain provisions
or requirements for public and private buildings, structures,



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and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4) and (6)-(9), ~~(6), (7), (8), and (9)~~ are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(b) By January 1, 2026, or the next update of the Florida



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Building Code, whichever occurs first, the commission shall
amend the Florida Building Code to be consistent with the 2024
International Building Code that recognizes tall mass timber as
an allowable material for construction types IV-A, IV-B, IV-C,
and IV-HT.

(10) The following buildings, structures, and facilities
are exempt from the Florida Building Code as provided by law,
and any further exemptions shall be as determined by the
Legislature and provided by law:

(a) Buildings and structures specifically regulated and
preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the
railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for
construction purposes.

(e) Mobile or modular structures used as temporary offices,
except that the provisions of part II relating to accessibility
by persons with disabilities apply to such mobile or modular
structures.

(f) Those structures or facilities of electric utilities,
as defined in s. 366.02, which are directly involved in the
generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in
commercial motion picture or television production, or any
sound-recording equipment used in such production, on or off the
premises.

(h) Storage sheds that are not designed for human
habitation and that have a floor area of 720 square feet or less



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are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

(l) A drone port as defined in s. 330.41(2).



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(m) Any system or equipment, whether affixed or movable, which is located on property within a spaceport territory pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 9. Paragraph (f) of subsection (1) of 553.79, Florida Statutes, is amended, and subsection (11) of that



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section is reenacted, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application.

(11) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.

Section 10. Paragraphs (1) and (q) of subsection (1) and subsections (5) through (8) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(1) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:



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1. The plans reviewed by the private provider, or in the case of a single-trade plan review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans review of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(5) After construction has commenced and if either 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 fee owner or the fee owner's contractor may elect



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to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4) (a) - (c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

(7) (a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or



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provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed time 20-day period, the permit application must ~~shall~~ be deemed approved as a matter of law, and the permit must ~~shall~~ be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed time 20-day period, the time 20-day period is ~~shall~~ ~~be~~ tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time 20-day period plus 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must ~~shall~~ be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.



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(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person ~~in-person~~ or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

Section 11. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—



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(3) The licensing authority shall transmit the rules as adopted under subsection (2), ~~hereinafter~~ referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they must ~~shall~~ be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must ~~shall~~ adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When ~~se~~ designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

Section 12. For the purpose of incorporating the amendment



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made by this act to section 489.105, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 489.107, Florida Statutes, is reenacted to read:

489.107 Construction Industry Licensing Board.—

(4) The board shall be divided into two divisions, Division I and Division II.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)–(p).

Section 13. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (2) of section 489.113, Florida Statutes, is reenacted to read:

489.113 Qualifications for practice; restrictions.—

(2) A person must be certified or registered in order to engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a subcontractor who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervising contractor's license, the supervising contractor is responsible for the work, and the subcontractor being supervised is not engaged in construction work that would require a license as a contractor under any of the categories



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listed in s. 489.105(3)(d)-(o). This subsection does not affect the application of any local construction licensing ordinances. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

Section 14. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in references thereto, paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (a), (d), and (e) of subsection (4) of section 489.117, Florida Statutes, are reenacted to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(3)(a)-(o) must be registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local



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examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(2)(a) Except as provided in paragraph (b), the board may not issue a new registration after July 1, 1993, based on any certificate of competency or license for a category of contractor defined in s. 489.105(3)(a)-(o) which is issued by a municipal or county government that does not exercise disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in s. 489.131(7). For purposes of this subsection and s. 489.131(10), the board shall determine the adequacy of such disciplinary control by reviewing the local government's ability to process and investigate complaints and to take disciplinary action against locally licensed contractors.

(b) The board shall issue a registration to an eligible applicant to engage in the business of a contractor in a specified local jurisdiction, provided each of the following conditions are satisfied:

1. The applicant held, in any local jurisdiction in this state during 2021, 2022, or 2023, a certificate of registration issued by the state or a local license issued by a local jurisdiction to perform work in a category of contractor defined in s. 489.105(3)(a)-(o).

2. The applicant submits all of the following to the board:

a. Evidence of the certificate of registration or local license held by the applicant as required by subparagraph 1.

b. Evidence that the specified local jurisdiction does not



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have a license type available for the category of work for which the applicant was issued a certificate of registration or local license during 2021, 2022, or 2023, such as a notification on the website of the local jurisdiction or an e-mail or letter from the office of the local building official or local building department stating that such license type is not available in that local jurisdiction.

c. Evidence that the applicant has submitted the required fee.

d. Evidence of compliance with the insurance and financial responsibility requirements of s. 489.115(5).

An examination is not required for an applicant seeking a registration under this paragraph.

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a state or local license to obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require



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a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

2. A county that includes an area designated as an area of critical state concern under s. 380.05 may offer a license for any job scope which requires a contractor license under this part if the county imposed such a licensing requirement before January 1, 2021.

3. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before January 1, 2021.

4. A local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or



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residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

(e) Any person who is not certified or registered may perform the work of a specialty contractor whose scope of practice is limited to the type of work specified under s. 489.105(3)(j), (k), or (l) for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, interactive water features as defined in the Florida Building Code, hot tubs, and spas without obtaining a local license or certification as a specialty contractor if he or she is supervised by a contractor who is certified or registered under s. 489.105(3)(j), (k), or (l); the work is within the scope of the supervising contractor's license; the supervising contractor is responsible for the work; and the work does not require certification or registration under s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505. Such supervision does not require a direct contract between the contractor certified or registered under s. 489.105(3)(j), (k), or (l) and the person performing the work, or for the person performing the work to be an employee of the contractor certified or registered under s. 489.105(3)(j), (k), or (l). This paragraph does not limit the exemptions provided in s. 489.103 and may not be construed to expand the scope of a contractor certified or registered under s. 489.105(3)(j), (k), or (l) to provide plumbing or electrical services for which certification or registration is required by this part or part II.



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Section 15. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (1) of section 489.118, Florida Statutes, is reenacted to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

Section 16. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in references thereto, subsections (10) and (11) of section 489.131, Florida Statutes, are reenacted to read:

489.131 Applicability.—

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction who is not, and has never been, a member or



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practitioner of a profession regulated by the board or a member of any closely related profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(3)(a)-(o), shall file a certified copy of such agreement with the board not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

Section 17. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (2) of section 489.141, Florida Statutes, is reenacted to read:

489.141 Conditions for recovery; eligibility.—

(2) A claimant is not qualified to make a claim for recovery from the recovery fund if:

(a) The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;

(b) The claimant is a licensee who acted as the contractor in the transaction that is the subject of the claim;

(c) The claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee;

(d) The claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract;

(e) The claimant was associated in a business relationship with the licensee other than the contract at issue; or



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(f) The claimant had entered into a contract with a licensee to perform a scope of work described in s. 489.105(3)(d)-(q) before July 1, 2016.

Section 18. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (3) of section 514.0315, Florida Statutes, is reenacted to read:

514.0315 Required safety features for public swimming pools and spas.—

(3) The determination and selection of a feature under subsection (2) for a public swimming pool or spa constructed before January 1, 1993, is at the sole discretion of the owner or operator of the public swimming pool or spa. A licensed contractor described in s. 489.105(3)(j), (k), or (l) must install the feature.

Section 19. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, section 514.075, Florida Statutes, is reenacted to read:

514.075 Public pool service technician; certification.—The department may require that a public pool, as defined in s. 514.011, be serviced by a person certified as a pool service technician. To be certified, an individual must demonstrate knowledge of public pools which includes, but is not limited to: pool cleaning; general pool maintenance; source of the water supply; bacteriological, chemical, and physical quality of water; and water purification, testing, treatment, and disinfection procedures. The department may, by rule, establish the requirement for the certification course and course



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approval. The department shall deem certified any individual who is certified by a course of national recognition or any person licensed under s. 489.105(3)(j), (k), or (l). This requirement does not apply to a person, or the direct employee of a person, permitted as a public pool operator under s. 514.031.

Section 20. For the purpose of incorporating the amendment made by this act to section 489.505, Florida Statutes, in a reference thereto, subsection (2) of section 201.21, Florida Statutes, is reenacted to read:

201.21 Notes and other written obligations exempt under certain conditions.—

(2) There shall be exempt from all excise taxes imposed by this chapter all non-interest-bearing promissory notes, non-interest-bearing nonnegotiable notes, or non-interest-bearing written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, of \$3,500 or less, when given by a customer to an alarm system contractor, as defined in s. 489.505, in connection with the sale of an alarm system as defined in s. 489.505.

Section 21. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 177.073, Florida Statutes, is reenacted to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

(4)(a) An applicant may use a private provider pursuant to s. 553.791 to expedite the application process for building permits after a preliminary plat is approved under this section.



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Section 22. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in references thereto, paragraphs (i) and (j) of subsection (1) of section 468.621, Florida Statutes, are reenacted to read:

468.621 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(i) Failing to lawfully execute the duties and responsibilities specified in this part and ss. 553.73, 553.781, 553.79, and 553.791.

(j) Performing building code inspection services under s. 553.791 without satisfying the insurance requirements of that section.

Section 23. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (1) of subsection (1) of section 471.033, Florida Statutes, is reenacted to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(1) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Section 24. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (1) of subsection (1) of section 481.225, Florida Statutes, is reenacted to read:

481.225 Disciplinary proceedings against registered architects.—



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(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(1) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Section 25. For the purpose of incorporating the amendment made by this act to section 553.791, Florida Statutes, in a reference thereto, paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is reenacted to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1,



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2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for



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such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government activities.

b. Inspections of public buildings for a reduced fee or no fee.

c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the



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time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

- a. Providing proof of licensure under chapter 489;
- b. Recording or filing a license issued under this chapter;
- c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 26. This act shall take effect July 1, 2025.

===== 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 construction regulations; creating s. 125.572, F.S.; defining the term "synthetic turf"; requiring the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on specified properties; requiring that the standards take into account specified factors; prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, property owners from installing synthetic turf meeting certain standards on single-family residential property of a specified size; prohibiting local governments from adopting or enforcing specified ordinances, resolutions, orders, rules, or policies



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that regulate synthetic turf which are inconsistent with specified standards; requiring the Department of Environmental Protection to adopt rules; creating s. 218.755, F.S.; requiring local governmental entities to approve or deny certain price quotes and provide notice to contractors within a specified timeframe; requiring denials to specify alleged deficiencies and actions necessary to remedy such deficiencies; providing that a local governmental entity that fails to provide such information with a denial is liable to the contractor for specified overhead; prohibiting contracts from altering specified duties of a local governmental entity; amending s. 255.0992, F.S.; prohibiting the state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions; amending s. 399.035, F.S.; requiring that elevator car interiors have at least one support rail that meets certain specifications; amending s. 489.105, F.S.; revising definitions for purposes of part I of ch. 489, F.S.; amending s. 489.113, F.S.; prohibiting general or building contractors from being required to subcontract pool wet deck area work; defining the term "pool wet deck area"; amending s. 489.505, F.S.; revising the definition of the term "certified alarm system contractor"; amending s. 553.73, F.S.; requiring the Florida Building Commission, within a specified



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1084 timeframe, to amend the Florida Building Code to
1085 recognize tall mass timber as an allowable material
1086 for specified construction types; providing an
1087 exemption from the Florida Building Code to systems or
1088 equipment located within a spaceport territory which
1089 is used for specified purposes; reenacting and
1090 amending s. 553.79, F.S.; prohibiting local
1091 governments from requiring copies of contracts and
1092 certain associated documents for the issuance of
1093 building permits or as a requirement for submitting
1094 building permit applications; amending s. 553.791,
1095 F.S.; revising definitions; revising the conditions
1096 under which specified contractors may elect to use a
1097 private provider to provide inspection services;
1098 authorizing private providers to use automated or
1099 software-based plans review systems designed to make
1100 certain determinations; requiring local building
1101 officials to issue permits within a specified
1102 timeframe if such permit application is related to
1103 certain single-trade plans reviews; authorizing
1104 certain inspections to be performed in person or
1105 virtually; amending s. 497.271, F.S.; conforming a
1106 cross-reference; reenacting ss. 489.107(4)(b),
1107 489.113(2), 489.117(1)(a), (2)(a) and (b), and (4)(a),
1108 (d), and (e), 489.118(1), 489.131(10) and (11),
1109 489.141(2), 514.0315(3), and 514.075, F.S., relating
1110 to the Construction Industry Licensing Board,
1111 qualifications for and restrictions on the practice of
1112 contracting, registration requirements for specialty



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1113 contractors, certification of registered contractors,
1114 applicability, conditions and eligibility for recovery
1115 from the recovery fund, required safety features for
1116 public swimming pools and spas, and public pool
1117 service technician certification, respectively, to
1118 incorporate the amendment made to s. 489.105, F.S., in
1119 references thereto; reenacting s. 201.21(2), F.S.,
1120 relating to an exemption from all excise taxes imposed
1121 by ch. 201, F.S., for specified notes and obligations
1122 when given by a customer to an alarm system contractor
1123 in connection with the sale of an alarm system, to
1124 incorporate the amendment made to s. 489.505, F.S., in
1125 a reference thereto; reenacting ss. 177.073(4)(a),
1126 468.621(1)(i) and (j), 471.033(1)(l), 481.225(1)(l),
1127 and 553.80(7)(a), F.S., relating to inspections
1128 performed for expedited approval of residential
1129 building permits before a final plat is recorded;
1130 disciplinary proceedings against building code
1131 administrators and inspectors for performing building
1132 code inspection services without satisfying specified
1133 insurance requirements; disciplinary proceedings
1134 against engineers for performing building code
1135 inspection services without satisfying specified
1136 insurance requirements; disciplinary proceedings
1137 against registered architects for performing building
1138 code inspection services without satisfying specified
1139 insurance requirements; and the refunding of certain
1140 fees due to specified reduced services provided by a
1141 local building official, respectively, to incorporate



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1142 the amendment to s. 553.791, F.S., in references
1143 thereto; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2025	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (398732) (with title amendment)

Delete lines 39 - 60
and insert:

its contractor a price quote for a change order requested or issued by the local governmental entity for construction services, and the price quote conforms to all statutory requirements and contractual requirements for the project, the local governmental entity must approve or deny the price quote



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and send written notice of that decision to the contractor within 35 days after receipt of such quote. A denial notice must specify the alleged deficiencies in the price quote and the actions necessary to remedy those deficiencies. If the local governmental entity fails to provide the contractor with a notice in compliance with this section, the change order and price quote are deemed approved, and the local governmental entity must pay the contractor the amount stated in the price quote upon the completion of the change order. A contract between a local governmental entity and a contractor may not alter the local governmental entity's duties under this section.

Section 3. Paragraph (d) is added to subsection (2) of section 255.0992, Florida Statutes, to read:

255.0992 Public works projects; prohibited governmental actions.—

(2) Except as required by federal or state law, the state or any political subdivision that contracts for a public works project may not take the following actions:

(d) When scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of

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

And the title is amended as follows:

Delete lines 1063 - 1072
and insert:

providing that if a local governmental entity fails to provide the contractor with a certain notice, the change order and price quote are deemed approved and the local governmental entity must pay the contractor



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40 a certain amount upon completion of the change order;
41 prohibiting contracts from altering specified duties
42 of a local governmental entity; amending s. 255.0992,
43 F.S.; prohibiting the state or political subdivisions
44 that contract for public works projects from
45 penalizing or rewarding bidders for performing larger
46 or smaller volumes of construction work for the state
47 or political subdivisions when scoring or evaluating
48 certain bids; amending s. 399.035, F.S.;

By the Committee on Community Affairs; and Senator Grall

578-03099-25

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1 A bill to be entitled
 2 An act relating to construction regulations; creating
 3 s. 125.572, F.S.; defining the term "synthetic turf";
 4 requiring the Department of Environmental Protection
 5 to adopt minimum standards for the installation of
 6 synthetic turf on specified properties; requiring that
 7 the standards take into account specified factors;
 8 prohibiting local governments from adopting or
 9 enforcing any ordinance, resolution, order, rule, or
 10 policy that prohibits, or is enforced to prohibit,
 11 property owners from installing synthetic turf meeting
 12 certain standards on single-family residential
 13 property of a specified size; prohibiting local
 14 governments from adopting or enforcing specified
 15 ordinances, resolutions, orders, rules, or policies
 16 that regulate synthetic turf which are inconsistent
 17 with specified standards; requiring the Department of
 18 Environmental Protection to adopt rules; creating s.
 19 218.755, F.S.; requiring local governmental entities
 20 to approve or deny certain price quotes and provide
 21 notice to contractors within a specified timeframe;
 22 requiring denials to specify alleged deficiencies and
 23 actions necessary to remedy such deficiencies;
 24 providing that a local governmental entity that fails
 25 to provide such information with a denial is liable to
 26 the contractor for specified overhead; prohibiting
 27 contracts from altering specified duties of a local
 28 governmental entity; amending s. 255.0992, F.S.;
 29 prohibiting the state or political subdivisions that

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30 contract for public works projects from penalizing or
 31 rewarding bidders for performing larger or smaller
 32 volumes of construction work for the state or
 33 political subdivisions; amending s. 489.505, F.S.;
 34 revising the definition of the term "certified alarm
 35 system contractor"; amending s. 553.73, F.S.;
 36 requiring the Florida Building Commission, within a
 37 specified timeframe, to amend the Florida Building
 38 Code to recognize tall mass timber as an allowable
 39 material for specified construction types; providing
 40 an exemption from the Florida Building Code to systems
 41 or equipment located within a spaceport territory
 42 which is used for specified purposes; amending s.
 43 553.79, F.S.; prohibiting local governments from
 44 requiring copies of contracts and certain associated
 45 documents for the issuance of building permits or as a
 46 requirement for submitting building permit
 47 applications; amending s. 497.271, F.S.; conforming a
 48 cross-reference; reenacting s. 201.21(2), F.S.,
 49 relating to an exemption from all excise taxes imposed
 50 by ch. 201, F.S., for specified notes and obligations
 51 when given by a customer to an alarm system contractor
 52 in connection with the sale of an alarm system, to
 53 incorporate the amendment made to s. 489.505, F.S., in
 54 a reference thereto; providing an effective date.

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

58 Section 1. Section 125.572, Florida Statutes, is created to

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59 read:

60 125.572 Regulation of synthetic turf.-

61 (1) As used in this section, the term "synthetic turf"
 62 means a manufactured product that resembles natural grass and is
 63 used as a surface for landscaping and recreational areas.

64 (2) The Department of Environmental Protection shall adopt
 65 minimum standards for the installation of synthetic turf on
 66 single-family residential properties 1 acre or less in size. The
 67 standards must take into account material type, permeability,
 68 stormwater management, potable water conservation, water
 69 quality, proximity to trees and other vegetation, and other
 70 factors impacting environmental conditions of adjacent
 71 properties.

72 (3) Upon the Department of Environmental Protection
 73 adopting rules pursuant to subsection (4), a local government
 74 may not:

75 (a) Adopt or enforce any ordinance, resolution, order,
 76 rule, or policy that prohibits, or is enforced to prohibit, a
 77 property owner from installing synthetic turf that complies with
 78 Department of Environmental Protection standards adopted
 79 pursuant to this section which apply to single-family
 80 residential property.

81 (b) Adopt or enforce any ordinance, resolution, order,
 82 rule, or policy that regulates synthetic turf which is
 83 inconsistent with the Department of Environmental Protection
 84 standards adopted pursuant to this section which apply to
 85 single-family residential property.

86 (4) The Department of Environmental Protection shall adopt
 87 rules to implement this section.

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88 Section 2. Section 218.755, Florida Statutes, is created to
 89 read:

90 218.755 Prompt processing of change orders.-Beginning on or
 91 after July 1, 2025, if a local governmental entity receives from
 92 its contractor a price quote for a change order issued by the
 93 local governmental entity, and the price quote conforms to all
 94 statutory requirements and contractual requirements for the
 95 project, the local governmental entity must approve or deny the
 96 price quote and send written notice of that decision to the
 97 contractor within 30 days after receipt of such quote. Any
 98 denial notice must specify the alleged deficiencies in the price
 99 quote and the actions necessary to remedy those deficiencies. If
 100 the local governmental entity fails to provide such information
 101 on a denial notice, it is liable to the contractor for all
 102 additional labor, staffing, materials, supplies, equipment, and
 103 overhead associated with the change order. A contract between a
 104 local governmental entity and a contractor may not alter the
 105 local governmental entity's duties under this section.

106 Section 3. Paragraph (d) is added to subsection (2) of
 107 section 255.0992, Florida Statutes, to read:

108 255.0992 Public works projects; prohibited governmental
 109 actions.-

110 (2) Except as required by federal or state law, the state
 111 or any political subdivision that contracts for a public works
 112 project may not take the following actions:

113 (d) Penalize a bidder for performing a larger volume of
 114 construction work for the state or political subdivision or
 115 reward a bidder for performing a smaller volume of construction
 116 work for the state or political subdivision.

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Section 4. Subsection (7) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 722, 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability, surveillance cameras, or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

Section 5. Subsections (2) and (10) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(2) (a) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings,

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historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4) and (6)-(9), (6), (7), (8), and (9) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(b) By January 1, 2026, or the next update of the Florida Building Code, whichever occurs first, the commission shall amend the Florida Building Code to be consistent with the 2024

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175 International Building Code that recognizes tall mass timber as
 176 an allowable material for construction types IV-A, IV-B, IV-C,
 177 and IV-HT.

178 (10) The following buildings, structures, and facilities
 179 are exempt from the Florida Building Code as provided by law,
 180 and any further exemptions shall be as determined by the
 181 Legislature and provided by law:

182 (a) Buildings and structures specifically regulated and
 183 preempted by the Federal Government.

184 (b) Railroads and ancillary facilities associated with the
 185 railroad.

186 (c) Nonresidential farm buildings on farms.

187 (d) Temporary buildings or sheds used exclusively for
 188 construction purposes.

189 (e) Mobile or modular structures used as temporary offices,
 190 except that the provisions of part II relating to accessibility
 191 by persons with disabilities apply to such mobile or modular
 192 structures.

193 (f) Those structures or facilities of electric utilities,
 194 as defined in s. 366.02, which are directly involved in the
 195 generation, transmission, or distribution of electricity.

196 (g) Temporary sets, assemblies, or structures used in
 197 commercial motion picture or television production, or any
 198 sound-recording equipment used in such production, on or off the
 199 premises.

200 (h) Storage sheds that are not designed for human
 201 habitation and that have a floor area of 720 square feet or less
 202 are not required to comply with the mandatory wind-borne-debris-
 203 impact standards of the Florida Building Code. In addition, such

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204 buildings that are 400 square feet or less and that are intended
 205 for use in conjunction with one- and two-family residences are
 206 not subject to the door height and width requirements of the
 207 Florida Building Code.

208 (i) Chickees constructed by the Miccosukee Tribe of Indians
 209 of Florida or the Seminole Tribe of Florida. As used in this
 210 paragraph, the term "chickee" means an open-sided wooden hut
 211 that has a thatched roof of palm or palmetto or other
 212 traditional materials, and that does not incorporate any
 213 electrical, plumbing, or other nonwood features.

214 (j) Family mausoleums not exceeding 250 square feet in area
 215 which are prefabricated and assembled on site or preassembled
 216 and delivered on site and have walls, roofs, and a floor
 217 constructed of granite, marble, or reinforced concrete.

218 (k) A building or structure having less than 1,000 square
 219 feet which is constructed and owned by a natural person for
 220 hunting and which is repaired or reconstructed to the same
 221 dimension and condition as existed on January 1, 2011, if the
 222 building or structure:

223 1. Is not rented or leased or used as a principal
 224 residence;

225 2. Is not located within the 100-year floodplain according
 226 to the Federal Emergency Management Agency's current Flood
 227 Insurance Rate Map; and

228 3. Is not connected to an offsite electric power or water
 229 supply.

230 (l) A drone port as defined in s. 330.41(2).

231 (m) Any system or equipment, whether affixed or movable,
 232 which is located on property within a spaceport territory

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pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 6. Paragraph (f) of subsection (1) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(1)

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(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application.

Section 7. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(3) The licensing authority shall transmit the rules as adopted under subsection (2), ~~hereinafter~~ referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they must ~~shall~~ be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must ~~shall~~ adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When ~~so~~ designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of

578-03099-25

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the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

Section 8. For the purpose of incorporating the amendment made by this act to section 489.505, Florida Statutes, in a reference thereto, subsection (2) of section 201.21, Florida Statutes, is reenacted to read:

201.21 Notes and other written obligations exempt under certain conditions.—

(2) There shall be exempt from all excise taxes imposed by this chapter all non-interest-bearing promissory notes, non-interest-bearing nonnegotiable notes, or non-interest-bearing written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, of \$3,500 or less, when given by a customer to an alarm system contractor, as defined in s. 489.505, in connection with the sale of an alarm system as defined in s. 489.505.

Section 9. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: April 8, 2025

I respectfully request that **Senate Bill #712**, relating to Construction Regulations, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

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

4/15/25

Meeting Date

712

Bill Number or Topic

Agriculture Approps

Committee

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

850 50 7146

Address

119 S. Monroe St.

Street

Email

doug.bell@whdfirm.com

TLH

City

FL

State

32312

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

Associated General Contractors

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/15/25

Meeting Date

SB 712

Bill Number or Topic

APPROPS TO ENVIRONMENT

Committee

Amendment Barcode (if applicable)

Name

JOFF STARKLEY

Phone

850 224 1600

Address

106 E COURTNEY AVE

Email

JOFFSTARKLEY@gmail.com

Street

TRT

City

FL

State

32301

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

SPACEX

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

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Meeting Date

712

Bill Number or Topic

Approps AEG

Committee

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 465-6811

Address PO Box 880448
Street

Email cbowen@abcfloridacorp.com

Boca Raton FL

City

State

33488

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Associated Builders and Contractors of Florida

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

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S-001 (08/10/2021)

The Florida Senate

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4/15/2025

Meeting Date

712

Bill Number or Topic

Approps AEG

Committee

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 465-6811

Address TB Box 880448

Street

Email

Boca Raton FL

City

State

33488

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Synthetic Turf Council

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Dawson

Phone

407 843 8880

Address

301 E. Pine Street, Suite 1400
Street

Email

Orlando
City

FL
State

32809
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL Roofing & Sheet Metal
Contractors Association

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

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

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S-001 (08/10/2021)

4/15/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB 712

Bill Number or Topic

398 732

Amendment Barcode (if applicable)

S- Ag. Enviro. Gen Gov

Committee

Name

Cameron Fink

Phone

850-933-4665

Address

516 N Adams St

Email

cfink@aif.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Associated Industries of Florida



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

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

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S-001 (08/10/2021)

The Florida Senate
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SB 712

Bill Number or Topic

398732

Amendment Barcode (if applicable)

4/15/25
Meeting Date

Ag. Approps
Committee

Name Trey Prike

Phone 850-321-7962

Address 215 S Monroe St. Ste 601
Street

Email Trep@Gungster.com

Tallahassee FL 32301
City State Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

National Elevator Industry



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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/15/25

Meeting Date

SB 712

Bill Number or Topic

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

Appropriations on Ag Environment Energy
Committee

398732

Amendment Barcode (if applicable)

Name

Dallas Thiesen

Phone

~~554~~ 941-404-8327

Address

2555 Porterlake Drive

Email

Dallas@FSP.com

Street

Sarasota

FL

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Swimming
Pool Association

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
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712

Bill Number or Topic

398732

Amendment Barcode (if applicable)

Meeting Date

4/15/25

Committee

Approps Cante on Ag + Natural

Name

Michael Leonard

Phone

850-643-8936

Address

13412 SR 71 S

Email

mleonard@rex-lumber.com

Street

Blountstown

City

FL

State

32424

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

REX Lumber

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

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S-001 (08/10/2021)

The Florida Senate

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212

Bill Number or Topic

398732

Amendment Barcode (if applicable)

4/15/25
Meeting Date

Approps Comf. on Ag & Nat. Res.
Committee

Name Brittany Varn

Phone 850-524-4577

Address 402 E. Jefferson St.
Street

Email brittany@flforestry.org

Tallahassee
City

FL
State

32333
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

FLORIDA FORESTRY Association

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/15/25

Meeting Date

Ag Approps

Committee

712

Bill Number or Topic

398732

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

850 6205 9000

Address

119 S Monroe St

Email

doug.bell@mhdfirm.com

Street

TLH

City

FL

State

32312

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

Associated General Contractors

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

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 820

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Yarborough

SUBJECT: Office of Faith and Community

DATE: April 14, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 820 creates the Office of Faith and Community within the Executive Office of the Governor. The purpose of the Office of Faith and Community is to connect with Florida's faith and community networks and provide administrative support to the Florida Faith-based and Community-based Advisory Council.

The bill may have an indeterminate impact on state government expenditures. See Section V., Fiscal Impact Statement below.

The bill takes effect July 1, 2025.

II. Present Situation:

Executive Office of the Governor

The Executive Office of the Governor (EOG) is a statutorily created entity headed by the Governor. The function of the office is to assist the Governor in meeting statutory and constitutional duties. Key responsibilities include administering executive planning and budgeting functions and assessing the efficiency and effectiveness of state programs. The EOG

includes the Citizen's Assistance Office,¹ Office of Adoption and Child Protection Services,² and Office of Policy and Budget.³

Florida Faith-based and Community-based Advisory Council

In 2006, the Legislature created the Florida Faith-based and Community-based Advisory Council (Council)⁴ and administratively housed it in the Executive Office of the Governor.⁵ The Council is supported by the Governor's Faith and Community Initiative Office, with a Liaison for Faith and Community staff member within the EOG, as well as six other staff (including a director.)⁶

The Council is composed of 25 members that include representatives from various faiths, faith-based organizations, community-based organizations, foundations, corporations, and municipalities.⁷ The Council's purpose is to advise the Governor and the legislature on policies, priorities, and objectives for the state's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community organizations to the full extent permitted by law.⁸ The Council also submits an annual report⁹ that recommends, among other things:

- Best practices for ensuring that state policy decisions consider the capacity of faith-based and other community-based initiatives to assist in the achievement of state priorities.
- Best practices relating to the delivery of services by faith-based and other community-based organizations.¹⁰

Faith and Community Initiative

Created in 2019, the Governor's Faith and Community Initiative supports faith and community organizations of Florida. The initiative is led by a liaison and is tasked with the following:

- Hosting statewide faith calls, events, and special programming with the Governor, First Lady, and others to better connect faith and community networks with state leaders.
- Operating the Florida Faith and Community Red Phone, which is a direct line specifically created for Florida faith and community leaders to connect with the Executive Office of the Governor.

¹ Section 14.26, F.S.

² Section 39.01, F.S.

³ Section 288.095, F.S.

⁴ An "advisory council" is "an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives." Section 20.03(7), F.S.

⁵ Ch. 2006-9, L.O.F.

⁶ Florida Faith and Community Advisory Council, *Annual Report* (Feb. 1, 2024), <https://www.fldoe.org/core/fileparse.php/7739/urlt/2024-FBCBAC-Annual-Report.pdf> (last visited Apr. 8, 2025)..

⁷ Section 14.31(3)(b), F.S.

⁸ Section 14.31(2), F.S.

⁹ Florida Faith and Community Advisory Council, *Annual Report* (Feb. 1, 2024), <https://www.fldoe.org/core/fileparse.php/7739/urlt/2024-FBCBAC-Annual-Report.pdf> (last visited Apr. 8, 2025).

¹⁰ Section 14.31(5), F.S.

- Utilizing the CarePortal, a technology platform that allows faith institutions, non-profits, businesses, and individuals to see real time, verified, and vetted needs in his or her community.¹¹

III. Effect of Proposed Changes:

Section 1 creates s. 14.311, F.S., to establish the Office of Faith and Community (Office) within the Executive Office of the Governor (EOG). The Office is required to act as a liaison for faith and community to serve the most vulnerable persons in Florida by connecting with Florida's faith and community networks and providing administrative support to the Florida Faith-based and Community-based Advisory Council.

The Office must:

- Advocate for faith- and community-based organizations to obtain access, direction, and support from state agencies;
- Establish and operate the Florida Faith and Community Phone, dedicated to connecting faith-based and community-based leaders to the EOG;
- Establish meaningful lines of communication to connect with, and provide resources to, faith-based and community-based organizations in Florida;
- Develop and provide resources for enhanced connections between civil service systems, state agencies, and faith-based and community-based organizations in Florida;
- Develop and provide technology to connect faith-based ministries and nonprofits with local faith-based and community-based organizations to address identified needs of a community;
- Identify, in conjunction with heads of the executive agencies, bureaucratic or regulatory burdens that unnecessarily burden faith-based or community-based organizations; and
- Provide administrative support to the Florida Faith-based and Community-based Advocacy Council.

The bill provides that the Office will be led by a liaison, appointed by the Governor, who serves as a senior advisor to the Governor and connects with state agencies.

Section 2 provides that the Office will provide administrative support to the Florida Faith-based and Community-based Advisory Council established in s. 14.31, F.S.

Section 3 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

¹¹ Governor Ron Desantis' Faith and Community Initiative, *About Us*, <https://faithandcommunityflorida.com/AboutUs.htm> (last visited Apr. 8, 2025).

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill may have an indeterminate impact on state government as it creates an additional office within the Executive Office of the Governor, which may require additional funding and positions to support its duties. However, it appears that this office is currently operating and staffed with the personnel required by the bill, so no new positions or appropriated funds are provided in this bill.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 14.31 of the Florida Statutes.

This bill creates section 14.311 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 Governmental Oversight and Accountability on April 1, 2025:

- Conforms language throughout the bill to refer to state agencies instead of state agencies and executive agencies; and
- Provides that the liaison must serve as the head of the Office of Faith and Community and cannot appoint another individual to do so.

- B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Yarborough

585-03140-25

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A bill to be entitled

An act relating to the Office of Faith and Community;
creating s. 14.311, F.S.; providing legislative
findings; establishing the Office of Faith and
Community within the Executive Office of the Governor
for a specified purpose; specifying the duties of the
Office of Faith and Community; providing for the
appointment of a liaison for faith and community;
specifying the duties of the liaison for faith and
community; amending s. 14.31, F.S.; providing that the
Office of Faith and Community provides administrative
support to the Florida Faith-Based and Community-Based
Advisory Council; providing an effective date.

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

Section 1. Section 14.311, Florida Statutes, is created to
read:

14.311 Office of Faith and Community.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that faith-
based, community-based, and nonprofit-based organizations,
otherwise known as faith and community networks, have long been
the cornerstone of prosperous and flourishing societies, serving
as the original model of community care. Faith and community
networks play an integral role in serving the most vulnerable
persons of a community, including foster children, foster
families, kinship caregivers, single parents, persons in
poverty, veterans, persons with unique abilities, children in
the juvenile justice system, and vulnerable adults. Faith and

Page 1 of 4

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

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community networks offer a more impactful, efficient, and viable
long-term solution, wholly apart from or in partnership with
governmental programs. The impact of faith and community
networks is greatly enhanced by the reduction of unnecessary
bureaucracy through enhanced collaboration, communication, and
connection with civil service systems. Responsible connections
with faith and community networks are a just and necessary
component of good governance in pursuit of greater societal
growth in this state. Additionally, greater, more responsible
investments in such efforts have demonstrated an exponential
yield of taxpayer savings, efficiency of governance, and
effectiveness of care. It is therefore the intent of the
Legislature to establish and create outlets of governmental
infrastructure to preserve, protect, advance, and better connect
the faith and community networks of this state for the greater
social and economic benefit of all.

(2) PURPOSE.—The purpose of this section is to establish an
Office of Faith and Community within the Executive Office of the
Governor, as well as the role of a liaison for faith and
community, in order to better connect with, communicate with,
and provide resources to this state's faith-based and community-
based organizations.

(3) ESTABLISHMENT OF THE OFFICE OF FAITH AND COMMUNITY.—

(a) The Office of Faith and Community is established within
the Executive Office of the Governor. The head of the office is
the liaison for faith and community.

(b) The primary purpose of the office is to better serve
the most vulnerable persons of this state through more robust
and connected faith and community networks in coordination with

Page 2 of 4

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585-03140-25

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59 state resources.

60 (c) The office shall:

61 1. Advocate for faith-based and community-based
62 organizations seeking access to, direction from, or support from
63 state agencies. For the purpose of this section, the term "state
64 agencies" means those agencies designated in s. 20.055.

65 2. Establish and operate the Florida Faith and Community
66 Phone, a dedicated phone line for faith-based and community-
67 based leaders in this state to connect with the Executive Office
68 of the Governor.

69 3. Establish meaningful lines of communication to connect
70 with and provide resources to faith-based and community-based
71 organizations in this state. The office shall deliver relevant
72 and useful information from the Executive Office of the Governor
73 and state agencies to the faith and community networks in this
74 state.

75 4. Develop and provide resources for enhanced connection
76 between civil service systems, state agencies, and faith-based
77 and community-based organizations in this state, using
78 technology to connect faith-based ministries and nonprofits with
79 local faith-based and community-based organizations to address
80 identified needs of a community.

81 5. In coordination with the heads of the state agencies,
82 identify bureaucratic or regulatory burdens within state
83 government that unnecessarily restrict, impede, or otherwise
84 burden faith-based and community-based organizations from their
85 involvement with, collaboration with, or service to the most
86 vulnerable persons in this state.

87 6. Provide administrative support to the Florida Faith-

585-03140-25

2025820c1

88 based and Community-based Advisory Council under s. 14.31.

89 (4) LIAISON FOR FAITH AND COMMUNITY.—

90 (a) The position of the liaison for faith and community is
91 established within the Executive Office of the Governor, and the
92 liaison shall be appointed by and serve at the pleasure of the
93 Governor.

94 (b) The duties of the liaison for faith and community
95 include, but are not limited to:

96 1. Serving as a senior advisor of faith-based and
97 community-based issues to the Governor, Lieutenant Governor, and
98 senior leadership within the Executive Office of the Governor.

99 2. Leading the Office of Faith and Community and executing
100 the objectives outlined in this section.

101 3. Engaging, advising, and coordinating with the heads of
102 the state agencies in the provision of faith-based and
103 community-based initiatives in relevant state agencies as
104 determined by the Governor.

105 Section 2. Paragraph (a) of subsection (3) of section
106 14.31, Florida Statutes, is amended to read:

107 14.31 Florida Faith-based and Community-based Advisory
108 Council.—

109 (3) ESTABLISHMENT OF THE COUNCIL.—

110 (a) The Florida Faith-based and Community-based Advisory
111 Council, an advisory council as defined in s. 20.03, is
112 established and assigned to the Executive Office of the
113 Governor. The council shall be administratively housed within
114 the Executive Office of the Governor and receive administrative
115 support from the Office of Faith and Community.

116 Section 3. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: April 1, 2025

I respectfully request that **Senate Bill #820**, relating to Office of Faith and Community, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink that reads "Clay Yarborough".

Senator Clay Yarborough
Florida Senate, District 4

The Florida Senate
APPEARANCE RECORD

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

4/15/25

Meeting Date

820

Bill Number or Topic

Agriculture, Environment & General Government Appropriations

Committee

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650216

Email John.Labriola@cfcfloida.net

Street

Miami

City

FL

State

33268

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Christian Family Coalition Florida

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/15/25

Meeting Date

SB 820

Bill Number or Topic

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

Approp. on Ag, Environ + Gen Gov

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O Box 530103

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32853

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida Family Voice



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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 1404

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government;
Regulated Industries Committee and Senator Simon

SUBJECT: Gambling

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</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/CS/SB 1404 makes the following changes relating to gambling:

- Amends the requirements for appointing members of the Florida Gaming Control Commission (commission).
- Amends the prohibitions on employment for certain employees and commissioners of the commission to not allow a former employee or commissioner to be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the types of employment positions that are ineligible for employment with the commission within the two years immediately preceding such employment, to include any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Prohibits a former employee or commissioner from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Prohibits a former employee's or commissioner's relative living in the same household, from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

- Prohibits the executive director, or an employee of the commission, for the two years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Requires additional information to be included in the commission's annual report.
- Removes the authority of the commission to reissue escheated harness horse and thoroughbred horse permits for failure of the permitholder to pay the required tax on handle for live performances.
- Creates a procedure that would allow any veterans' service organization 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 that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S., 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. 489, F.S.
- Provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.
- Creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. 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.
- Provides that the commission shall issue a declaratory statement within 60 days after receiving a petition. The commission may not deny a petition.
- Provides that petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- Provides the declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.
- Does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- Does not require an owner or operator to request a declaratory statement in order to operate.
- Replaces a requirement for slot machine licensees with a requirement that slot machine licensees create a written policy for ensuring opportunities for construction services from economically disadvantaged businesses.
- Allows a slot machine licensee to apply to the commission to change the location of a designated slot machine gaming area under certain circumstances.
- Prohibits wagering on any professional or amateur game knowing that the results are prearranged or have been predetermined.
- 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 a person from tampering with or manipulating the playing cards, outcome, or payoff of a card game in a licensed cardroom.
- Authorizes a cardroom operator, at the operator's discretion, to limit playing games to persons 21 years of age or older.
- Provides definitions and increases criminal penalties for specified violations involving a slot machine or device.
- Defines “Internet gambling,” and provide criminal penalties.
- Defines “Internet sports wagering,” and provides criminal penalties.
- Provides a higher criminal penalty for subsequent offenses in connection with lotteries.
- Creates new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest. The bill creates definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; Noncommercial contest operator.
- Provides that the commission shall investigate certain violations and refer them to the Attorney General or the state attorney.
- Provides criminal penalties for persons in charge of slot machine locations.
- 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 a person from making false statements or disseminating false information regarding the legality of a slot machine or device to facilitate the sale or delivery and provides criminal penalties.
- Repeals a statute imposing criminal penalties for certain violations.
- 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.
- Requires a court to consider the amount of currency seized that is connected to specified violations relating to illegal gambling when determining bail.
- 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 takes effect October 1, 2025.

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 March 30, 2025), 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 (commission).²¹

In addition to the enhanced authority of the Office of Statewide Prosecution, the commission was created²² within the Department of Legal Affairs. The commission 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 commission 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.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the commission’s regulatory and executive functions.

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 commission also administers the Pari-mutuel Wagering Trust Fund. See s. 16.71(6), F.S.

- 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 commission, information that is reported by sports governing bodies or other parties to the commission 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 commission 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 Division of Pari-mutuel Wagering 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. As of the date of this analysis, there is one vacancy on the commission.

Division of Gaming Enforcement

Section 16.711, F.S., sets forth the duties of the DGE within the commission.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 commission also have access to, and the right to inspect, premises licensed by the commission, 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 commission.²⁸

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

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 March 30, 2025).

²⁵ Section 16.711(2), F.S.

²⁶ Section 16.711(3), F.S.

²⁷ *Id.*

²⁸ *Id.*

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 commission’s executive director and agreed to by FDLE’s executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide the commission with any information relevant to any investigation conducted as described above, and the commission must reimburse any agency for the actual cost of providing any such assistance.³¹

Division of Pari-mutuel Wagering

The commission 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 commission in meeting the commission’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 commission 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 Commission.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 commission 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 March 31, 2025). 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.

Escheated Harness Horse Permits

Currently, the tax on handle for live harness horse performances is 0.5 percent of handle per performance.³⁵ The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any two consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.³⁶

The commission is authorized to reissue an escheated harness horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.³⁷

Escheated Thoroughbred Permits

Currently, the tax on handle for thoroughbred horserace performances is 0.5 percent of handle per performance.³⁸ The permit of a thoroughbred permitholder who is conducting thoroughbred performances and who does not pay tax on handle for any such performances conducted during any two consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.³⁹

The Commission is authorized to reissue an escheated thoroughbred horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.⁴⁰

Cardrooms

Cardrooms are authorized at certain pari-mutuel facilities.⁴¹ 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-

³⁵ Section 550.09512(2)(a), F.S.

³⁶ Section 550.09512(3)(a), F.S.

³⁷ Section 550.09512(3)(b), F.S.

³⁸ Section 550.09515(2)(a), F.S.

³⁹ Section 550.09515(3)(a), F.S.

⁴⁰ Section 550.09515(3)(b), F.S.

⁴¹ 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

2021.⁴² 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 live racing or games.⁴³

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.⁴⁴ An authorized game is a game or series of games of poker or dominoes.⁴⁵ Such games must be played in a non-banking manner,⁴⁶ where the participants play against each other, instead of against the house (cardroom).

Prohibited activities of cardrooms include the following:⁴⁷

- 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.

Fantasy Sports Contests

The operation of fantasy sports activities in Florida has recently received significant publicity, much like the operation of Internet cafes in recent years. Many states are now evaluating the status of fantasy gaming activities in their jurisdictions,⁴⁸ as there are millions of participants.⁴⁹ A fantasy game typically has multiple players who select and manage imaginary teams whose players are actual professional sports players. Fantasy game players compete against one another in various formats, including weekly leagues among friends and colleagues, season-long leagues, and on-line contests (daily and weekly) entered by using the Internet through personal computers or mobile telephones and other communications devices. There are various financial arrangements among players and game operators.

⁴² Section 849.086(5), F.S.

⁴³ *Id.*

⁴⁴ Section 849.086(5) and (6), F.S.

⁴⁵ See s. 849.086(2)(a), F.S.

⁴⁶ *Id.*

⁴⁷ Section 849.086(12), F.S.

⁴⁸ See Marc Edelman, *A Short Treatise on Fantasy Sports and the Law: How America Regulates its New National Pastime*, Journal of Sports & Entertainment Law, Harvard Law School Vol. 3 (Jan. 2012) available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1907272 (last visited March 27, 2025).

⁴⁹ According to the Fantasy Sports Trade Association, which states it represents the interests of 57 million fantasy sports players, fantasy sports leagues were originally referred to as “roisserie leagues” with the development of Rotisserie League Baseball in 1980, by magazine writer/editor Daniel Okrent, who met and played it with friends at a New York City restaurant La Rotisserie Francaise. See <https://thefsga.org/history/> (last visited March 27, 2025).

Florida law does not specifically address fantasy contests. Section 849.14, F.S.,⁵⁰ provides that a person who wagers any “thing of value” upon the result of a contest of skill or endurance of human or beast, or who receives any money wagered, or who knowingly becomes the custodian of money or other thing of value that is wagered, is guilty of a second degree misdemeanor.⁵¹ Last year, the commission issued cease and desist correspondence to various companies operating fantasy contests in the state concerning possible violations of Florida’s gambling laws. The letters have generated controversy, concern, and interest from contest operators, elected officials, and the Seminole Tribe of Florida, which has entered into gaming compacts with the state (as discussed below).⁵² The legality of various forms of fantasy sports games and contests is being reviewed and addressed in a number of states.⁵³

The State of Nevada has regulated gaming for more than 80 years, and its gaming control board was created by its legislature in 1955.⁵⁴ In 2015, the Office of the Nevada Attorney General provided the Nevada Gaming Control Board and the Nevada Gaming Commission the following informative summary about fantasy sports, player selection, and the types of simulated games being marketed to participants (referred to as owners in the Memorandum).⁵⁵

Description of Fantasy Sports Games

Fantasy sports are games where the participants, as “owners,” assemble “simulated teams” with rosters and/or lineups of actual players of a professional sport. These games are generally played over the Internet using computer or mobile software applications. Fantasy sports cover a number of actual professional sports leagues, including the NFL, the MLB, the NBA, the NHL, the MLS, NASCAR, as well as college sports such as NCAA football and basketball.

Fantasy sports can be divided into two types: (1) traditional fantasy sports, which track player performance over the majority of a season, and (2) daily fantasy sports, which track player performance over a single game. The owners of these simulated teams compete against one another based on the statistical performance of actual players in actual games. The actual players’ performance in specific sporting events is converted into “fantasy points” such that each actual player is assigned a specific score. An owner will then receive a total score that is determined by compiling the individual scores of each player in the owner’s lineup. Thus, although the owners select lineups, once the lineup has been selected-----at least in the context of daily fantasy sports-----the owners have basically no ability to control the outcome of the simulated games. [Memorandum footnote 2: Given that lineups on some sites do not “lock” until the start of each individual game, the owners have until the tipoff of each individual game to set each particular lineup spot.]

⁵⁰ See Fla. AGO 91-03 (Jan. 7, 1991) available at <https://www.myfloridalegal.com/ag-opinions/gambling-fantasy-sports-league> (last visited March 27, 2025).

⁵¹ A conviction for a second degree misdemeanor may subject the violator to a definite term of imprisonment not exceeding 60 days, and a fine not exceeding \$500. See ss. 775.082 and 775.083, F.S.

⁵² See <https://www.floridatrend.com/article/38854/questions-swirl-around-fantasy-sports> (last visited March 27, 2025).

⁵³ See [State Regulators Take Closer Look At Fantasy Sports Operators \(sportshandle.com\)](https://www.sportsandleisure.com/state-regulators-take-closer-look-at-fantasy-sports-operators) (last visited March 27, 2025).

⁵⁴ See <https://gaming.nv.gov/gaming/commission/> (last visited April 1, 2025).

⁵⁵ See Memorandum from J. Brin Gibson, Bureau Chief of Gaming and Government Affairs, and Jetan D. Bhurud, Head of Complex Litigation, to A.G. Burnett, Chairman, Nevada Gaming Control Board; Terry Johnson, Member, Nevada Gaming Control Board; Shawn Reid, Member, Nevada Gaming Control Board (Oct. 16, 2015) (on file with the Senate Regulated Industries Committee).

Specifically, the owners of the simulated teams have no ability to control how many points their simulated teams receive from an actual player's performance. The actual players in the actual games control their own performance. As a result, after an owner places a bet and sets a final lineup, the owner has no ability to influence the outcome of a simulated game. At that point, the owner waits to see what happens based upon the performance of the actual players selected.

Player Selection

The three most common methods of player selection in fantasy sports are (1) a snake draft; (2) an auction draft; and (3) a salary-cap draft. [Memorandum footnote omitted.] In a snake draft, owners take turns drafting actual players for their simulated teams. In an auction draft, each owner has a maximum budget to use to bid for players. Competing owners, however, cannot select the same actual players for their simulated teams as other owners. Daily fantasy sports do not generally utilize a snake draft or an auction draft.

In a salary-cap draft, just like in an auction draft, each owner has a maximum budget. Unlike in an auction draft, however, the owners do not bid against each other. Instead, each actual player has a set fantasy salary. Although (with a few exceptions) [Memorandum footnote 4: For example, most sites require owners to select actual players from at least three different actual teams.], the owners can select any actual player for their teams, the owners cannot exceed their maximum budget. In this format, generally speaking, competing owners can select the same actual players for their simulated teams as other owners.

Types of Simulated Games

Although there are many different types of simulated games offered across the different daily fantasy websites, the simulated games can generally be divided into (1) head-to-head; and (2) tournaments. In head-to-head simulated games, one owner competes against another owner. The owner with the highest total score will win the entire payout pool. Tournaments are simulated games that involve more than two owners.

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 commission, and while appointed or employed with the commission, 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.,⁵⁶ 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 commission; or
- Be a bingo game operator or an employee of a bingo game operator;

Persons who fail to meet or violate the above requirements are ineligible for appointment to or employment with the commission, 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 commission or the Division of Pari-mutuel Wagering (DPMW) in the DBPR;
- 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.

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 commission due to being a relative of one of the persons described above may submit a waiver request to the commission for the person to be considered eligible for employment. Waiver requests must be considered on a case-by-case basis, and the commission must approve or deny each request. If the commission approves the request, the person is eligible for employment with the commission. The waiver procedure does not apply to candidates for appointment to the commission.

A person is ineligible for employment with the commission 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;

⁵⁶ 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.”

- 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 commission 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 the commission.

If an employee of the commission is charged with a felony while employed by the commission, the commission must suspend the employee, with or without pay, and terminate employment with the commission upon conviction. If an employee is charged with a misdemeanor while employed, the commission must suspend the employee, with or without pay, and may terminate employment upon conviction if the commission determines that the offense bears a close relationship to the duties and responsibilities of the position held with the commission.

A commissioner or an employee must notify the commission 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 commission 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.

State Preemption

There are two ways that a local enactment can be inconsistent with state law and therefore unconstitutional. 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.⁵⁷

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.⁵⁸ 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.⁵⁹ Courts determining

⁵⁷ *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 March 27, 2025).

⁵⁸ *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

⁵⁹ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

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.⁶⁰

III. Effect of Proposed Changes:

Section 1 amends s. 16.71, F.S., relating to the Florida Gaming Control Commission (commission), to remove the requirement that members of the commission be appointed by January 1, 2022, and the requirement that the Governor shall consider appointees based on racial, ethnic, and gender diversity. The bill also removes language that directed the Governor to appoint one of the initial members as the initial chair and the initial vice chair.

Section 2 amends s. 16.712, F.S., to require the commission to include the following information in its annual report: the number of investigations that led to criminal charges being filed and the resolution of such criminal case; the number of complaints received by the commission and a summary of the action taken on each complaint by the commission; and a list of property seized by the commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions.

Section 3 amends s. 16.713, F.S., to prohibit a person, for the two years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Section 4 amends s. 16.715, F.S., to revise the restrictions on Commissioners and commission employees that prohibit certain typers of employment immediately before and two years after employment with the commission. Specifically, the bill prohibits a person while employed, and for two years after service as a commissioner or for two years after employment with the commission, a commissioner or commission employee may not be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Additionally, this section of the bill prohibits, while employed, and for two years after service as a commissioner or for two years after employment with the commission, a commissioner, an employee, or a *relative* living in the same household as a commissioner or an employee may not be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Further, this section of the bill prohibits the executive director, or an employee of the commission, for the two years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity

⁶⁰ 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.).

that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Section 5 amends s. 546.10, F.S., relating to amusement games or machines, to provide a procedure that would allow a veterans' service organization that has been 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 that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S., 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 s. 546.10, F.S., or ch. 489, F.S., prior to purchasing or installing a game or machine on the premises.

This section of the bill provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued. Additionally, this section, creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. 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.

The bill provides that:

- The commission must issue a declaratory statement within 60 days after receiving a petition.
- The commission may not deny a validly requested petition.
- Petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises.
- The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- The declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.
- This section of the bill does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- An owner or operator is not required to request a declaratory statement in order to operate.

Section 6 amends s. 550.9512, F.S., related to harness horse taxes, to remove the authority of the commission to reissue escheated harness horse permits for failure of the permitholder to pay the required tax on handle for live performances.

Section 7 amends s. 550.9515, F.S., related to thoroughbred horse taxes, to remove the authority of the commission to reissue escheated thoroughbred horse permits for failure of the permitholder to pay the required tax on handle for live performances.

Section 8 amends s. 551.103, F.S., relating to the powers and duties of the commission. Specifically, commission rules must include procedures and forms for slot machine licensees to demonstrate the suitability of the location for their designated slot machine gaming area.

Section 9 amends s. 551.104, F.S., relating to a license to conduct slot machine gaming, to remove the following references “including minority vendors” “minority residents” and “minority contractors.” The bill deletes the requirement that each slot machine licensee must provide an annual report to the commission containing information indicating compliance with the contracting with minority persons provisions.

Section 10 amends s. 551.114, F.S., relating to slot machine gaming areas, to allow a slot machine licensee to apply to the commission to change the location of a designated slot machine gaming area provided that:

- The location of the designated slot machine gaming area is in the same county as the address specified in the licensed permit holder’s slot machine license issued for Fiscal Year 2020-2021.
- The location of the designated slot machine gaming area is within 1,320 feet on a straight line of any outermost boundary of the licensed permit holder’s designated slot machine gaming area as of January 1, 2025.
- The designated slot machine gaming area is at a location where the licensed permit holder is authorized to conduct pari-mutuel wagering activities pursuant to the licensed permit holder’s valid pari-mutuel permit.
- The location is owned by the licensed pari-mutuel permit holder.
- The location is approved under the zoning regulations of the county or municipality where the permit is to be located as a planned development use, consistent with the comprehensive plan.
- The location does not violate any of the provisions of any tribal-state gaming compact with a federally recognized Indian tribe located within Florida.

Additionally, prior to an application submission, the licensed pari-mutuel permit holder must submit a survey indicating the existing location of the designated slot machine gaming area and the proposed location of the new designated slot machine gaming area.

The commission must examine the application and approve or deny the change of location of the designated slot machine gaming area within specified timeframes required by s. 120.60, F.S.

Section 11 amends s. 838.12, F.S., relating to bribery in athletic contests, to provide that “a person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.”

Section 12 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.⁶¹

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 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.⁶²

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).⁶³

Section 13 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)⁶⁴ to a third degree felony (up to five years/\$5,000 fine).⁶⁵, ⁶⁶ 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

Section 14 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.

⁶¹ 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.

⁶² See s. 843.08, F.S.

⁶³ 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.

⁶⁴ 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.

⁶⁵ 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.

⁶⁶ 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.

- 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.

Section 15 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.

Section 16 amends s. 849.08, F.S., 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 any 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 whatsoever any money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or whoever knowingly becomes the custodian or depository of any money or other thing of value so offered, or whoever 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.

Section 17 amends s. 849.086, F.S., relating to authorized cardrooms, to allow a cardroom operator, at his or her discretion, to limit the playing of any game to persons 21 years of age or older. Currently, a person 18 years of age or older may engage in any game conducted in a cardroom.

In addition, the bill provides that prohibited activities include: a person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Section 18 creates s. 849.0932, F.S., relating to fantasy sports contests, to provide new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest, and provide definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; and Noncommercial contest operator. Total entry fees, collected, maintained, and distributed by a noncommercial contest operator for a fantasy sports contest may not exceed \$1,500 per season or a total of \$10,000 per calendar year and that all entry fees must be returned to the contest participants in the form of prizes.

The bill provides that the commission must investigate violations and refer them to the Attorney General or the state attorney. The bill provides civil and criminal penalties for violations including:

- An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is subject to a fine of up to \$100,000 per violation.
- A person who willfully and knowingly violates this section commits first degree misdemeanor (imprisonment up to one year and a fine up to \$1,000).
- An operator or owner of any application, platform, or website that offers fantasy sports contests in violation of this section commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000).

Section 19 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 whatsoever 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 of such acts.

Section 20 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 that 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 21 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.

Section 22 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 also provides a definition for “person of authority” to mean a person who, at any business, establishment, premises, or other location 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.”

Section 23 creates s. 849.155, 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 25 slot machines or devices or any part thereof or more, 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 50 slot machines or devices or any part thereof or more.

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 24 creates s. 849.157, 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 valuable consideration; 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 valuable consideration.
- 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.

Section 25 repeals s. 849.23, F.S., relating to criminal penalties for the possession, manufacturing, or sale of prohibited slot machines.

Section 26 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).

Section 27 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 defines 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.

Section 28 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.

Section 29 amends s. 903.046, F.S., relating to the purpose of and criteria for bail determination, to revise considerations to 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 chs. 546, 550, 551, or 849, F.S., relating to amusement facilities, pari-mutuel wagering, slot machines, and gambling, respectively.

Section 30 amends s. 921.0022, F.S., 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.⁶⁷

⁶⁷ See s. 921.0022, F.S.

Section 31 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 32 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.

Section 33 reenacts s. 550.3345, F.S., to incorporate amendments made to s. 550.09515, F.S.

Section 34 provides that the bill takes effect October 1, 2025.

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:

In **Section 27** of the bill, there may be some first amendment issues regarding what a person may not “set up” in the course of business.

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. 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, has not yet adopted an estimate for this bill. However, the conference evaluated a similar bill CS/HB 189 on February 12, 2024, and the conference adopted the estimate of “Positive Indeterminate,”⁶⁸ (i.e., an unquantifiable positive prison bed impact).

No anticipated negative fiscal impact to the Florida Gaming Control Commission (commission).⁶⁹ The workload associated with issuing declaratory statements required in the bill can 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, 546.10, 550.09512, 550.09515, 551.103, 551.104, 551.114, 838.12, 843.08, 849.01, 849.02, 849.03, 849.08, 849.086, 849.11, 849.13, 849.14, 849.15, 903.046, 921.0022, 772.102, and 895.02.

This bill creates the following sections of the Florida Statutes: 849.0932, 849.155, 849.157, 849.47, 849.48, and 849.49.

⁶⁸ See the conference’s Narrative Analysis of CS/HB 189 at <http://www.edr.state.fl.us/Content/conferences/criminaljusticeimpact/CSHB189.pdf> (last visited April 3, 2025).

⁶⁹ See Florida Gaming Control Commission, *2025 Agency Legislative Bill Analysis for SB 1404* at 8 (Feb. 24, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

This bill repeals section 849.23 of the Florida Statutes.

The bill reenacts section 550.3345 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:

The committee substitute:

- Adds new reporting requirements for the Florida Gaming Control Commission (commission).
- Deletes a provision that requires a voided horse permit to be reissued.
- Allows a slot machine permitholder to move within ¼ mile of their current slot location.
 - Must apply with the commission to do this.
 - Must own the property that new slot location will be located.
- Excludes pari-mutuel wagering from the definition of Internet sports wagering.
- Optional 21 & up, age restriction for cardrooms.
 - Currently, persons 18 years or older are allowed to engage in game playing.
 - Committee substitute would allow cardroom operators to change the age to 21 years or older.

CS by Regulated Industries on March 27, 2025:

The committee substitute:

- Amends the prohibitions on employment for certain employees and commissioners of the commission to not allow a former employee or commissioner to be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the types of employment positions that are ineligible for employment with the commission within the two years immediately preceding such employment, to include any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the commission's standards of conduct by prohibiting a former employee or commissioner from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the commission's standards of conduct by prohibiting a former employee's or commissioner's relative living in the same household, from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

- Prohibits the executive director, or an employee of the commission, for the two years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Creates a procedure that would allow any veterans' service organization 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 that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S. , 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. 489, F.S.
- Provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.
- Creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. 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.
- Provides that the commission shall issue a declaratory statement within 60 days after receiving a petition. The commission may not deny a petition.
- Provides that petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- Provides the declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.
- Does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- Does not require an owner or operator to request a declaratory statement in order to operate pursuant to this section.
- Creates new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest. The amendment creates definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; Noncommercial contest operator.
- Provides that the commission shall investigate violations of this section and refer them to the Attorney General or the state attorney.
- Provides civil and criminal penalties for violations of this section of the bill.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2025	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

16.71 Florida Gaming Control Commission; creation;
meetings; membership.—

(2) MEMBERSHIP.—

(a) The commission shall be composed ~~consist~~ of five



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members appointed by the Governor, and subject to confirmation by the Senate, for terms of 4 years. ~~Members of the commission must be appointed by January 1, 2022. The Governor shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Of the initial five members appointed by the Governor, and immediately upon appointment, the Governor shall appoint one of the members as the initial chair and one of the members as the initial vice chair.~~ At the end of the initial chair's and vice chair's terms pursuant to subparagraph 1., the commission shall elect one of the members of the commission as chair and one of the members of the commission as vice chair.

1. For the purpose of providing staggered terms, of the initial appointments, two members shall be appointed to 4-year terms, two members shall be appointed to 3-year terms, and one member shall be appointed to a 2-year term.

2. Of the five members, 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 at least the preceding 10 years.

Section 2. Present paragraph (i) of subsection (3) of section 16.712, Florida Statutes, is redesignated as paragraph (k), new paragraphs (i) and (j) are added to that subsection, and paragraph (h) of that subsection is amended, to read:

16.712 Florida Gaming Control Commission authorizations, duties, and responsibilities.—

(3) By December 1 of each year, the commission shall make



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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 or any information being filed and the resolution of such criminal case.

(i) The number of complaints received by the commission categorized by subject matter or type of complaint and a summary of the action taken on each complaint by the commission.

(j) A list of property seized by the commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions.

Section 3. Paragraphs (a) and (b) of subsection (2) of section 16.713, Florida Statutes, are amended 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.—

(a) A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed 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;

2. Be an officer, official, employee, or other person with



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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), of such entity;

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; ~~or~~

4. Be a bingo game operator or an employee of a bingo game operator; or

5. Be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

(b) A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she violated paragraph (a) or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial relationship with, or is a relative of:



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1. Any person or entity who is an applicant, licensee, or registrant with the commission; ~~or~~

2. Any 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; any contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or any ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

3. Any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

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 4. Paragraph (b) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or



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indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either



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directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in s. 16.713(2)(b).



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185 5. A commissioner or an employee may not accept anything
186 from a party in a proceeding currently pending before the
187 commission.

188 6. A commissioner may not serve as the representative of
189 any political party or on any executive committee or other
190 governing body of a political party; serve as an executive
191 officer or employee of any political party, committee,
192 organization, or association; receive remuneration for
193 activities on behalf of any candidate for public office; engage
194 on behalf of any candidate for public office in the solicitation
195 of votes or other activities on behalf of such candidacy; or
196 become a candidate for election to any public office without
197 first resigning from office.

198 7. A commissioner, during his or her term of office, may
199 not make any public comment regarding the merits of any
200 proceeding under ss. 120.569 and 120.57 currently pending before
201 the commission.

202 8. A commissioner or an employee may not act in an
203 unprofessional manner at any time during the performance of
204 official duties.

205 9. A commissioner or an employee must avoid impropriety in
206 all activities and must act at all times in a manner that
207 promotes public confidence in the integrity and impartiality of
208 the commission.

209 10. A commissioner or an employee may not directly or
210 indirectly, through staff or other means, solicit anything of
211 value from any person regulated by the commission, or from any
212 business entity that, whether directly or indirectly, is an
213 affiliate or a subsidiary of any person regulated by the



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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.—

(b) A commissioner, the executive director, or an employee
of the commission may not, for the 2 years immediately following
the date of resignation or termination from 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 be an employee, an associate, an
owner, or a contractor for any person or entity that conducts or
facilitates an activity regulated, enforced, or investigated by
the commission, including fantasy sports contests and other
betting activities;

2. Accept employment by or compensation from a business
entity that, directly or indirectly, owns or controls a person
regulated by the commission; from a person regulated by the
commission; from a business entity which, directly or
indirectly, is an affiliate or subsidiary of a person regulated
by the commission; ~~or~~ from a business entity or trade
association that has been a party to a commission proceeding
within the 2 years preceding the member's resignation or
termination of service on the commission; or from any person or
entity that conducts or facilitates an activity regulated,



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enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

3. Be a bingo game operator or an employee of a bingo game operator.

(c) A person employed by the commission 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 be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

2. Be a bingo game operator or an employee of a bingo game operator.

Section 5. Present subsections (8) and (9) of section 546.10, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization 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, and the veterans' service organization is in doubt about whether a machine meets



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the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. A game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization 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 and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be 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 shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and s. 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory



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statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement 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) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings 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 6. Subsection (3) of section 550.09512, Florida Statutes, is amended to read:

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

~~(3)-(a)~~ The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years shall be void and may not be reissued unless such failure to operate and pay tax on handle



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was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder does ~~shall~~ not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated harness horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated harness horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 7. Subsection (3) of section 550.09515, Florida Statutes, is amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse performances for a full schedule of live races during any 2 consecutive state fiscal years shall be void and shall escheat to and become the property of the state unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the



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permitholder does ~~shall~~ not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 8. Paragraph (k) is added to subsection (1) of section 551.103, Florida Statutes, to read:

551.103 Powers and duties of the commission and law enforcement.—

(1) The commission shall adopt, pursuant to the provisions of ss. 120.536(1) and 120.54, all rules necessary to implement, administer, and regulate slot machine gaming as authorized in this chapter. Such rules must include:

(k) Procedures and forms for slot machine licensees to demonstrate the suitability of the location for their designated slot machine gaming area as described in s. 551.114.

Section 9. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—



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(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the commission a written policy for:

1. Creating opportunities to purchase from vendors in this state, ~~including minority vendors.~~

2. Creating opportunities for employment of residents of this state, ~~including minority residents.~~

3. Ensuring opportunities for construction services from a small business as defined in s. 288.703 ~~minority contractors.~~

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the Department of Commerce in advertising employment opportunities. ~~Each slot machine licensee shall provide an annual report to the Florida Gaming Control Commission containing information indicating compliance with this paragraph in regard to minority persons.~~

Section 10. Subsection (4) of section 551.114, Florida Statutes, is amended to read:



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551.114 Slot machine gaming areas.—

(4) Designated slot machine gaming areas must be located at the address specified in the licensed permitholder's slot machine license issued for fiscal year 2020-2021.

(a) A slot machine licensee may apply to the commission to change the location of the designated slot machine gaming area provided that:

1. The location of the designated slot machine gaming area is in the same county as the address specified in the licensed permitholder's slot machine license issued for fiscal year 2020-2021.

2. The location of the designated slot machine gaming area is within 1,320 feet on a straight line of any outermost boundary of the licensed permitholder's designated slot machine gaming area as of January 1, 2025.

3. The designated slot machine gaming area is at a location where the licensed permitholder is authorized to conduct pari-mutuel wagering activities pursuant to the licensed permitholder's valid pari-mutuel permit.

4. The location is owned by the licensed pari-mutuel permitholder.

5. The location is approved under the zoning regulations of the county or municipality where the permit is to be located as a planned development use, consistent with the comprehensive plan.

6. The location does not violate any of the provisions of any tribal-state gaming compact with a federally recognized Indian tribe located within this state pursuant to the Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168, and 25



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U.S.C. ss. 2701 et seq.

(b) Before submitting an application to the commission to change the location of the designated slot machine gaming area, the licensed pari-mutuel permitholder must submit a survey indicating the existing location of the designated slot machine gaming area and the proposed location of the new designated slot machine gaming area.

(c) The commission is responsible for approving or denying the application to change the location of the designated slot machine gaming area. A slot machine licensee shall apply to the commission using forms adopted by the commission. The commission shall examine the application and approve or deny the change of location of the designated slot machine gaming area within the timeframes required by s. 120.60. The commission may adopt rules to implement this subsection.

Section 11. Section 838.12, Florida Statutes, is amended, to read:

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any



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valuable thing whatsoever, or any promise, contract or agreement
whatsoever, with intent to influence him or her or them to lose
or cause to be lost any game, contest, match, race or sport, or
to limit his or her or their or any person's or any team's
margin of victory in any game, contest, match, race, or sport,
or to fix or throw any game, contest, match, race or sport,
commits shall be guilty of a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A Any participant or prospective participant in any
professional or amateur game, contest, match, race or sport; or
any umpire, referee, judge or other official of such game,
contest, match, race or sport; or any owner, manager, coach or
trainer of, or any relative of, or any person having any direct,
indirect, remote or possible connection with, any team,
individual, participant or prospective participant in any such
professional or amateur game, contest, match, race or sport, or
the officials aforesaid; who in any way solicits, receives or
accepts, or agrees to receive or accept, or who conspires to
receive or accept, any bribe, money, goods, present, reward or
any valuable thing whatsoever, or any promise, contract or
agreement whatsoever, with intent to lose or cause to be lost
any game, contest, match, race or sport, or to limit his, her,
their or any person's or any team's margin of victory in any
game, contest, match, race or sport, or to fix or throw any
game, contest, match, race or sport, commits shall be guilty of
a felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or other
thing of value upon the result of any professional or amateur



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game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Section 843.08, Florida Statutes, is amended to read:

843.08 False personation.—A person who falsely assumes or pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife Conservation Commission, an officer of the Department of Environmental Protection, an officer of the Department of Financial Services, any personnel or representative of the Division of Investigative and Forensic Services, any personnel or representative of the Florida Gaming Control Commission, an officer of the Department of Corrections, 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, a school guardian as described in s. 30.15(1)(k), a security officer licensed under chapter 493, any member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission, any personnel or representative of the Department of Law Enforcement, or a federal law enforcement officer as defined in s. 901.1505, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her



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in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In determining whether a defendant has violated this section, the court or jury may consider any relevant evidence, including, but not limited to, whether the defendant used lights in violation of s. 316.2397 or s. 843.081.

Section 13. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—A person who ~~Whoever~~ by herself or himself, her or his servant, clerk or agent, or in any other manner has, 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, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 14. Section 849.02, Florida Statutes, is amended to read:



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849.02 Agents or employees of keeper of gambling house.—A person who ~~Whoever~~ acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 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 offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) 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.

Section 15. Section 849.03, Florida Statutes, is amended to read:

849.03 Renting house for gambling purposes.—A person who ~~Whoever~~, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

(1) For a first offense, a felony of the third 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 mentioned in s. 849.01.

(2) For a second or subsequent violation, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

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

(a) "Internet gambling" means to play or engage in any game



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in which money or other thing of value is awarded based on chance, regardless of any application of skill, and which 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.

(b) "Internet sports wagering" means to stake, bet, or wager any 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 chapter 550, which is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.

(2) A person who ~~whoever~~ plays or engages in Internet gambling, any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, commits shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the



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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, all of which are
hereby forbidden, commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the
conduct of, any gaming activities authorized under s.
285.710(13) and conducted pursuant to a gaming compact ratified
and approved under s. 285.710(3).

Section 17. Paragraph (b) of subsection (12) of section
849.086, Florida Statutes, is amended, and paragraph (e) is
added to that subsection, to read:

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

(b) A ~~No~~ person must be under 18 years of age or older may
~~be permitted~~ to hold a cardroom or employee license, or engage
in any game conducted therein. However, a cardroom operator may,
at the operator's discretion, limit the playing of any game to
persons 21 years of age or older.

(e) A person who manipulates or attempts to manipulate the
playing cards, outcome, or payoff of a card game in a licensed
cardroom by physical tampering or by use of any object,
instrument, or device, whether mechanical, electrical, magnetic,
or involving other means, commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 18. Section 849.0932, Florida Statutes, is created
to read:

849.0932 Fantasy sports contests; conditions for conduct.—



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

(a) "Commission" means the Florida Gaming Control Commission.

(b) "Confidential information" means information related to the playing of fantasy sports contests by contest participants which is obtained solely as a result of a person's employment with, or work as an agent of, a contest operator.

(c) "Contest operator" means a person or an entity that offers fantasy sports contests for a cash prize to members of the public. The term does not include a noncommercial contest operator in this state.

(d) "Contest participant" means a person who pays an entry fee for the ability to participate in a fantasy or simulation sports game or contest offered by a contest operator or noncommercial contest operator.

(e) "Entry fee" means the cash or cash equivalent amount that a person is required to pay to a contest operator or noncommercial contest operator to participate in a fantasy sports contest.

(f) "Fantasy sports contest" means a fantasy or simulation sports game or contest offered by a contest operator or a noncommercial contest operator in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and which meets each of the following requirements:

1. All prizes and awards offered to winning contest participants are established and made known to the contest participants in advance of the game or contest, and their value is not determined by the number of contest participants or the



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amount of any fees paid by those contest participants.

2. All winning outcomes reflect the relative knowledge and skill of the contest participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.

3. No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams; solely on any single performance of an individual athlete or player in a single actual event; on a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002; on a game of poker or other card game; or on the performances of participants in collegiate, high school, or youth sporting events.

4. No casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are displayed or depicted.

(g) "Noncommercial contest operator" means a natural person who organizes and conducts a fantasy or simulation sports game in which contest participants are charged entry fees for the right to participate and who collects, maintains, and distributes such entry fees.

(2) The total entry fees collected, maintained, and distributed by a noncommercial contest operator for a fantasy sports contest may not exceed \$1,500 per season or a total of \$10,000 per calendar year. All entry fees must be returned to the contest participants in the form of prizes.

(3) The Florida Gaming Control Commission shall investigate violations of this section and refer them to the Attorney



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General or the state attorney in the circuit in which the violation occurs. The Attorney General or state attorney may also institute proceedings to enjoin any person found to be violating this section.

(4) (a) A violation of this section is punishable by a fine of \$1,000 in addition to civil and criminal penalties.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is subject to a fine of up to \$100,000 per violation.

(5) (a) A person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An operator or owner of any application, platform, or website that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 19. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever sets up, promotes or plays in person or by the use, at least in part, of the Internet, at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein, commits shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who sets up, operates, conducts, promotes, or



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receives in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited in subsection (1), 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 such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 20. Section 849.13, Florida Statutes, is amended to read:

849.13 ~~Punishment on~~ Second or subsequent conviction.—~~A person who commits a second or subsequent violation of the same~~ Whoever, after being convicted of an offense forbidden by law in connection with lotteries for which there is no penalty specified for a second or subsequent violation, shall have the offense reclassified to an offense of the next higher degree, ~~commits the like offense, shall be guilty of a misdemeanor of the first degree,~~ punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

Section 21. Section 849.14, Florida Statutes, is amended to read:

849.14 Unlawful to bet on result of trial or contest of skill, etc.—~~A person who~~ Whoever stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast, or who ~~whoever~~ receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the



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purpose of being staked, bet, or wagered, by or for any other person upon any such result, or who ~~whoever~~ knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result, or who ~~whoever~~ aids, or assists, or abets, or influences in any manner in any of such acts all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 22. Section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of slot machines or devices prohibited.—

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

(a) "Conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(b) "Person of authority" means a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

1. 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

2. Any ownership interest in the business, establishment, premises, or other location. The term "ownership interest" includes being an officer, a director, or a managing member of the business, establishment, premises, or other location.

(2)~~(1)~~ It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose



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for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2), and:

1. At the time of the violation, the person was a person of authority; or

2. The person has one prior conviction for a violation of this section.

(c) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2), and:



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1.a. At the time of the violation, the person was a person of authority; and

b. The violation involves five or more slot machines or devices; or

2. The person has two or more prior convictions for a violation of this section.

(4)-(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, 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,



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being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, 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 shall 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.

Section 23. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts.— 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. If the quantity of slot machines or devices or any parts thereof involved is:

(1) More than 15 slot machines or devices or any parts thereof, but less than 25 slot machines or devices or any parts thereof, such person must be fined \$100,000.

(2) Twenty-five slot machines or devices or any parts thereof or more, but less than 50 slot machines or devices or any parts thereof, such person must be fined \$250,000.



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(3) Fifty slot machines or devices or any parts thereof or more, such person must be fined \$500,000.

(4) Pursuant to section 2 of the 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, 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 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 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, 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



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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 the state shall 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.

Notwithstanding any other law, all fines imposed and collected pursuant to this section must be deposited into the Pari-mutuel Wagering Trust Fund and may be used for the enforcement of this chapter and chapters 546, 550, and 551 by the Florida Gaming Control Commission.

Section 24. Section 849.157, Florida Statutes, is created to read:

849.157 Making a false or misleading statement regarding the legality of slot machines or devices to facilitate sale.—

(1) Except as provided in subsection (2), a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates 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 valuable consideration commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1), when such a violation involves the sale or delivery, or attempted sale or



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delivery, of five or more slot machines or devices, commits a
felony of the second degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

Section 25. Section 849.23, Florida Statutes, is repealed.

Section 26. 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 that 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
in violation of subsection (2) 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.
775.082, s. 775.083, or s. 775.084.

Section 27. Section 849.48, Florida Statutes, is created to



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read:

849.48 Gambling or gaming advertisements; prohibited.—

(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) (a) 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, 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 specifically 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,



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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 28. 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 29. 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 be, the court shall consider:

(i) The amount of currency seized that is connected to or involved in a violation of chapter 546, chapter 550, chapter 551, or chapter 849.

Section 30. Paragraphs (a), (c), (e), and (g) 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

(a) LEVEL 1



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Florida Statute	Felony Degree	Description
24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
104.0616 (2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15 (2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.



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1035	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
1036	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
1037	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
1038	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
1039	322.212 (5) (a)	3rd	False application for driver license or identification card.
1040	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.



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1041	509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
1042	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
1043	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
1044	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
1045	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
1046	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
1047	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
1048			



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1049	826.01	3rd	Bigamy.
1050	828.122 (3)	3rd	Fighting or baiting animals.
1051	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
1052	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
1053	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
1054	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
1055	838.15 (2)	3rd	Commercial bribe receiving.
1056	838.16	3rd	Commercial bribery.
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.



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1057

847.011(1)(a) 3rd Sell, distribute, etc.,
obscene, lewd, etc., material
(2nd conviction).

1058

~~849.09(1)(a)-(d) 3rd Lottery; set up, promote, etc.,
or assist therein, conduct or
advertise drawing for prizes,
or dispose of property or money
by means of lottery.~~

1059

~~849.23 3rd Gambling-related machines;
"common offender" as to
property rights.~~

1060

~~849.25(2) 3rd Engaging in bookmaking.~~

1061

860.08 3rd Interfere with a railroad
signal.

1062

860.13(1)(a) 3rd Operate aircraft while under
the influence.

1063

893.13(2)(a)2. 3rd Purchase of cannabis.

1064

893.13(6)(a) 3rd Possession of cannabis (more
than 20 grams).

1065

934.03(1)(a) 3rd Intercepts, or procures any



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other person to intercept, any
wire or oral communication.

(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.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate



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1077			of title to a motor vehicle or mobile home.
	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1078			
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1079			
	327.35(2)(b)	3rd	Felony BUI.
1080			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1081			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1082			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1083			
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring,



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1084			selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
	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.
1085			
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
1086			
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
1087			
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
1088			
	440.1051 (3)	3rd	False report of workers'



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1089			compensation fraud or retaliation for making such a report.
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1090			
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
1091			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1092			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
1093			
	697.08	3rd	Equity skimming.
1094			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
1095			
	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24



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1096			years of age or older.
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1097			
	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
1098			
	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1099			
	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
1100			
	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1101			
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1102			
	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
1103			
	812.081(2)	3rd	Theft of a trade secret.



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1104	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
1105	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1106	817.233	3rd	Burning to defraud insurer.
1107	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1108	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1109	817.236	3rd	Filing a false motor vehicle insurance application.
1110	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1111	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
1112			



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1113

817.49(2)(b)1. 3rd Willful making of a false
report of a crime causing great
bodily harm, permanent
disfigurement, or permanent
disability.

1114

831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument
with intent to defraud.

1115

831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

1116

836.13(2) 3rd Person who promotes an altered
sexual depiction of an
identifiable person without
consent.

1117

838.021(3)(b) 3rd Threatens unlawful harm to
public servant.

838.12(3) 3rd Betting on a predetermined or
prearranged professional or
amateur game, contest, match,
race, or sport.



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1118	<u>849.01</u>	<u>3rd</u>	<u>Keeping a gambling house.</u>
1119	<u>849.02 (2)</u>	<u>3rd</u>	<u>Agents or employees of keeper</u> <u>of gambling house.</u>
1120	<u>849.03 (1)</u>	<u>3rd</u>	<u>Renting house for gambling</u> <u>purposes.</u>
1121	<u>849.08 (4)</u>	<u>3rd</u>	<u>Operating, conducting,</u> <u>promoting, aiding, abetting,</u> <u>assisting Internet gambling and</u> <u>Internet sports wagering.</u>
1122	<u>849.086 (12) (e)</u>	<u>3rd</u>	<u>Tampering with cards or card</u> <u>games.</u>
1123	<u>849.09 (1) (a) - (d)</u>	<u>3rd</u>	<u>Lottery; set up, promote, etc.,</u> <u>or assist therein, conduct or</u> <u>advertise drawing for prizes,</u> <u>or dispose of property or money</u> <u>by means of lottery.</u>
1124	<u>849.09 (1) (e),</u> <u>(f), (g), (i),</u> <u>or (k)</u>	<u>3rd</u>	<u>Conducting an unlawful lottery;</u> <u>second or subsequent offense.</u>
1125	<u>849.09 (1) (h) or</u>	<u>3rd</u>	<u>Conducting an unlawful lottery;</u>



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1126	<u>(j)</u>		<u>second or subsequent offense.</u>
	<u>849.11 (2)</u>	<u>3rd</u>	<u>Offenses relating to games of chance.</u>
1127			
	<u>849.14</u>	<u>3rd</u>	<u>Betting on result of trial or contest of skill, etc.</u>
1128			
	<u>849.15 (3) (b)</u>	<u>3rd</u>	<u>Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction.</u>
1129			
	<u>849.157 (1)</u>	<u>3rd</u>	<u>False or misleading statement to facilitate sale of slot machines or devices.</u>
1130			
	<u>849.25 (2)</u>	<u>3rd</u>	<u>Engaging in bookmaking.</u>
1131			
	<u>849.47 (3) (a) & (b)</u>	<u>3rd</u>	<u>Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.</u>
1132			
	<u>849.48 (2) (c)</u>	<u>3rd</u>	<u>Illegal gambling advertising.</u>
1133			
	847.01385	3rd	Harmful communication to a



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			minor.
1134	860.15(3)	3rd	Overcharging for repairs and parts.
1135	870.01(2)	3rd	Riot.
1136	870.01(4)	3rd	Inciting a riot.
1137	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).
1138	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.
1139	893.13(1)(f)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



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1140

within 1,000 feet of public
housing facility.

893.13(4)(c)

3rd

Use or hire of minor; deliver
to minor other controlled
substances.

1141

893.13(6)(a)

3rd

Possession of any controlled
substance other than felony
possession of cannabis.

1142

893.13(7)(a)8.

3rd

Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

1143

893.13(7)(a)9.

3rd

Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

1144

893.13(7)(a)10.

3rd

Affix false or forged label to
package of controlled
substance.

1145

893.13(7)(a)11.

3rd

Furnish false or fraudulent
material information on any
document or record required by
chapter 893.



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1146

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.

1147

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.

1148

893.13(8)(a)3. 3rd Knowingly write a prescription
 for a controlled substance for
 a fictitious person.

1149

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.

1150



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1151	918.13(1)	3rd	Tampering with or fabricating physical evidence.
1152	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
1153	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
1154	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
1155			
1156	(e) LEVEL 5		
1157			
1158			
1159	Florida Statute	Felony Degree	Description
1160	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1161	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.



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1162

316.80(2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

1163

322.34(6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

1164

327.30(5) 3rd Vessel accidents involving
personal injury; leaving scene.

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 imitation stone
crab trap tags; and engaging in
the commercial harvest of stone
crabs while license is
suspended or revoked.



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1165	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1166	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
1167	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1168	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
1169	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1170	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1171	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1172			



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1173	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1174	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
1175	790.162	2nd	Threat to throw or discharge destructive device.
1176	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
1177	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1178	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1179	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1180	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition;



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1181			offender 18 years of age or older.
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1182			
	810.145(4)(c)	3rd	Commercial digital voyeurism dissemination.
1183			
	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
1184			
	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
1185			
	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
1186			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1187			
	812.015 (8)(a) & (c)- (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.



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1188	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
1189	812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
1190	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
1191	812.081(3)	2nd	Trafficking in trade secrets.
1192	812.131(2)(b)	3rd	Robbery by sudden snatching.
1193	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1194	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1195	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1196	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding



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1197

property values relating to the
solvency of an insuring entity.

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.

1198

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

1199

817.625 (2) (b)

2nd

Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

1200

825.1025 (4)

3rd

Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

1201

828.12 (2)

3rd

Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.



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1202	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
1203	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.
1204	843.01 (1)	3rd	Resist officer with violence to person; resist arrest with violence.
1205	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1206	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1207	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1208	<u>849.02 (3)</u>	<u>2nd</u>	<u>Agents or employees of keeper</u>



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			<u>of gambling house, 3rd or</u> <u>subsequent offense.</u>
1209	<u>849.03(2)</u>	<u>2nd</u>	<u>Renting house for gambling</u> <u>purposes.</u>
1210	<u>849.15(3)(c)</u>	<u>2nd</u>	<u>Manufacture, sale, or</u> <u>possession of a slot machine;</u> <u>by a person of authority of</u> <u>five or more machines or two or</u> <u>more prior convictions.</u>
1211	<u>849.157(2)</u>	<u>2nd</u>	<u>False or misleading statement</u> <u>to facilitate sale of slot</u> <u>machines or devices; five or</u> <u>more machines.</u>
1212	<u>849.25(3)</u>	<u>2nd</u>	<u>Bookmaking; second or</u> <u>subsequent offense.</u>
1213	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
1214	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
1215			



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1216

893.13(1)(a)1. 2nd 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).

1217

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.

1218

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.

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
 cannabis or other drug
 prohibited under s.



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1219			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.
	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.
1220			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
1221			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
1222			
1223			
1224	(g) LEVEL 7		
1225			
1226			
	Florida	Felony	Description
	Statute	Degree	



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1227	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
1228	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
1229	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.
1230	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1231	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1232	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1233	409.920	2nd	Medicaid provider fraud; more



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(2) (b) 1.b.

than \$10,000, but less than
\$50,000.

456.065 (2)

3rd

Practicing a health care
profession without a license.

456.065 (2)

2nd

Practicing a health care
profession without a license
which results in serious bodily
injury.

458.327 (1)

3rd

Practicing medicine without a
license.

459.013 (1)

3rd

Practicing osteopathic medicine
without a license.

460.411 (1)

3rd

Practicing chiropractic
medicine without a license.

461.012 (1)

3rd

Practicing podiatric medicine
without a license.

462.17

3rd

Practicing naturopathy without
a license.

463.015 (1)

3rd

Practicing optometry without a
license.



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1243	464.016(1)	3rd	Practicing nursing without a license.
1244	465.015(2)	3rd	Practicing pharmacy without a license.
1245	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1246	467.201	3rd	Practicing midwifery without a license.
1247	468.366	3rd	Delivering respiratory care services without a license.
1248	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
1249	483.901(7)	3rd	Practicing medical physics without a license.
1250	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1251	484.053	3rd	Dispensing hearing aids without a license.
	494.0018(2)	1st	Conviction of any violation of



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			chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1252	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1253	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1254	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1255	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1256	775.21(10)(b)	3rd	Sexual predator working where



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1257			children regularly congregate.
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1258			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1259			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1260			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1261			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1262			



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1263	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1264	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1265	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1266	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1267	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1268	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1269	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1270	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1271	784.081 (1)	1st	Aggravated battery on specified official or employee.



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1272	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
1273	784.083(1)	1st	Aggravated battery on code inspector.
1274	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1275	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1276	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1277	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1278	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165(3)	2nd	Possessing, displaying, or



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1279			threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1280			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1281			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1282			
	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.
1283			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1284			
	796.05(1)	1st	Live on earnings of a



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1285			prostitute; 3rd and subsequent offense.
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1286			
	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.
1287			
	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.
1288			
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1289			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1290			
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault



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1291			or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1292			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1293			
	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.
1294			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1295			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1296			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1297			



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1298	812.014 (2) (g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.
1299	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1300	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1301	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1302	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1303	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1304	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1305	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.



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1306	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	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.
1307			
	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
1308			
	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
1309			
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1310			
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
1311			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or



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1312			disfigurement.
	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.
1313			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1314			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1315			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1316			
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
1317			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1318			
	838.015	2nd	Bribery.



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1319	838.016	2nd	Unlawful compensation or reward for official behavior.
1320	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1321	838.22	2nd	Bid tampering.
1322	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1323	843.0855 (3)	3rd	Unlawful simulation of legal process.
1324	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1325	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1326	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1327	<u>849.155</u>	<u>1st</u>	<u>Trafficking in slot machines or devices or any parts thereof.</u>
1328	872.06	2nd	Abuse of a dead human body.



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1329

874.05 (2) (b) 1st Encouraging or recruiting
person under 13 to join a
criminal gang; second or
subsequent offense.

1330

874.10 1st,PBL Knowingly initiates, organizes,
plans, finances, directs,
manages, or supervises criminal
gang-related activity.

1331

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 publicly owned
recreational facility or
community center.

1332

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



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1333			used for religious services or a specified business site.
	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1334			
	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1335			
	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1336			
	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1337			
	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1338			
	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1339			
	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14



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1340			grams.
	893.135	1st	Trafficking in oxycodone, 14
	(1) (c) 3.b.		grams or more, less than 25
			grams.
1341			
	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14
			grams.
1342			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.a.		28 grams or more, less than 200
			grams.
1343			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone,
			200 grams or more, less than 5
			kilograms.
1344			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14
			grams or more, less than 28
			grams.
1345			
	893.135	1st	Trafficking in flunitrazepam, 4
	(1) (g) 1.a.		grams or more, less than 14
			grams.
1346			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1
			kilogram or more, less than 5



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1347			kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.a.		1 kilogram or more, less than 5
			kilograms.
1348			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.a.		10 grams or more, less than 200
			grams.
1349			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or
			more, less than 500 grams.
1350			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or
			more, less than 1,000 grams.
1351			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams or
			more, less than 100 grams.
1352			
	893.1351(2)	2nd	Possession of place for
			trafficking in or manufacturing
			of controlled substance.
1353			
	896.101(5) (a)	3rd	Money laundering, financial
			transactions exceeding \$300 but
			less than \$20,000.



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1354	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1355	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1356	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1357	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1358	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1359	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address



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1360

verification; providing false
registration information.

944.607(9)

3rd

Sexual offender; failure to
comply with reporting
requirements.

1361

944.607(10) (a)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

1362

944.607(12)

3rd

Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

1363

944.607(13)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

1364

985.4815(10)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

1365

985.4815(12)

3rd

Failure to report or providing
false information about a
sexual offender; harbor or



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conceal a sexual offender.

985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

Section 31. Paragraph (a) of subsection (1) and paragraph
(a) of subsection (2) of section 772.102, Florida Statutes, are
amended to read:

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

(1) "Criminal activity" means to commit, to attempt to
commit, to conspire to commit, or to solicit, coerce, or
intimidate another person to commit:

(a) Any crime that is chargeable by indictment or
information under the following provisions:

1. Section 210.18, relating to evasion of payment of
cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers'
compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing
and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution,



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and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.



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25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s. 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 or s. 918.13, relating to tampering with jurors and 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.



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849.25, relating to gambling.

Section 32. 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 33. For the purpose of incorporating the amendment made by this act to section 550.09515, Florida Statutes, in a reference thereto, subsection (3) of section 550.3345, Florida Statutes, is reenacted to read:

550.3345 Conversion of quarter horse permit to a limited thoroughbred permit.—

(3) Unless otherwise provided in this section, after conversion, the permit and the not-for-profit corporation shall be treated under the laws of this state as a thoroughbred permit and as a thoroughbred permitholder, respectively, with the exception of ss. 550.09515(3) and 550.6308.

Section 34. This act shall take effect October 1, 2025.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to gambling; amending s. 16.71, F.S.;
deleting obsolete provisions; deleting language
concerning factors to be considered in appointments to
the Florida Gaming Control Commission; amending s.
16.712, F.S.; revising the information that must be
included in the commission's annual report to the
Governor and the Legislature; amending s. 16.713,
F.S.; prohibiting certain employment for a specified
timeframe before or during a person's service with the
commission; amending s. 16.715, F.S.; revising
standards of conduct for the commission; prohibiting
certain post-employment activities for former
commissioners and employees for a specified period;
amending s. 546.10, F.S.; authorizing certain
organizations to petition the commission before
purchasing, installing, or operating a game or machine
on its premises before petitioning for and being
issued a specified declaratory statement from the
commission if the organization is unsure if such game
or machine is an amusement machine; prohibiting such
organizations from purchasing or installing a game or
machine until an outstanding declaratory statement is
issued; prohibiting such organizations from seeking a



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1505 declaratory statement if the game or machine in
1506 question is the subject of a criminal investigation;
1507 requiring the commission to issue a declaratory
1508 statement within a specified timeframe; prohibiting
1509 the commission from denying a petition if it was
1510 validly requested; specifying the information that
1511 must be included in a request for a declaratory
1512 statement; providing that the declaratory statement is
1513 valid only for the game or machine for which it is
1514 requested; providing that the declaratory statement is
1515 invalid if the specifications for the game or machine
1516 have been changed; providing that the declaratory
1517 statement is binding on the commission and may be
1518 introduced as evidence in subsequent proceedings;
1519 providing construction; amending ss. 550.09512 and
1520 550.09515, F.S.; deleting a requirement that the
1521 commission reissue certain escheated permits to
1522 qualified applicants; deleting applicability; deleting
1523 that such new applicants are authorized to operate
1524 certain facilities within the specified area of the
1525 escheated permit was authorized to operate; amending
1526 s. 551.103, F.S.; revising the powers and duties of
1527 the commission; amending s. 551.104, F.S.; revising
1528 the hiring and procurement policy and reporting
1529 requirements for slot machine gaming licensure;
1530 amending s. 551.114, F.S.; authorizing a slot machine
1531 licensee to apply to the commission to change the
1532 location of the designated slot machine gaming area
1533 under certain circumstances; requiring a pari-mutuel



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1534 permit holder to submit to the commission certain
1535 information about the new designated slot machine
1536 gaming area; providing that the commission is
1537 responsible for approving or denying an application to
1538 change the location of the designated slot machine
1539 gaming area; requiring applicants to apply on forms
1540 adopted by the commission; requiring the commission to
1541 examine and approve or deny applicants within a
1542 specified timeframe; authorizing the commission to
1543 adopt rules; amending s. 838.12, F.S.; prohibiting
1544 betting on athletic contests with knowledge that the
1545 results are prearranged or predetermined; providing
1546 criminal penalties; amending s. 843.08, F.S.;
1547 prohibiting false personation of personnel of the
1548 commission; providing criminal penalties; amending s.
1549 849.01, F.S.; revising criminal penalties for offenses
1550 involving keeping a gambling house; amending s.
1551 849.02, F.S.; increasing criminal penalties for
1552 specified offenses by agents or employees of a keeper
1553 of a gambling house; amending s. 849.03, F.S.;
1554 revising criminal penalties for offenses involving
1555 renting a house for gambling purposes; amending s.
1556 849.08, F.S.; defining the terms "Internet gambling"
1557 and "Internet sports wagering"; prohibiting Internet
1558 gambling and Internet sports wagering and related
1559 offenses; providing criminal penalties; providing an
1560 exception; amending s. 849.086, F.S.; providing that a
1561 cardroom operator may limit the playing of any game to
1562 persons 21 years of age or older; making technical



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1563 changes; prohibiting specified actions relating to
1564 manipulation of card games; providing criminal
1565 penalties; creating s. 849.0932, F.S.; defining terms;
1566 prohibiting entry fees collected by noncommercial
1567 contest operators from exceeding a specified amount;
1568 requiring that all entry fees be returned to contest
1569 participants in the form of prizes; requiring the
1570 commission to investigate and refer violations to the
1571 Attorney General or the state attorney in the circuit
1572 in which the violation occurs; authorizing the
1573 Attorney General or the state attorney to institute
1574 proceedings to enjoin persons found to be in violation
1575 of specified provisions of law; providing fines of
1576 specified amounts and civil and criminal penalties for
1577 specified violations; amending s. 849.11, F.S.;
1578 prohibiting certain offenses related to games of
1579 chance involving the Internet; providing criminal
1580 penalties; amending s. 849.13, F.S.; providing
1581 enhanced criminal penalties for second or subsequent
1582 violations of certain provisions; amending s. 849.14,
1583 F.S.; revising the criminal penalties for betting or
1584 wagering on certain activities; amending s. 849.15,
1585 F.S.; defining terms; providing criminal penalties for
1586 specified offenses relating to the manufacture,
1587 possession, and sale of slot machines or devices;
1588 creating s. 849.155, F.S.; prohibiting trafficking in
1589 slot machines, devices, or parts thereof; providing
1590 criminal penalties; providing for the deposit of fines
1591 into a specified trust fund for specified purposes;



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1592 creating s. 849.157, F.S.; prohibiting the making of a
1593 false or misleading statement regarding the legality
1594 of slot machines or devices for specified purposes;
1595 providing criminal penalties; repealing s. 849.23,
1596 F.S., relating to penalties for violations of
1597 specified sections; creating s. 849.47, F.S.; defining
1598 the term "illegal gambling"; prohibiting the
1599 transportation of specified numbers of persons,
1600 persons of certain ages, or a certain number of
1601 persons for the purpose of facilitating illegal
1602 gambling; providing criminal penalties; creating s.
1603 849.48, F.S.; defining the term "illegal gambling";
1604 prohibiting specified gambling or gaming
1605 advertisements; providing criminal penalties;
1606 providing construction; creating s. 849.49, F.S.;
1607 preempting to the state the regulation of gaming,
1608 gambling, lotteries, or any activities described in
1609 specified provisions; amending s. 903.046, F.S.;
1610 providing for consideration of the amount of currency
1611 seized connected to or involved in specified gambling
1612 or gaming offenses when determining whether to release
1613 a defendant prior to trial; amending s. 921.0022,
1614 F.S.; ranking offenses for purposes of the offense
1615 severity ranking chart of the Criminal Punishment
1616 Code; amending ss. 772.102 and 895.02, F.S.;
1617 conforming provisions to changes made by the act;
1618 reenacting s. 550.3345(3), F.S., relating to the
1619 conversion of quarter horse permit to a limited
1620 thoroughbred permit, to incorporate the amendment made



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1621 to s. 550.09515, F.S., in a reference thereto;
1622 providing an effective date.

By the Committee on Regulated Industries; and Senator Simon

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1 A bill to be entitled
 2 An act relating to gambling; amending s. 16.71, F.S.;
 3 deleting obsolete provisions; deleting language
 4 concerning factors to be considered in appointments to
 5 the Florida Gaming Control Commission; amending s.
 6 16.713, F.S.; prohibiting certain employment for a
 7 specified timeframe before or during a person's
 8 service with the commission; amending s. 16.715, F.S.;
 9 revising standards of conduct for the commission;
 10 prohibiting certain post-employment activities for
 11 former commissioners and employees for a specified
 12 period; amending s. 546.10, F.S.; authorizing certain
 13 organizations to petition the commission before
 14 purchasing, installing, or operating a game or machine
 15 on its premises before petitioning for and being
 16 issued a specified declaratory statement from the
 17 commission if the organization is unsure if such game
 18 or machine is an amusement machine; prohibiting such
 19 organizations from purchasing or installing a game or
 20 machine until an outstanding declaratory statement is
 21 issued; prohibiting such organizations from seeking a
 22 declaratory statement if the game or machine in
 23 question is the subject of a criminal investigation;
 24 requiring the commission to issue a declaratory
 25 statement within a specified timeframe; prohibiting
 26 the commission from denying a petition if it was
 27 validly requested; specifying the information that
 28 must be included in a request for a declaratory
 29 statement; providing that the declaratory statement is

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30 valid only for the game or machine for which it is
 31 requested; providing that the declaratory statement is
 32 invalid if the specifications for the game or machine
 33 have been changed; providing that the declaratory
 34 statement is binding on the commission and may be
 35 introduced as evidence in subsequent proceedings;
 36 providing construction; amending s. 551.104, F.S.;
 37 revising hiring and procurement policy and reporting
 38 requirements for slot machine gaming licensure;
 39 amending s. 838.12, F.S.; prohibiting betting on
 40 athletic contests with knowledge that the results are
 41 prearranged or predetermined; providing criminal
 42 penalties; amending s. 843.08, F.S.; prohibiting false
 43 personation of personnel of the commission; providing
 44 criminal penalties; amending s. 849.01, F.S.; revising
 45 criminal penalties for offenses involving keeping a
 46 gambling house; amending s. 849.02, F.S.; increasing
 47 criminal penalties for specified offenses by agents or
 48 employees of a keeper of a gambling house; amending s.
 49 849.03, F.S.; revising criminal penalties for offenses
 50 involving renting a house for gambling purposes;
 51 amending s. 849.08, F.S.; defining the terms "Internet
 52 gambling" and "Internet sports wagering"; prohibiting
 53 Internet gambling and Internet sports wagering and
 54 related offenses; providing criminal penalties;
 55 providing an exception; amending s. 849.086, F.S.;
 56 prohibiting specified actions relating to manipulation
 57 of card games; providing criminal penalties; creating
 58 s. 849.0932, F.S.; defining terms; prohibiting entry

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59 fees collected by noncommercial contest operators from
 60 exceeding a specified amount; requiring that all entry
 61 fees be returned to contest participants in the form
 62 of prizes; requiring the commission to investigate and
 63 refer violations to the Attorney General or the state
 64 attorney in the circuit in which the violation occurs;
 65 authorizing the Attorney General or the state attorney
 66 to institute proceedings to enjoin persons found to be
 67 in violation of specified provisions of law; providing
 68 fines of specified amounts and civil and criminal
 69 penalties for specified violations; amending s.
 70 849.11, F.S.; prohibiting certain offenses related to
 71 games of chance involving the Internet; providing
 72 criminal penalties; amending s. 849.13, F.S.;
 73 providing enhanced criminal penalties for second or
 74 subsequent violations of certain provisions; amending
 75 s. 849.14, F.S.; revising the criminal penalties for
 76 betting or wagering on certain activities; amending s.
 77 849.15, F.S.; defining terms; providing criminal
 78 penalties for specified offenses relating to the
 79 manufacture, possession, and sale of slot machines or
 80 devices; creating s. 849.155, F.S.; prohibiting
 81 trafficking in slot machines, devices, or parts
 82 thereof; providing criminal penalties; providing for
 83 the deposit of fines into a specified trust fund for
 84 specified purposes; creating s. 849.157, F.S.;
 85 prohibiting the making of a false or misleading
 86 statement regarding the legality of slot machines or
 87 devices for specified purposes; providing criminal

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88 penalties; repealing s. 849.23, F.S., relating to
 89 penalties for violations of specified sections;
 90 creating s. 849.47, F.S.; defining the term "illegal
 91 gambling"; prohibiting the transportation of specified
 92 numbers of persons, persons of certain ages, or a
 93 certain number of persons for the purpose of
 94 facilitating illegal gambling; providing criminal
 95 penalties; creating s. 849.48, F.S.; defining the term
 96 "illegal gambling"; prohibiting specified gambling or
 97 gaming advertisements; providing criminal penalties;
 98 providing construction; creating s. 849.49, F.S.;
 99 preempting to the state the regulation of gaming,
 100 gambling, lotteries, or any activities described in
 101 specified provisions; amending s. 903.046, F.S.;
 102 providing for consideration of the amount of currency
 103 seized connected to or involved in specified gambling
 104 or gaming offenses when determining whether to release
 105 a defendant prior to trial; amending s. 921.0022,
 106 F.S.; ranking offenses for purposes of the offense
 107 severity ranking chart of the Criminal Punishment
 108 Code; amending ss. 772.102 and 895.02, F.S.;
 109 conforming provisions to changes made by the act;
 110 providing an effective date.

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

113
 114 Section 1. Paragraph (a) of subsection (2) of section
 115 16.71, Florida Statutes, is amended to read:
 116 16.71 Florida Gaming Control Commission; creation;

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meetings; membership.-

(2) MEMBERSHIP.-

(a) The commission shall ~~be composed consist~~ of five members appointed by the Governor, and subject to confirmation by the Senate, for terms of 4 years. ~~Members of the commission must be appointed by January 1, 2022. The Governor shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Of the initial five members appointed by the Governor, and immediately upon appointment, the Governor shall appoint one of the members as the initial chair and one of the members as the initial vice chair.~~ At the end of the initial chair's and vice chair's terms pursuant to subparagraph 1., the commission shall elect one of the members of the commission as chair and one of the members of the commission as vice chair.

1. For the purpose of providing staggered terms, of the initial appointments, two members shall be appointed to 4-year terms, two members shall be appointed to 3-year terms, and one member shall be appointed to a 2-year term.

2. Of the five members, 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 at least the preceding 10 years.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 16.713, Florida Statutes, are amended to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.-

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(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.-

(a) A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed 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;

2. 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), of such entity;

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; ~~or~~

4. Be a bingo game operator or an employee of a bingo game

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operator; or

5. Be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

(b) A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she violated paragraph (a) or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial relationship with, or is a relative of:

1. Any person or entity who is an applicant, licensee, or registrant with the commission; ~~or~~

2. Any 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; any contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or any ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

3. Any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

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,

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sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Section 3. Paragraph (b) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher

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conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee, an associate, an owner, or a contractor for any person or entity

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that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in 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.

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291 8. A commissioner or an employee may not act in an
 292 unprofessional manner at any time during the performance of
 293 official duties.

294 9. A commissioner or an employee must avoid impropriety in
 295 all activities and must act at all times in a manner that
 296 promotes public confidence in the integrity and impartiality of
 297 the commission.

298 10. A commissioner or an employee may not directly or
 299 indirectly, through staff or other means, solicit anything of
 300 value from any person regulated by the commission, or from any
 301 business entity that, whether directly or indirectly, is an
 302 affiliate or a subsidiary of any person regulated by the
 303 commission, or from any party appearing in a proceeding
 304 considered by the commission in the last 2 years.

305 11. A commissioner may not lobby the Governor or any agency
 306 of the state, members or employees of the Legislature, or any
 307 county or municipal government or governmental agency except to
 308 represent the commission in an official capacity.

309 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

310 (b) A commissioner, the executive director, or an employee
 311 of the commission may not, for the 2 years immediately following
 312 the date of resignation or termination from the commission:

313 1. Hold a permit or license issued under chapter 550, or a
 314 license issued under chapter 551 or chapter 849; be an officer,
 315 official, or employee of such permitholder or licensee; ~~or~~ be an
 316 ultimate equitable owner, as defined in s. 550.002(37), of such
 317 permitholder or licensee; or be an employee, an associate, an
 318 owner, or a contractor for any person or entity that conducts or
 319 facilitates an activity regulated, enforced, or investigated by

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320 the commission, including fantasy sports contests and other
 321 betting activities;

322 2. Accept employment by or compensation from a business
 323 entity that, directly or indirectly, owns or controls a person
 324 regulated by the commission; from a person regulated by the
 325 commission; from a business entity which, directly or
 326 indirectly, is an affiliate or subsidiary of a person regulated
 327 by the commission; ~~or~~ from a business entity or trade
 328 association that has been a party to a commission proceeding
 329 within the 2 years preceding the member's resignation or
 330 termination of service on the commission; from any person or
 331 entity that conducts or facilitates an activity regulated,
 332 enforced, or investigated by the commission, including fantasy
 333 sports contests and other betting activities; or

334 3. Be a bingo game operator or an employee of a bingo game
 335 operator.

336 (c) A person employed by the commission may not, for the 2
 337 years immediately following the date of termination or
 338 resignation from employment with the commission:

339 1. Hold a permit or license issued under chapter 550, or a
 340 license issued under chapter 551 or chapter 849; be an officer,
 341 official, or employee of such permitholder or licensee; or be an
 342 ultimate equitable owner, as defined in s. 550.002(37), of such
 343 permitholder or licensee; or be an employee, an associate, an
 344 owner, or a contractor for any person or entity that conducts or
 345 facilitates an activity regulated, enforced, or investigated by
 346 the commission, including fantasy sports contests and other
 347 betting activities; or

348 2. Be a bingo game operator or an employee of a bingo game

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operator.

Section 4. Present subsections (8) and (9) of section 546.10, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization 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, and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. A game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization 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 and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would

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be authorized under this section or would be 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 shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement 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) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings 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

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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 5. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the commission a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.

2. Creating opportunities for employment of residents of this state, including minority residents.

3. Ensuring opportunities for construction services from a small business as defined in s. 288.703 ~~minority contractors.~~

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the Department of Commerce in advertising

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employment opportunities. ~~Each slot machine licensee shall provide an annual report to the Florida Gaming Control Commission containing information indicating compliance with this paragraph in regard to minority persons.~~

Section 6. Section 838.12, Florida Statutes, is amended, to read:

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to influence him or her or them to lose or cause to be lost any game, contest, match, race or sport, or to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A ~~Any~~ participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game,

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contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to lose or cause to be lost any game, contest, match, race or sport, or to limit his, her, their or any person's or any team's margin of victory in any game, contest, match, race or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Section 843.08, Florida Statutes, is amended to read:

843.08 False personation.—A person who falsely assumes or pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife

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Conservation Commission, an officer of the Department of Environmental Protection, an officer of the Department of Financial Services, any personnel or representative of the Division of Investigative and Forensic Services, any personnel or representative of the Florida Gaming Control Commission, an officer of the Department of Corrections, 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, a school guardian as described in s. 30.15(1)(k), a security officer licensed under chapter 493, any member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission, any personnel or representative of the Department of Law Enforcement, or a federal law enforcement officer as defined in s. 901.1505, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In determining whether a defendant has violated this section, the court or jury may consider any

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relevant evidence, including, but not limited to, whether the defendant used lights in violation of s. 316.2397 or s. 843.081.

Section 8. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—A person who ~~whoever~~ by herself or himself, her or his servant, clerk or agent, or in any other manner has, 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, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 9. Section 849.02, Florida Statutes, is amended to read:

849.02 Agents or employees of keeper of gambling house.—A person who ~~whoever~~ acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 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 offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) 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.~~

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Section 10. Section 849.03, Florida Statutes, is amended to read:

849.03 Renting house for gambling purposes.—A person who ~~whoever~~, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

(1) For a first offense, a felony of the third 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 mentioned in s. 849.01.

(2) For a second or subsequent violation, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

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

(a) "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.

(b) "Internet sports wagering" means to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access

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device. The term does not include fantasy sports contests as defined in s. 849.0932.

(2) ~~A person who~~ Whoever plays or engages in Internet gambling, any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, ~~commits shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner whatsoever any 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, all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified and approved under s. 285.710(3).

Section 12. Paragraph (e) is added to subsection (12) of

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section 849.086, Florida Statutes, to read:

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

(e) A person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Section 849.0932, Florida Statutes, is created to read:

849.0932 Fantasy sports contests; conditions for conduct.—

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

(a) "Commission" means the Florida Gaming Control Commission.

(b) "Confidential information" means information related to the playing of fantasy sports contests by contest participants which is obtained solely as a result of a person's employment with, or work as an agent of, a contest operator.

(c) "Contest operator" means a person or an entity that offers fantasy sports contests for a cash prize to members of the public. The term does not include a noncommercial contest operator in this state.

(d) "Contest participant" means a person who pays an entry fee for the ability to participate in a fantasy or simulation sports game or contest offered by a contest operator or noncommercial contest operator.

(e) "Entry fee" means the cash or cash equivalent amount that a person is required to pay to a contest operator or

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noncommercial contest operator to participate in a fantasy sports contest.

(f) "Fantasy sports contest" means a fantasy or simulation sports game or contest offered by a contest operator or a noncommercial contest operator in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and which meets each of the following requirements:

1. All prizes and awards offered to winning contest participants are established and made known to the contest participants in advance of the game or contest, and their value is not determined by the number of contest participants or the amount of any fees paid by those contest participants.

2. All winning outcomes reflect the relative knowledge and skill of the contest participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.

3. No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams; solely on any single performance of an individual athlete or player in a single actual event; on a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002; on a game of poker or other card game; or on the performances of participants in collegiate, high school, or youth sporting events.

4. No casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are displayed or depicted.

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(g) "Noncommercial contest operator" means a natural person who organizes and conducts a fantasy or simulation sports game in which contest participants are charged entry fees for the right to participate; and who collects, maintains, and distributes such entry fees;

(2) The total entry fees collected, maintained, and distributed by a noncommercial contest operator for a fantasy sports contest may not exceed \$1,500 per season or a total of \$10,000 per calendar year. All entry fees must be returned to the contest participants in the form of prizes.

(3) The Florida Gaming Control Commission shall investigate violations of this section and refer them to the Attorney General or the state attorney in the circuit in which the violation occurs. The Attorney General or state attorney may also institute proceedings to enjoin any person found to be violating this section.

(4)(a) A violation of this section is punishable by a fine of \$1,000 in addition to civil and criminal penalties.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is subject to a fine of up to \$100,000 per violation.

(5)(a) A person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An operator or owner of any application, platform, or website that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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697 Section 14. Section 849.11, Florida Statutes, is amended to
698 read:

699 849.11 Plays at games of chance by lot.—

700 (1) A person who ~~whoever sets up, promotes or~~ plays in
701 person or by the use, at least in part, of the Internet, at any
702 game of chance by lot or with dice, cards, numbers, hazards or
703 any other gambling device whatever for, or for the disposal of
704 money or other thing of value or under the pretext of a sale,
705 gift or delivery thereof, or for any right, share or interest
706 therein, ~~commits shall be guilty of~~ a misdemeanor of the second
707 degree, punishable as provided in s. 775.082 or s. 775.083.

708 (2) A person who sets up, operates, conducts, promotes, or
709 receives in any manner whatsoever any money or other thing of
710 value offered for the purpose of conduct prohibited in
711 subsection (1), or who knowingly becomes the custodian or
712 depository of any money or other thing of value so offered, or
713 who aids, assists, abets, or influences in any manner in any of
714 such acts, commits a felony of the third degree, punishable as
715 provided in s. 775.082, s. 775.083, or s. 775.084.

716 Section 15. Section 849.13, Florida Statutes, is amended to
717 read:

718 849.13 ~~Punishment on~~ Second or subsequent conviction.—A
719 person who commits a second or subsequent violation of the same
720 ~~Whoever, after being convicted of an offense forbidden by law~~ in
721 connection with lotteries for which there is no penalty
722 specified for a second or subsequent violation, shall have the
723 offense reclassified to an offense of the next higher degree,
724 ~~commits the like offense, shall be guilty of a misdemeanor of~~
725 ~~the first degree, punishable as provided in s. 775.082, or s.~~

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726 775.083, or s. 775.084. For purposes of sentencing under chapter
727 921, a felony offense that is reclassified under this subsection
728 is ranked one level above the ranking under s. 921.0022 or s.
729 921.0023 of the felony offense committed.

730 Section 16. Section 849.14, Florida Statutes, is amended to
731 read:

732 849.14 Unlawful to bet on result of trial or contest of
733 skill, etc.—A person who ~~whoever~~ stakes, bets, or wagers any
734 money or other thing of value upon the result of any trial or
735 contest of skill, speed or power or endurance of human or beast,
736 or ~~who~~ ~~whoever~~ receives in any manner whatsoever any money or
737 other thing of value staked, bet, or wagered, or offered for the
738 purpose of being staked, bet, or wagered, by or for any other
739 person upon any such result, or ~~who~~ ~~whoever~~ knowingly becomes
740 the custodian or depository of any money or other thing of value
741 so staked, bet, or wagered upon any such result, or ~~who~~ ~~whoever~~
742 aids, or assists, or abets, or influences in any manner in any
743 of such acts all of which are hereby forbidden, commits a felony
744 of the third degree, punishable as provided in s. 775.082, ~~or~~ s.
745 775.083, or s. 775.084.

746 Section 17. Section 849.15, Florida Statutes, is amended to
747 read:

748 849.15 Manufacture, sale, possession, etc., of slot
749 machines or devices prohibited.—

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

751 (a) "Conviction" means a determination of guilt that is the
752 result of a plea or a trial, regardless of whether adjudication
753 is withheld or a plea of nolo contendere is entered.

754 (b) "Person of authority" means a person who, at any

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business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

1. 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

2. Any ownership interest in the business, establishment, premises, or other location. The term "ownership interest" includes being an officer, a director, or a managing member of the business, establishment, premises, or other location.

~~(2)(1)~~ It is unlawful:

(a) 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, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the

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first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2), and:

1. At the time of the violation, the person was a person of authority; or

2. The person has one prior conviction for a violation of this section.

(c) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2), and:

1.a. At the time of the violation, the person was a person of authority; and

b. The violation involves five or more slot machines or devices; or

2. The person has two or more prior convictions for a violation of this section.

~~(4)(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, 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

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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, 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 shall 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.

Section 18. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts.-

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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. If the quantity of slot machines or devices or any parts thereof involved is:

(1) More than 15 slot machines or devices or any parts thereof, but less than 25 slot machines or devices or any parts thereof, such person must be fined \$100,000.

(2) Twenty-five slot machines or devices or any parts thereof or more, but less than 50 slot machines or devices or any parts thereof, such person must be fined \$250,000.

(3) Fifty slot machines or devices or any parts thereof or more, such person must be fined \$500,000.

(4) Pursuant to section 2 of the 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, 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 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 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

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871 machines, into any county of this state within which slot
 872 machine gaming is authorized pursuant to chapter 551 and the
 873 registering, recording, and labeling of which have been duly
 874 performed by the manufacturer or distributor thereof in
 875 accordance with sections 3 and 4 of that chapter of the Congress
 876 of the United States entitled "An act to prohibit transportation
 877 of gaming devices in interstate and foreign commerce," approved
 878 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
 879 designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal
 880 shipments thereof into this state provided the destination of
 881 such shipments is an eligible facility as defined in s. 551.102
 882 or the facility of a slot machine manufacturer or slot machine
 883 distributor as provided in s. 551.109(2)(a).

884 (5) All shipments of legal gaming devices, including legal
 885 slot machines, into Indian lands located within the state shall
 886 be deemed legal shipments thereof provided that such Indian
 887 lands are held in federal trust for the benefit of a federally
 888 recognized Indian tribe that is a party to a tribal-state
 889 compact with the state pursuant to the federal Indian Gaming
 890 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
 891 ss. 2701 et seq.

892 Notwithstanding any other law, all fines imposed and collected
 893 pursuant to this section must be deposited into the Pari-mutuel
 894 Wagering Trust Fund and may be used for the enforcement of this
 895 chapter and chapters 546, 550, and 551 by the Florida Gaming
 896 Control Commission.

897 Section 19. Section 849.157, Florida Statutes, is created
 898 to read:

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900 849.157 Making a false or misleading statement regarding
 901 the legality of slot machines or devices to facilitate sale.-

902 (1) Except as provided in subsection (2), a person who
 903 knowingly and willfully makes a materially false or misleading
 904 statement or who knowingly and willfully disseminates false or
 905 misleading information regarding the legality of a slot machine
 906 or device for the purpose of facilitating the sale or delivery
 907 of a slot machine or device for any money or other valuable
 908 consideration commits a felony of the third degree, punishable
 909 as provided in s. 775.082, s. 775.083, or s. 775.084.

910 (2) A person who violates subsection (1) when such a
 911 violation involves the sale or delivery, or attempted sale or
 912 delivery, of five or more slot machines or devices commits a
 913 felony of the second degree, punishable as provided in s.
 914 775.082, s. 775.083, or s. 775.084.

915 Section 20. Section 849.23, Florida Statutes, is repealed.

916 Section 21. Section 849.47, Florida Statutes, is created to
 917 read:

918 849.47 Transporting or procuring the transportation of
 919 persons to facilitate illegal gambling.-

920 (1) As used in this section, the term "illegal gambling"
 921 means any criminal violation of this chapter, chapter 546,
 922 chapter 550, or chapter 551 that occurs at any business,
 923 establishment, premises, or other location.

924 (2) Except as provided in subsection (3), a person who
 925 knowingly and willfully transports, or procures the
 926 transportation of, five or more other persons into or within
 927 this state when he or she knows or reasonably should know that
 928 such transportation is for the purpose of facilitating illegal

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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 in violation of subsection (2) 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. 775.082, s. 775.083, or s. 775.084.

Section 22. 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” 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) (a) 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, 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 specifically authorized by law, a person may not set up any type or plate for any type of

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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, 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 23. Section 849.49, Florida Statutes, is created to read:

849.49 Preemption.—No county, municipality, or other political subdivision of the state shall 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 the State Constitution, general law, or special law.

Section 24. 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.—

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(2) 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:

(i) The amount of currency seized that is connected to or involved in a violation of chapter 546, chapter 550, chapter 551, or chapter 849.

Section 25. Paragraphs (a), (c), (e), and (g) 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

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

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212.15(2)(b) 3rd Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.

316.1935(1) 3rd Fleeing or attempting to elude law enforcement officer.

319.30(5) 3rd Sell, exchange, give away certificate of title or identification number plate.

319.35(1)(a) 3rd Tamper, adjust, change, etc., an odometer.

320.26(1)(a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

322.212
(1)(a)-(c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

322.212(4) 3rd Supply or aid in supplying unauthorized driver license or identification card.

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1012	322.212(5) (a)	3rd	False application for driver license or identification card.
	414.39(3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
1013	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
1014	509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
1015	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
1016	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
1017	812.014(3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
1018	815.04(4) (a)	3rd	Offense against intellectual

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1019			property (i.e., computer programs, data).
	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
1020	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
1021	826.01	3rd	Bigamy.
1022	828.122(3)	3rd	Fighting or baiting animals.
1023	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
1024	831.31(1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
1025	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
1026			

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1027	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
1028	838.15(2)	3rd	Commercial bribe receiving.
1029	838.16	3rd	Commercial bribery.
1030	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
1031	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
1032	849.09(1)(a)-(d)	3rd	Lottery, set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
1033	849.23	3rd	Gambling related machines; "common offender" as to property rights.
1034	849.25(2)	3rd	Engaging in bookmaking.

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1035	860.08	3rd	Interfere with a railroad signal.
1036	860.13(1)(a)	3rd	Operate aircraft while under the influence.
1037	893.13(2)(a)2.	3rd	Purchase of cannabis.
1038	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
1039	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
1040	(c) LEVEL 3		
1041			
1042	Florida Statute	Felony Degree	Description
1043	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
1044	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
1045	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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1046

316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

1047

319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

1048

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

1049

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

1050

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

1051

327.35(2)(b) 3rd Felony BUI.

1052

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

1053

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1054

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

376.302(5)

3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

1055

379.2431 3rd Taking, disturbing, mutilating, (1)(e)5. 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.

1056

379.2431 3rd Possessing any marine turtle (1)(e)6. species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

1057

379.2431 3rd Soliciting to commit or (1)(e)7. conspiring to commit a violation of the Marine Turtle Protection Act.

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1058			
	400.9935(4) (a)	3rd	Operating a clinic, or offering
	or (b)		services requiring licensure,
			without a license.
1059			
	400.9935(4) (e)	3rd	Filing a false license
			application or other required
			information or failing to
			report information.
1060			
	440.1051(3)	3rd	False report of workers'
			compensation fraud or
			retaliation for making such a
			report.
1061			
	501.001(2) (b)	2nd	Tampers with a consumer product
			or the container using
			materially false/misleading
			information.
1062			
	624.401(4) (a)	3rd	Transacting insurance without a
			certificate of authority.
1063			
	624.401(4) (b)1.	3rd	Transacting insurance without a
			certificate of authority;
			premium collected less than
			\$20,000.
1064			
	626.902(1) (a) &	3rd	Representing an unauthorized

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	(b)		insurer.
1065			
	697.08	3rd	Equity skimming.
1066			
	790.15(3)	3rd	Person directs another to
			discharge firearm from a
			vehicle.
1067			
	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.
1068			
	806.10(1)	3rd	Maliciously injure, destroy, or
			interfere with vehicles or
			equipment used in firefighting.
1069			
	806.10(2)	3rd	Interferes with or assaults
			firefighter in performance of
			duty.
1070			
	810.09(2) (b)	3rd	Trespass on property other than
			structure or conveyance armed
			with firearm or dangerous
			weapon.
1071			
	810.145(2) (c)	3rd	Digital voyeurism; 19 years of
			age or older.
1072			

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1073	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1074	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1075	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
1076	812.081(2)	3rd	Theft of a trade secret.
1077	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
1078	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1079	817.233	3rd	Burning to defraud insurer.
1080	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1081	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.

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1082	817.236	3rd	Filing a false motor vehicle insurance application.
1083	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1084	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
1085	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
1086	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
1087	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
	836.13(2)	3rd	Person who promotes an altered sexual depiction of an

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identifiable person without
consent.

838.021(3) (b)

3rd

Threatens unlawful harm to
public servant.

838.12(3)

3rd

Betting on a predetermined or
prearranged professional or
amateur game, contest, match,
race, or sport.

849.01

3rd

Keeping a gambling house.

849.02(2)

3rd

Agents or employees of keeper
of gambling house.

849.03(1)

3rd

Renting house for gambling
purposes.

849.08(4)

3rd

Operating, conducting,
promoting, aiding, abetting,
assisting Internet gambling and
Internet sports wagering.

849.086(12) (e)

3rd

Tampering with cards or card
games.

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849.09(1) (a)-(d)

3rd

Lottery; set up, promote, etc.,
or assist therein, conduct or
advertise drawing for prizes,
or dispose of property or money
by means of lottery.

849.09(1) (e),
(f), (g), (i),
or (k)

3rd

Conducting an unlawful lottery;
second or subsequent offense.

849.09(1) (h) or
(j)

3rd

Conducting an unlawful lottery;
second or subsequent offense.

849.11(2)

3rd

Offenses relating to games of
chance.

849.14

3rd

Betting on result of trial or
contest of skill, etc.

849.15(3) (b)

3rd

Manufacture, sale, or
possession of slot machine; by
person of authority or with
prior conviction.

849.157(1)

3rd

False or misleading statement
to facilitate sale of slot
machines or devices.

849.25(2)

3rd

Engaging in bookmaking.

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1103	<u>849.47(3)(a) & (b)</u>	3rd	<u>Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.</u>
1104	<u>849.48(2)(c)</u>	3rd	<u>Illegal gambling advertising.</u>
1105	847.01385	3rd	Harmful communication to a minor.
1106	860.15(3)	3rd	Overcharging for repairs and parts.
1107	870.01(2)	3rd	Riot.
1108	870.01(4)	3rd	Inciting a riot.
1109	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).
1110	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1.,

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			(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.
1111	893.13(1)(f)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 public housing facility.
1112	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
1113	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1114	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1115	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud,

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			forgeries, misrepresentation, etc.	
1116	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	
1117	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.	
1118	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.	
1119	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.	
1120	893.13(8)(a)3.	3rd	Knowingly write a prescription	

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			for a controlled substance for a fictitious person.	
1121	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.	
1122	918.13(1)	3rd	Tampering with or fabricating physical evidence.	
1123	944.47	3rd	Introduce contraband to	
1124	(1)(a)1. & 2.		correctional facility.	
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	
1125	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	
1126				
1127	(e) LEVEL 5			
1128				
1129				

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Florida Statute	Felony Degree	Description	
1130 316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.	
1131 316.1935(4)(a)	2nd	Aggravated fleeing or eluding.	
1132 316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.	
1133 322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	
1134 327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	
1135 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	

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		away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.	
1136 379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.	
1137 379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.	
1138 381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	
1139 440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.	
1140 440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.	
1141 440.381(2)	3rd	Submission of false,	

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misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

1142

624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

1143

626.902(1)(c) 2nd Representing an unauthorized
insurer; repeat offender.

1144

790.01(3) 3rd Unlawful carrying of a
concealed firearm.

1145

790.162 2nd Threat to throw or discharge
destructive device.

1146

790.163(1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

1147

790.221(1) 2nd Possession of short-barreled
shotgun or machine gun.

1148

790.23 2nd Felons in possession of
firearms, ammunition, or

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electronic weapons or devices.

1149

796.05(1) 2nd Live on earnings of a
prostitute; 1st offense.

1150

800.04(6)(c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

1151

800.04(7)(b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or
older.

1152

806.111(1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

1153

810.145(4)(c) 3rd Commercial digital voyeurism
dissemination.

1154

810.145(7)(a) 2nd Digital voyeurism; 2nd or
subsequent offense.

1155

810.145(8)(a) 2nd Digital voyeurism; certain
minor victims.

1156

812.014(2)(d)3. 2nd Grand theft, 2nd degree; theft
from 20 or more dwellings or

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their unenclosed curtilage, or
any combination.

1157

812.0145(2)(b) 2nd Theft from person 65 years of
age or older; \$10,000 or more
but less than \$50,000.

1158

812.015 3rd Retail theft; property stolen
(8)(a) & (c) -
(e) is valued at \$750 or more and
one or more specified acts.

1159

812.015(8)(f) 3rd Retail theft; multiple thefts
within specified period.

1160

812.015(8)(g) 3rd Retail theft; committed with
specified number of other
persons.

1161

812.019(1) 2nd Stolen property; dealing in or
trafficking in.

1162

812.081(3) 2nd Trafficking in trade secrets.

1163

812.131(2)(b) 3rd Robbery by sudden snatching.

1164

812.16(2) 3rd Owning, operating, or
conducting a chop shop.

1165

817.034(4)(a)2. 2nd Communications fraud, value

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\$20,000 to \$50,000.

1166

817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

1167

817.2341(1), 3rd Filing false financial
(2)(a) &
(3)(a) statements, making false
entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

1168

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.

1169

817.611(2)(a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

1170

817.625(2)(b) 2nd Second or subsequent fraudulent
use of scanning device,

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skimming device, or reencoder.

1171

825.1025(4)

3rd

Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

1172

828.12(2)

3rd

Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

1173

836.14(4)

2nd

Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

1174

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.

1175

843.01(1)

3rd

Resist officer with violence to
person; resist arrest with
violence.

1176

847.0135(5)(b)

2nd

Lewd or lascivious exhibition
using computer; offender 18

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years or older.

1177

847.0137

3rd

Transmission of pornography by
electronic device or equipment.

1178

847.0138

3rd

Transmission of material
harmful to minors to a minor by
electronic device or equipment.

1179

849.02(3)2nd

Agents or employees of keeper
of gambling house, 3rd or
subsequent offense.

1180

849.03(2)2nd

Renting house for gambling
purposes.

1181

849.15(3)(c)2nd

Manufacture, sale, or
possession of a slot machine;
by a person of authority of
five or more machines or two or
more prior convictions.

1182

849.157(2)2nd

False or misleading statement
to facilitate sale of slot
machines or devices; five or
more machines.

1183

849.25(3)2nd

Bookmaking; second or
subsequent offense.

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1184

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

1185

874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

1186

893.13(1)(a)1. 2nd 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).

1187

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.

1188

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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.

1189

893.13(1)(e)2. 2nd Sell, manufacture, or 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.

1190

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.

1191

893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.

1192

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893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

1193

1194

(g) LEVEL 7

1195

1196

Florida Statute	Felony Degree	Description
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1197

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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1198

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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1199

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.
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1200

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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1201

402.319(2)	2nd	Misrepresentation and
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negligence or intentional act
resulting in great bodily harm,
permanent disfigurement,
permanent disability, or death.

1202

409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
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1203

409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
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1204

456.065(2)	3rd	Practicing a health care profession without a license.
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1205

456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
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1206

458.327(1)	3rd	Practicing medicine without a license.
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1207

459.013(1)	3rd	Practicing osteopathic medicine without a license.
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1208

460.411(1)	3rd	Practicing chiropractic medicine without a license.
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1209

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	461.012(1)	3rd	Practicing podiatric medicine without a license.
1210	462.17	3rd	Practicing naturopathy without a license.
1211	463.015(1)	3rd	Practicing optometry without a license.
1212	464.016(1)	3rd	Practicing nursing without a license.
1213	465.015(2)	3rd	Practicing pharmacy without a license.
1214	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1215	467.201	3rd	Practicing midwifery without a license.
1216	468.366	3rd	Delivering respiratory care services without a license.
1217	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
1218	483.901(7)	3rd	Practicing medical physics

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			without a license.
1219	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1220	484.053	3rd	Dispensing hearing aids without a license.
1221	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.
1222	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1223	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1224	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial

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institution.

1225

775.21(10)(a)

3rd

Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

1226

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

1227

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

1228

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

1229

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

1230

782.071

2nd

Killing of a human being or unborn child by the operation

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of a motor vehicle in a reckless manner (vehicular homicide).

1231

782.072

2nd

Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

1232

784.045(1)(a)1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

1233

784.045(1)(a)2.

2nd

Aggravated battery; using deadly weapon.

1234

784.045(1)(b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

1235

784.048(4)

3rd

Aggravated stalking; violation of injunction or court order.

1236

784.048(7)

3rd

Aggravated stalking; violation of court order.

1237

784.07(2)(d)

1st

Aggravated battery on law enforcement officer.

1238

784.074(1)(a)

1st

Aggravated battery on sexually

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violent predators facility
staff.

1239

784.08(2)(a) 1st Aggravated battery on a person
65 years of age or older.

1240

784.081(1) 1st Aggravated battery on specified
official or employee.

1241

784.082(1) 1st Aggravated battery by detained
person on visitor or other
detainee.

1242

784.083(1) 1st Aggravated battery on code
inspector.

1243

787.06(3)(a)2. 1st Human trafficking using
coercion for labor and services
of an adult.

1244

787.06(3)(e)2. 1st Human trafficking using
coercion for labor and services
by the transfer or transport of
an adult from outside Florida
to within the state.

1245

790.07(4) 1st Specified weapons violation
subsequent to previous
conviction of s. 790.07(1) or

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(2).

1246

790.16(1) 1st Discharge of a machine gun
under specified circumstances.

1247

790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

1248

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or
attempting to commit a felony.

1249

790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon
of mass destruction.

1250

790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

1251

790.23 1st,PBL Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

1252

794.08(4) 3rd Female genital mutilation;

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consent by a parent, guardian,
or a person in custodial
authority to a victim younger
than 18 years of age.

1253

796.05(1) 1st Live on earnings of a
prostitute; 2nd offense.

1254

796.05(1) 1st Live on earnings of a
prostitute; 3rd and subsequent
offense.

1255

800.04(5)(c)1. 2nd Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.

1256

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.

1257

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.

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1258

806.01(2) 2nd Maliciously damage structure by
fire or explosive.

1259

810.02(3)(a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

1260

810.02(3)(b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

1261

810.02(3)(d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

1262

810.02(3)(e) 2nd Burglary of authorized
emergency vehicle.

1263

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.

1264

812.014(2)(b)2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

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1265

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

1266

812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

1267

812.014(2)(g) 2nd Grand theft; second degree; firearm with previous conviction of s.
812.014(2)(c)5.

1268

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

1269

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

1270

812.131(2)(a) 2nd Robbery by sudden snatching.

1271

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

1272

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

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1273

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

1274

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

1275

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

1276

817.2341 1st Making false entries of
(2)(b) & material fact or false
(3)(b) statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

1277

817.418(2)(a) 3rd Offering for sale or advertising personal protective equipment with intent to defraud.

1278

817.504(1)(a) 3rd Offering or advertising a vaccine with intent to defraud.

1279

817.535(2)(a) 3rd Filing false lien or other

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	580-02869-25		20251404c1
			unauthorized document.
1280	817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
1281	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1282	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.
1283	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1284	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1285	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1286	827.071(4)	2nd	Possess with intent to promote

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			any photographic material, motion picture, etc., which includes child pornography.
1287	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1288	838.015	2nd	Bribery.
1289	838.016	2nd	Unlawful compensation or reward for official behavior.
1290	838.021(3)(a)	2nd	Unlawful harm to a public servant.
1291	838.22	2nd	Bid tampering.
1292	843.0855(2)	3rd	Impersonation of a public officer or employee.
1293	843.0855(3)	3rd	Unlawful simulation of legal process.
1294	843.0855(4)	3rd	Intimidation of a public officer or employee.
1295	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an

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			unlawful sex act.
1296	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1297	<u>849.155</u>	<u>1st</u>	<u>Trafficking in slot machines or devices or any parts thereof.</u>
1298	872.06	2nd	Abuse of a dead human body.
1299	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1300	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1301	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 publicly owned

	580-02869-25		20251404c1
			recreational facility or community center.
1302	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.
1303	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1304	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1305	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1306	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1307	893.135	1st	Trafficking in hydrocodone, 28

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	(1) (c) 2.a.		grams or more, less than 50 grams.
1308	893.135	1st	Trafficking in hydrocodone, 50
	(1) (c) 2.b.		grams or more, less than 100 grams.
1309	893.135	1st	Trafficking in oxycodone, 7
	(1) (c) 3.a.		grams or more, less than 14 grams.
1310	893.135	1st	Trafficking in oxycodone, 14
	(1) (c) 3.b.		grams or more, less than 25 grams.
1311	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14 grams.
1312	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.a.		28 grams or more, less than 200 grams.
1313	893.135 (1) (e) 1.	1st	Trafficking in methaqualone,
			200 grams or more, less than 5 kilograms.
1314	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14
			grams or more, less than 28

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			grams.
1315	893.135	1st	Trafficking in flunitrazepam, 4
	(1) (g) 1.a.		grams or more, less than 14 grams.
1316	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1317	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.a.		1 kilogram or more, less than 5 kilograms.
1318	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.a.		10 grams or more, less than 200 grams.
1319	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
1320	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
1321	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams or

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			more, less than 100 grams.
1322	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1323	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1324	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1325	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1326	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1327	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.

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1328	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1329	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1330	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1331	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1332	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1333	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false

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registration information.

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 26. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

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3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

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1379 20. Chapter 812, relating to theft, robbery, and related
 1380 crimes.

1381 21. Chapter 815, relating to computer-related crimes.

1382 22. Chapter 817, relating to fraudulent practices, false
 1383 pretenses, fraud generally, and credit card crimes.

1384 23. Section 827.071, relating to commercial sexual
 1385 exploitation of children.

1386 24. Chapter 831, relating to forgery and counterfeiting.

1387 25. Chapter 832, relating to issuance of worthless checks
 1388 and drafts.

1389 26. Section 836.05, relating to extortion.

1390 27. Chapter 837, relating to perjury.

1391 28. Chapter 838, relating to bribery and misuse of public
 1392 office.

1393 29. Chapter 843, relating to obstruction of justice.

1394 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 1395 s. 847.07, relating to obscene literature and profanity.

1396 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
 1397 849.25, relating to gambling.

1398 32. Chapter 893, relating to drug abuse prevention and
 1399 control.

1400 33. Section 914.22 or s. 914.23, relating to witnesses,
 1401 victims, or informants.

1402 34. Section 918.12 or s. 918.13, relating to tampering with
 1403 jurors and evidence.

1404 (2) "Unlawful debt" means any money or other thing of value
 1405 constituting principal or interest of a debt that is legally
 1406 unenforceable in this state in whole or in part because the debt
 1407 was incurred or contracted:

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1408 (a) In violation of any one of the following provisions of
 1409 law:

1410 1. Section 550.235 or s. 550.3551, relating to dogracing
 1411 and horseracing.

1412 2. Chapter 550, relating to jai alai frontons.

1413 3. Section 687.071, relating to criminal usury and loan
 1414 sharking.

1415 4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
 1416 849.25, relating to gambling.

1417 Section 27. Paragraph (a) of subsection (12) of section
 1418 895.02, Florida Statutes, is amended to read:

1419 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1420 (12) "Unlawful debt" means any money or other thing of
 1421 value constituting principal or interest of a debt that is
 1422 legally unenforceable in this state in whole or in part because
 1423 the debt was incurred or contracted:

1424 (a) In violation of any one of the following provisions of
 1425 law:

1426 1. Section 550.235 or s. 550.3551, relating to dogracing
 1427 and horseracing.

1428 2. Chapter 550, relating to jai alai frontons.

1429 3. Section 551.109, relating to slot machine gaming.

1430 4. Chapter 687, relating to interest and usury.

1431 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
 1432 849.25, relating to gambling.

1433 Section 28. This act shall take effect October 1, 2025.

Page 86 of 86

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



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: March 26th, 2025

I respectfully request that **Senate Bill #1404**, relating to Gambling, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line. Below the line, the text "Senator Corey Simon" and "Florida Senate, District 3" is printed.

Senator Corey Simon
Florida Senate, District 3

The Florida Senate
APPEARANCE RECORD

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

4/15/25

Meeting Date

Approps

Committee

1404

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Bill Helwich

Phone

850 251 3126

Address

Street

Email

bill@helwichconsulting.com

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing: VFW

American Legion

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

4-15-25

Meeting Date

1404

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

FRANK ROYCRRAFT

Phone

850-656-6714

Address

1714 Silverwood Dr

Email

toproycraft@hotmail.com

Street

Tall.

City

State

32301

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

04/15/25

Meeting Date

Agriculture, Environment, and General Government

Committee

The Florida Senate

APPEARANCE RECORD

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SB 1404

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Acting Executive Director Ross Marshman**

Phone **8507948073**

Address **4070 Esplanade Way Suite 250**

Email **ross.marshman@flgaming.gov**

Street

Tallahassee

City

Florida

State

32399

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Florida Gaming Control
Commission**

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

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

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The Florida Senate

APPEARANCE RECORD

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4/15/25

Meeting Date

APPROPRIATIONS

Committee

1404

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ERIC KING

Phone

850.445.1077

Address

6119 OR BOTTOM MANOR DR

Email

erickking@comcast.net

Street

TAL

FL

32312

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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The Florida Senate
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4/15/25

Meeting Date

1404

Bill Number or Topic

APPROPRIATIONS

Committee

Amendment Barcode (if applicable)

Name

RALPH HABER

Phone

850 519 5724

Address

VICTORY CASINO CRUISE

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

VICTORY CASINO
CRUISE

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

1404

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name

JIM DIETRICH

Phone

850-259-3447

Address

Email

Street

STEINWATCHEE F.

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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4/15/2025

Meeting Date

1404

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Donald Westfall

Phone

850-571-8092

Address

7222 S. DEER HAVEN RD

Street

Email

dwestfall@gmail.com

SOUTH PONT

City

FL

State

32409

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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5-001 (08/10/2021)

15 April 2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

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1404

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Dan Karth

Phone

3522152242

Address

418 2nd ST NE.
Street

Email

Steinhatchee FL
City State

32359
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-15-25

Meeting Date

1404

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Richey Leamer

Phone

701 500 2443

Address

3454 Cedar Creek Chase DR

Email

RichALacy2@YA#00.G01

Street

Panama City

City

FL

State

32409

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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The Florida Senate

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4-15-25

Meeting Date

1404

Bill Number or Topic

Committee

Name

Shelley Jefferson

Phone

352-4187008

Amendment Barcode (if applicable)

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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The Florida Senate

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4-15-25

Meeting Date

1404

Bill Number or Topic

Committee

Name

Cynthia Lasowski

Phone

904 704 9791

Address

2516 Melody Circle #2

Email

cindy.lasowski@gmail.com

Street

Tallahassee FL

32310

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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4/15/25
Meeting Date

1404
Bill Number or Topic

General Gov't
Committee

Amendment Barcode (if applicable)

Name JIM MABILL Phone 850-545-8911

Address P.O. Box 10922 Email JIM@MABILLSTRATEGIES.C
Street

DA FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Acton INVESTMENTS GROUP, LLC

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

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5-001 (08/10/2021)

4/15/2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB 1404

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Gale Fontaine

Phone

(954) 944-8645

Address

2466 N. Powerline Rd

Email

galefontaine@yahoo.com

Street

Pompano, Bch. FL 33069

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/15/25

Meeting Date

1404

Bill Number or Topic

Approps & Ag, Envir. & Gen gov

Committee

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

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address PO Box 530103

Email aaron.d

Street

Orlando

FL

32853

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Family Voic

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

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

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1574

INTRODUCER: Regulated Industries Committee and Senator DiCeglie

SUBJECT: Energy Infrastructure Investment

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</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 1574 amends s. 366.075, F.S., relating to Florida's experimental and transitional utility rates. The bill authorizes the Florida Public Service Commission (PSC or Commission) to establish an experimental mechanism to facilitate energy infrastructure investment in renewable natural gas (RNG).

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

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Public Service Commission

The 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

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 April 8, 2025).

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 (called “public utilities” under ch. 366, F.S.).⁷ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.⁸ Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative’s membership.

PSC Setting of Public Utility Rates and Other Charges

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

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

Section 366.06, F.S., establishes the PSC’s authority to establish and implement procedures for the fixing of and changing public utility rates. Under this section, all applications made by public utilities for changes in rates must be in writing with the PSC under the PSC’s established rules and regulations.⁹ Section 366.06(2), F.S., requires the PSC to hold a public hearing whenever it finds, upon request made, or upon its own motion, one or more of the following:

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

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited April 8, 2025).

⁴ Section 366.04(5) and (6), F.S.

⁵ Section 366.05(1) and (8), F.S.

⁶ Section 366.05, F.S.

⁷ Section 366.02(8), F.S.

⁸ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited April 8, 2025).

⁹ Section 366.06(1), F.S.

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

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

- Base rate proceedings (also known as rate cases);
- Cost recovery clauses;
- Infrastructure surcharges;
- Interim charges.¹⁰

Experimental and Transitional Rates

Section 366.075, F.S., authorizes the PSC to approve experimental or transitional rates for the purpose of encouraging energy conservation or efficiency. This provision is used by the PSC to allow electric and natural gas utilities under its rate-regulatory jurisdiction to conduct limited scope pilot programs.

Such rates must be limited in geographic area and be for a limited period of time. The PSC may approve the area used in testing experimental rates and must specify in the order setting those rates the area that will be affected by those rates. The PSC can extend this time period “if it determines that further testing is necessary to fully evaluate the effectiveness of such experimental rates.”

Renewable Energy

Section 366.91, F.S., establishes a number of renewable policies for the state. The purpose of these policies, as established in this section, states it is in the public interest to promote the development of renewable energy resources in this state.¹¹ Further, the statute is intended to encourage fuel diversification to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.¹²

The section defines “renewable energy” as:

[E]lectrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations and electrical energy produced using pipeline-

¹⁰ Florida Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 354*, (Feb. 28, 2025) (on file with Senate Committee on Regulated Industries).

¹¹ Section 366.91(1), F.S.

¹² *Id.*

quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration.¹³

Renewable Natural Gas

Natural gas is a fossil energy source which forms beneath the earth's surface. Natural gas contains many different compounds, the largest of which is methane. Conventional natural gas is primarily extracted from subsurface porous rock reservoirs via gas and oil well drilling and hydraulic fracturing, commonly referred to as "fracking."¹⁴ RNG refers to biogas that has been upgraded to use in place of fossil fuel natural gas (i.e. conventional natural gas).¹⁵

Section 366.91, F.S., identifies sources for producing RNG as a potential source of renewable energy.¹⁶ The section specifically defines renewable natural gas as anaerobically generated biogas,¹⁷ landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater. Under the definition, such gas may be used as a transportation fuel or for electric generation, or is of a quality capable of being injected into a natural gas pipeline.

Biogas used to produce RNG comes from various sources, including municipal solid waste landfills, digesters at water resource recovery facilities, livestock farms, food production facilities, and organic waste management operations.¹⁸ Raw biogas has a methane content between 45 and 65 percent.¹⁹ Once biogas is captured, it is treated in a process called conditioning or upgrading, which involves the removal of water, carbon dioxide, hydrogen sulfide, and other trace elements. After this process, the nitrogen and oxygen content is reduced and the RNG has a methane content comparable to natural gas and is thus a suitable energy source in applications that require pipeline-quality gas, such as vehicle applications.²⁰

RNG that meets certain standards qualifies as an advanced biofuel under the Federal Renewable Fuel Standard Program.²¹ This program was enacted by the United States Congress in order to

¹³ Section 366.91(2)(e), F.S.

¹⁴ United States Energy Information Administration, *Natural gas explained* (Oct. 10, 2024), <https://www.eia.gov/energyexplained/natural-gas/> (last visited April 8, 2025).

¹⁵ Environmental Protection Agency, *Landfill Methane Outreach Program (LMOP): Renewable Natural Gas*, <https://www.epa.gov/lmop/renewable-natural-gas> (last visited April 8, 2025).

¹⁶ Section 366.91(2)(e), F.S., defines "renewable energy," in part, as energy produced from biomass.

Section 366.91(2)(b), F.S., defines "biomass" in part, as "a power source that is comprised of, but not limited to, combustible residues or gases from...waste, byproducts, or products from agricultural and orchard crops, waste or coproducts from livestock and poultry operations, waste or byproducts from food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas." RNG would be such a combustible gas.

¹⁷ Section 366.91(2)(a) defines "biogas" as a mixture of gases produced by the biological decomposition of organic materials which is largely comprised of carbon dioxide, hydrocarbons, and methane gas.

¹⁸ Environmental Protection Agency, *supra* note 15.

¹⁹ *Id.*

²⁰ United States Department of Energy, *Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited April 8, 2025).

²¹ United States Department of Energy, *Renewable Fuel Standard*, [https://afdc.energy.gov/laws/RFS#:~:text=The%20Renewable%20Fuel%20Standard%20\(RFS,Act%20of%202007%20\(EIS A\)](https://afdc.energy.gov/laws/RFS#:~:text=The%20Renewable%20Fuel%20Standard%20(RFS,Act%20of%202007%20(EIS A)) (last visited April 8, 2025).

reduce greenhouse gas emissions by reducing reliance on imported oil and expanding the nation's renewable fuels sector.²²

Nationally as of September 2023, there were 580 landfill gas facilities in operation and 530 anaerobic digester systems operating at commercial livestock farms in the United States.²³ Of the more than 16,000 wastewater treatment plants in operation in the United States, approximately 1,200 have anaerobic digesters on site, and 860 of those have the equipment to use their biogas on site.²⁴

Florida Power and Light (FPL) Woodford Decision

In *Citizens of State v. Graham*, 191 So. 3d 897 (Fla. 2016), the Florida Supreme Court found the PSC lacked statutory authority to approve cost recovery for FPL investment in a natural gas production facility in the Woodford Shale Gas Region in Oklahoma (Woodford Project). The Woodford Project involved exploration and production of natural gas and not the purchase of actual fuel—something that would generally be within the types of activities an electric utility would engage in. The Supreme Court cited to s. 366.02(2), F.S. (2014), which defines an “electric utility” as “any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state,” and found that the Woodford Project activities did not fall within this definition.²⁵

However, in making its decision, the Supreme Court noted the following:

This may be a good idea, but whether advance cost recovery of speculative capital investments in gas exploration and production by an electric utility is in the public interest is a policy determination that must be made by the Legislature. For example, in contrast to natural gas exploration and production, the Legislature has authorized the PSC to approve cost recovery for capital investments in nuclear power plants and energy efficient and renewable energy power sources. See ss. 366.8255; 366.92; 366.93, Fla. Stat. (2014). Without statutory authorization from the Legislature, the recovery of FPL's costs and capital investment in the Woodford Project through the fuel clause is overreach.²⁶

Thus, while the Supreme Court determined that the PSC could not approve cost recovery for capital electric utility investments in natural gas production, it indicated that the Legislature has the authority to allow for such if it chose to do so.²⁷

²² Environmental Protection Agency, *Renewable Fuel Standard Program*, <https://www.epa.gov/renewable-fuel-standard-program> (last visited April 8, 2025).

²³ United States Department of Energy, *Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited April 8, 2025) and American Biogas Council, *Biogas Market Snapshot*, <https://americanbiogascouncil.org/biogas-market-snapshot/> (last visited April 8, 2025).

²⁴ *Id.*

²⁵ *Citizens of State v. Graham*, 191 So. 3d 897, 901-2 (Fla. 2016).

²⁶ *Id.* at 902.

²⁷ Florida Public Service Commission, *Bill Analysis for SB 1162* (Mar. 14, 2023) (on file with the Senate Committee on Regulated Industries).

Biogas in Florida

According to the American Biogas Council, Florida has 70 operational biogas systems:

- 40 wastewater systems;
- 21 landfills;
- Five food waste systems; and
- Four manure processing locations.²⁸

Recovery of Natural Gas Facilities Relocation Costs

Created in 2024 (chapter 2024-186, Laws of Florida), s. 366.99, F.S., authorizes natural gas public utilities to petition the PSC to annually recover prudently incurred natural gas facilities relocation costs to accommodate requirements imposed by the Florida Department of Transportation (FDOT) and local government entities. The section allows each utility to recover such costs through a charge separate and apart from base rates, referred to in the section as the natural gas facilities relocation cost recovery clause.

The section directs the PSC to establish an annual proceeding to review these petitions. This review is limited to:

- Determining the prudence of the utility's actual incurred natural gas facilities relocation costs;
- Determining the reasonableness of the utility's projected natural gas facilities relocation costs for the next calendar year; and
- Providing for a true-up of the costs with the projections on which past factors were set.

Any refund or collection made pursuant to the true-up process must include applicable interest.

The section also requires all costs approved pursuant to this clause be allocated to customer classes pursuant to the rate design most recently approved by the PSC. If a capital expenditure is recoverable as a natural gas facilities relocation cost, the public utility may recover the annual depreciation on the cost, calculated at the public utility's current approved depreciation rates, and a return on the undepreciated balance of the costs at the public utility's weighted average cost of capital using the last approved return on equity.

The section directs the PSC to adopt rules to implement the section as soon as practicable.

III. Effect of Proposed Changes:

Section 1 amends s. 366.075, F.S., to authorize the PSC to establish an experimental mechanism to facilitate energy infrastructure investment in gas using the administrative proceeding structure created for natural gas facilities relocation cost recovery in s. 366.99, (2) through (6), F.S. As used in the section, "gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for pipeline distribution.

²⁸ American Biogas Council, *Biogas State Profiles*, <https://americanbiogascouncil.org/resources/state-profiles/florida/> (last visited April 8, 2025).

In establishing this mechanism, the PSC is to consider the intent provided in s. 366.91(1), F.S., for renewable energy.²⁹ The gas infrastructure investment may include only such investments that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution.

The section also requires the PSC to propose a rule for adoption as soon as practicable, but not later than January 1, 2026.

Section 2 provides an effective date of July 1, 2025.

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:

Public utilities will likely expand their use and sale of RNG, the costs of which will be authorized to be passed through to the utilities' customers. In addition, if the production of RNG increases in response to the experimental mechanism authorized in the bill,

²⁹ Section 366.91(1), F.S., provides that the "Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies."

operators of farming operations that have the potential to generate RNG may see a revenue increase as a result of increased RNG capture and production.

C. Government Sector Impact:

The bill does not impact state revenues and expenditures. The bill requires the PSC to adopt rules and expands the responsibilities of the PSC. Any such expenses will be absorbed within existing resources.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 366.075 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 April 1, 2025:

The committee substitute revises the recovery mechanism structure for the energy infrastructure investments specified in the bill. Specifically, the amendment replaces the storm protection plans and cost recovery (ss. 366.96, (7) and (8), F.S.) mechanism with that used for natural gas relocation facilities costs (ss. 366.99(2) through (6), F.S.).

The committee substitute also makes a conforming change to delete a provision that the PSC has the discretion to determine whether to use an annual proceeding to conduct such an experimental mechanism. Section 366.99(2) through (6), F.S., already specifies annual proceedings for that mechanism).³¹

B. Amendments:

None.

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

³⁰ Florida Public Service Commission, *Bill Analysis for Senate Bill 1574* (April 1, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).

³¹ *Id.*

By the Committee on Regulated Industries; and Senator DiCeglie

580-03185-25

20251574c1

A bill to be entitled

An act relating to energy infrastructure investment; amending s. 366.075, F.S.; authorizing the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investment in gas; providing requirements for gas infrastructure investments; defining the term "gas"; requiring the commission to adopt rules and propose such rules by a specified date; providing an effective date.

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

Section 1. Subsection (3) is added to section 366.075, Florida Statutes, to read:

366.075 Experimental and transitional rates; experimental mechanisms.—

(3) The commission may establish an experimental mechanism to facilitate energy infrastructure investment in gas consistent with a similar structure as set forth in s. 366.99(2)-(6) and with the intent of s. 366.91(1). Such gas infrastructure investment may include only such investments that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution. As used in this subsection, the term "gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for pipeline distribution. The commission shall adopt rules to implement and administer this subsection

Page 1 of 2

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

580-03185-25

20251574c1

and shall propose such rules for adoption as soon as practicable but no later than January 1, 2026.

Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

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



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

April 2, 2025

Dear Chair Brodeur,

I respectfully request that **SB 1574: Energy Infrastructure Investment** be placed on the agenda of the Appropriations Committee on Agriculture, Environment, and General Government. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development,
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~
Appropriations Committee on Agriculture, Environment, and General Government ~
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~
Joint Select Committee on Collective Bargaining

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/15/2025
Meeting Date

Approps. AEGG
Committee

1574
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Madill Phone 850-766-7983

Address 136 S. Branaugh St. Email cmadill@flchamber.com
Street

Tallahassee, FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chamber of Commerce

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

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

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S-001 (08/10/2021)

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SB 1574

Bill Number or Topic

Amendment Barcode (if applicable)

4/15/25
Meeting Date

S Ag, Enviro, 66
Committee

Name Cameron Fink

Phone 850-933-4665

Address 516 W Adams St
Street

Email cfink@cif.com

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated Industries of Florida

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

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

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S-001 (08/10/2021)

4/15/2025

The Florida Senate

APPEARANCE RECORD

SB 1574

Meeting Date

APPROPS - AS, ENVIRO +

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Bill Number or Topic

Committee

44

Amendment Barcode (if applicable)

Name

KEYNA CORY

Phone

850 566-9575

Address

730 E. PARK AVE

Email

keynacory@paconsultants.com

Street

TALLAHASSEE

FL

3230

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

NATIONAL WASTE + RECYCLING ASSN - FL CHAPTER

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

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5-001 (08/10/2021)

4/15/25

Meeting Date

[Appropriations Committee on Agriculture, Environment, and General Government]

Committee

The Florida Senate
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1574

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dale Calhoun Phone 8506810496

Address 201 S Monroe St Unit A Email dale.calhoun@floridagas.org

Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Natural Gas Association

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

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

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1580

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Infrastructure and Resiliency

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Fav/CS
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	Favorable
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 1580 provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill provides that, to encourage investment from the private sector in such projects, the DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires the DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership. The DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

The DEP may incur indeterminate costs related to publishing biennial progress reports and maintaining an online dashboard with real-time updates on project execution. These costs can be absorbed within existing resources. See Section V., Fiscal Impact Statement.

The bill provides that the bill takes effect upon becoming law.

II. Present Situation:

Statewide Resilience Programs

The Legislature has established several statewide resilience programs, including:

- The Resilient Florida Grant Program, which provides grants to local governments and water management districts for community resilience planning, including feasibility studies, vulnerability assessments, and adaptation planning.¹
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, which provides an inventory of critical assets and information necessary to determine the risks to inland and coastal communities such as elevation, tidal levels, and precipitation.²
- The Statewide Flooding and Sea Level Rise Resilience Plan, which consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.³

Statewide Flooding and Sea Level Rise Resilience Plan

By December 1 of each year, the DEP must develop a Statewide Flooding and Sea Level Rise Resilience Plan with a three-year planning horizon and submit it to the Governor and Legislature.⁴ The plan must consist of ranked projects that address flooding and sea level rise risks for coastal and inland communities.⁵ All eligible projects submitted must be ranked and included in the plan.⁶ The DEP ranks the projects using a four-tiered scoring system.⁷ Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.⁸

Each plan must include, among other things, a detailed description of the methodology used by the DEP to rank projects, details on the submitted project applications, and total funding requested, including for ineligible projects.⁹ In addition, each plan must include the following information for each recommended project:

- A description of the project;
- The location of the project;
- An estimate of how long the project will take to complete;
- An estimate of the cost of the project;
- The cost-share percentage available for the project;
- A summary of the priority score assigned to the project; and
- The project sponsor.¹⁰

¹ Section 380.093(3), F.S.

² Section 380.093(4), F.S.

³ Section 380.093(5), F.S.

⁴ Section 380.093(5)(a), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ Section 380.093(5)(g), F.S.

⁸ See DEP, *Statewide Resilience Plan: Fiscal Year 2024-25*, 8-12 (2023), available at https://floridadep.gov/sites/default/files/2024-2025%20Statewide%20Resilience%20Plan-FINAL_0.pdf.

⁹ Section 380.093(5)(g), F.S.

¹⁰ Section 380.093(5)(c), F.S.

Counties, municipalities, special districts, and regional resilience entities may submit a list of proposed projects that address risks identified in statewide or local vulnerability assessments.¹¹ Water management districts, drainage districts, erosion control districts, flood control districts, and regional water supply authorities may also submit projects that mitigate flooding and sea level rise impacts on water supplies or water resources.¹²

Each project must have a 50 percent cost share unless the project assists or is within a community eligible for a reduced cost share.¹³ The annual funding for the plan must be at least \$100 million.¹⁴ Multiyear projects must continue receiving funding until completion if contractual obligations are met and funds remain available.¹⁵

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities¹⁶ that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects. These agreements enable the collaboration of skills and assets from both public and private sectors to provide services or facilities for the benefit of the general public. Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation,¹⁷ housing,¹⁸ and education.¹⁹

Current law allows responsible public entities (RPEs)²⁰ to engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or

¹¹ Section 380.093(5)(d)1., F.S.

¹² Section 380.093(5)(d)2., F.S.

¹³ Section 380.093(5)(e), F.S. “Community eligible for reduced cost share” means (1) a municipality that has a population of 10,000 or fewer and a per capita annual income that is less than the state’s per capita annual income; (2) a county that has a population of 50,000 or fewer and a per capita annual income that is less than the state’s per capita annual; 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. Populations are determined by the most recent April 1 population estimates posted on the Office of Economic and Demographic Research’s website. The state’s per capita income is based on the most recent release from the Bureau of the Census of the U.S. Department of Commerce. *Id.*

¹⁴ Section 380.093(5)(h), F.S.

¹⁵ *Id.*

¹⁶ “Private entity” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. Section 255.065(1)(g), F.S.

¹⁷ See section 334.30, F.S., relating to public-private transportation facilities.

¹⁸ See section 420.0003(2)(b), F.S., relating to state housing strategy.

¹⁹ See section 1013.35, F.S., relating to school district educational facilities plans.

²⁰ “Responsible public entity” means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. Section 255.065(1)(j), F.S. “Develop” means to plan, design, finance, lease, acquire, install, construct, or expand. Section 255.065(1)(b), F.S. “Operate” means to finance, maintain, improve, equip, modify, or repair. Section 255.065(1)(f), F.S.

city halls.²¹ Current law outlines specific requirements to which the RPEs must adhere, including protocols for reviewing and approving proposals.²²

Procurement Procedures

Current law allows an RPE to receive unsolicited proposals or may solicit proposals for a qualifying P3 project and thereafter enter into a comprehensive agreement for the building, upgrading, operating, ownership, or financing of facilities.²³ An unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by the following materials and information, unless waived by the RPE:

- A description of the project and the method proposed by the private entity to secure the necessary property interests required for the project.
- A description of the private entity's general plans for financing the project.
- The name and address of a designated contact person who can provide additional information about the proposal.
- The proposed user fees,²⁴ lease payments,²⁵ or other service payments throughout the term of the comprehensive agreement, along with the methodology for and circumstances allowing adjustments to these payments over time.
- Any additional material or information requested by the RPE.²⁶

If the RPE intends to execute a comprehensive agreement for a project arising from an unsolicited proposal, the RPE must publish notice in the Florida Administrative Register and a newspaper of general circulation and mail a copy of the notice to each local government in the affected area.²⁷ The notice must be published at least once a week for two weeks stating the RPE has received a proposal and will accept other proposals for the same project.²⁸

²¹ "Qualifying project" means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section. Section 255.065(1)(i), F.S.

²² "Proposal" means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined. Section 255.065(1)(h), F.S.

²³ Section 255.065(3), F.S.

²⁴ "Fees" means charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to a comprehensive agreement. Section 255.065(1)(c), F.S.

²⁵ "Lease payment" means any form of payment, including a land lease, by a public entity to the private entity of a qualifying project for the use of the project. Section 255.065(1)(d), F.S.

²⁶ Section 255.065(4), F.S. Any pricing or financial terms included in an unsolicited proposal must be specific as to when the pricing or terms expire.

²⁷ Section 255.065(3)(b), F.S. "Affected local jurisdiction" means a county, municipality, or special district in which all or a portion of a qualifying project is located. Section 255.065(1)(a), F.S.

²⁸ Section 255.065(3)(b)1., F.S.

The RPE may proceed with an unsolicited proposal for a qualifying project without engaging in a public bidding process if the RPE holds a duly noticed public meeting at which the proposal is presented and affected public entities and members of the public are able to provide comment and at a second duly noticed public meeting determines that the proposal is in the public's interest.²⁹ If the RPE decides to proceed with an unsolicited proposal without engaging in a public bidding process, the RPE must publish in the Florida Administrative Register for at least seven days a report that includes:

- The public interest determination;
- The factors considered in making such public interest determination; and
- The RPE's findings based on each considered factor.³⁰

Project Qualification and Approval

After the public notification period has expired for an unsolicited proposal that is submitted and noticed for public hearing, the RPE ranks the proposals received in order of preference.³¹ The RPE may then begin negotiations for a comprehensive agreement with the highest-ranked firm.³²

Before approving a comprehensive agreement, the RPE must determine the proposed project:

- Is in the public's best interest.
- Is for a facility owned by the RPE or for which ownership will be conveyed to the RPE.
- Has adequate safeguards to prevent additional costs or service disruptions for the public in case of material default³³ or cancellation of the comprehensive agreement by the RPE.
- Includes measures to allow the RPE or the private entity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
- Will be owned by the RPE upon completion, expiration, or termination of the comprehensive agreement and upon payment of the financed amounts.³⁴

Comprehensive Agreement

The RPE and the private entity must enter into a comprehensive agreement before developing or operating a qualifying project.³⁵ The comprehensive agreement must provide for:

- Delivery of performance and payment bonds, letters of credit, or other security related to the project's development or operation.
- Review of the project design by the RPE. This does not require the private entity to complete the project's design before executing the comprehensive agreement.
- Inspection of the project by the RPE.
- Maintenance of a public liability insurance policy, a copy of which together with proofs of coverage are filed with the RPE, or satisfactory proof of self-insurance.
- Monitoring the maintenance practices of the private entity by the RPE to ensure proper upkeep of the project.

²⁹ Section 255.065(3)(c), F.S.

³⁰ Section 255.065(3)(d), F.S.

³¹ Section 255.065(5)(c), F.S.

³² *Id.*

³³ "Material default" means a nonperformance of its duties by the private entity of a qualifying project which jeopardizes adequate service to the public from the project. Section 255.065(1)(e), F.S.

³⁴ Section 255.065(3)(f), F.S.

³⁵ Section 255.065(7)(a), F.S.

- Periodic filing of financial statements pertaining to the project by the private entity.
- Procedures governing the rights and responsibilities of both parties in the event of a termination of the comprehensive agreement or a material default by the private entity.
- User fees, lease payments, or service payments that do not discourage use of the project, as may be established in the agreement.
- Duties of the private entity, including the terms and conditions that the RPE determines serve the public purpose of the project.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 255.065, F.S., regarding public-private partnerships. The bill adds coastal resiliency projects as defined in s. 380.0934, F.S., (created by this bill) to the definition of “qualifying projects.”

Section 2 creates s. 380.0934, F.S., regarding public-private partnerships for coastal resiliency projects. The bill provides that “coastal resiliency project” means:

- The planning, contracting, and execution of a project to address flooding and sea level rise in a coastal or inland community in this state pursuant to the Statewide Flooding and Sea Level Rise Resilience Plan;
- Public infrastructure repair and upgrades to seawalls and stormwater drainage; and
- Resiliency measures designed to withstand extreme weather, mitigate flooding, and prevent coastal erosion, including:
 - Acquisition of at-risk coastal and flood-prone properties;
 - Acquisition of properties in areas at high risk of flooding;
 - Infrastructure hardening and development of natural barriers;
 - Construction of large-scale seawalls, levees, and elevated flood barriers; or
 - Expansion and restoration of natural protective systems.

The bill provides that the DEP has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill defines “public-private partnerships” as a coastal resiliency project entered into by the DEP under s. 255.065, F.S.

The bill provides that, to encourage investment from the private sector in coastal resiliency projects, the DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires the DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership, including project milestones, expenditures, and public benefits, on the DEP’s website. The DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

³⁶ *Id.*

Section 3 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:

None.

C. Government Sector Impact:

The DEP may incur costs related to publishing biennial progress reports and maintaining an online dashboard with real-time updates on project execution. These costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 255.065 of the Florida Statutes.

This bill creates section 380.0934 of the Florida Statutes.

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

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

CS by Environment and Natural Resources on March 25, 2025:

The committee substitute deletes the underlying bill and:

- Provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships.
- Allows DEP to encourage private sector investment in coastal resiliency projects through revenue-sharing agreements, expedited permitting, public engagement, and workforce training initiatives.
- Requires DEP to publish biennial progress reports and maintain an online dashboard with real-time updates on project execution.

B. Amendments:

None.

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

592-02839-25

20251580c1

1 A bill to be entitled
2 An act relating to infrastructure and resiliency;
3 amending s. 255.065, F.S.; revising the definition of
4 the term "qualifying project"; creating s. 380.0934,
5 F.S.; defining terms; granting the Department of
6 Environmental Protection the exclusive authority to
7 execute coastal resiliency projects through public-
8 private partnerships; authorizing the department to
9 take certain actions to encourage investment from the
10 private sector in coastal resiliency projects;
11 requiring the department to publish certain
12 information on its website; providing an effective
13 date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Paragraph (i) of subsection (1) of section
18 255.065, Florida Statutes, is amended to read:
19 255.065 Public-private partnerships.—
20 (1) DEFINITIONS.—As used in this section, the term:
21 (i) "Qualifying project" means:
22 1. A facility or project that serves a public purpose,
23 including, but not limited to, any ferry or mass transit
24 facility, vehicle parking facility, airport or seaport facility,
25 rail facility or project, fuel supply facility, oil or gas
26 pipeline, medical or nursing care facility, recreational
27 facility, sporting or cultural facility, or educational facility
28 or other building or facility that is used or will be used by a
29 public educational institution, or any other public facility or

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

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30 infrastructure that is used or will be used by the public at
31 large or in support of an accepted public purpose or activity;
32 2. An improvement, including equipment, of a building that
33 will be principally used by a public entity or the public at
34 large or that supports a service delivery system in the public
35 sector;
36 3. A water, wastewater, or surface water management
37 facility or other related infrastructure;
38 4. A coastal resiliency project as defined in s. 380.0934;
39 or
40 5.4. Notwithstanding any provision of this section, for
41 projects that involve a facility owned or operated by the
42 governing board of a county, district, or municipal hospital or
43 health care system, or projects that involve a facility owned or
44 operated by a municipal electric utility, only those projects
45 that the governing board designates as qualifying projects
46 pursuant to this section.
47 Section 2. Section 380.0934, Florida Statutes, is created
48 to read:
49 380.0934 Public-private partnerships for coastal resiliency
50 projects.—
51 (1) DEFINITIONS.—As used in this section, the term:
52 (a) "Coastal resiliency project" means:
53 1. The planning, contracting, and execution of a project to
54 address flooding and sea level rise in a coastal or inland
55 community in this state pursuant to s. 380.093(5);
56 2. Public infrastructure repair and upgrades to seawalls
57 and stormwater drainage; and
58 3. Resiliency measures designed to withstand extreme

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weather, mitigate flooding, and prevent coastal erosion,
including:

a. Acquisition of at-risk coastal and flood-prone
properties;

b. Acquisition of properties in areas at high risk of
flooding;

c. Infrastructure hardening and development of natural
barriers;

d. Construction of large-scale seawalls, levees, and
elevated flood barriers; or

e. Expansion and restoration of natural protective systems.

(b) "Department" means the Department of Environmental
Protection.

(c) "Public-private partnership" means a coastal resiliency
project entered into by the department under s. 255.065.

(2) The department shall have the exclusive authority to
execute coastal resiliency projects through public-private
partnerships under s. 255.065.

(3) To encourage investment from the private sector in
coastal resiliency projects, the department may:

(a) Enter into long-term revenue-sharing agreements.

(b) Provide expedited permitting for construction.

(c) Seek comments from local governments and the public
during project planning and execution and incorporate actions
responsive to such comments into the project.

(d) Engage in-state vocational schools and apprenticeship
programs to train workers in specialized resiliency
construction.

(4) The department shall publish biennial progress reports

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for each coastal resiliency project funded through a public-
private partnership, including project milestones, expenditures,
and public benefits, on the department's website. The department
shall also create and maintain on its website an online
dashboard for real-time updates on project execution.

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



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: March 31, 2025

I respectfully request that **CS/SB 1580**, relating to Infrastructure and Resiliency, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

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

Senator Ana Maria Rodriguez
Florida Senate, District 40

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/CS/SB 1742

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government;
Regulated Industries Committee and Senator Bradley

SUBJECT: Condominium and Cooperative Associations

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxemendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</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/CS/SB 1742 relates to the governance of condominium and cooperative associations, and the regulation of the community association managers (CAMs) who manage those communities.

Relating to CAMs, the bill:

- Prohibits persons who have had their CAM license revoked from having an indirect or direct ownership interest in a CAM firm, or being an employee, partner, officer, director, or trustee of a CAM firm and may not reapply for 10 years;
- Requires CAMS to maintain and update an online account with the Department of Business and Professional Regulation (DBPR or department) in which they must indicate if they are providing services for a condominium, cooperative, or homeowners' association;
- Requires all CAM contracts to include a statement that they will abide by professional standards and the applicable community association recordkeeping requirements, if the contract includes recordkeeping services; and
- Requires the Division of Condominiums, Timeshares, and Mobile Homes (division) to give written notice to the CAM firm and the community association for which the manager performs community management services when a CAM's license is suspended or revoked.

Relating to the milestone inspection requirement for condominium and cooperative associations with buildings that are three or more stories in height, the bill:

- Requires local enforcement agencies, on or before October 1, 2025, to report to the department specified information regarding the inspections, including the number of buildings inspected, and a list of buildings that have been deemed unsafe or uninhabitable;
- Requires the department to contract with the University of Florida (UF) to create a report that provides comprehensive data, evaluation, and analysis of the milestone inspections that have been performed, and the report to be submitted to the Governor and the presiding officers of the Legislature;
- For the 2025-2026 fiscal year, appropriates the recurring sum of \$150,000 and the nonrecurring sum of \$100,000 to the department to contract with UF to implement the study; and
- Requires the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to schedule or commence repairs within 365 days after a phase two report is received.

Relating to the official maintenance of official records by condominium associations, the bill requires associations to keep as official records :

- Recordings of videoconference meetings;
- All bank statements and ledgers as official records;
- All affidavits required by ch. 718, F.S., including on the association's website;
- All recordings of videoconference meetings for at least one year after the date the video recording is posted on the association's website if there are approved minutes for a meeting held by video conference;
- All investment policy statements and all financial statements related to the association's investment of funds to be maintained as an official record, including on the association's website;
- On the association's website, the video recording or a hyperlink to the video recording for all meetings that are conducted by videoconference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months;
- All approved minutes of the board over the preceding 12 months on the association's website.

The bill requires associations to update the association's website within 30 days of any change.

Relating to the annual financial statement in condominium associations, the bill:

- Increases from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
- Provides that the association must deliver to unit owners either a copy of the financial report or a notice that a copy of the annual financial report will be provided in the manner requested by the unit owner via the mail, hand delivery, or electronically delivered via the Internet;
- Requires that an officer or director of the association sign an affidavit evidencing compliance with the requirements for delivery of the annual financial statement; and
- Requires the approval of a majority of all the voting interest to reduce the type of financial reporting, instead of a majority of the unit owners present at the meeting.

Relating to the conduct of the meetings in condominium associations, the bill:

- Allows condominium association to conduct meetings by video conferencing, including board meetings, budget meetings, and unit member meetings.
- Allows board members who appear by videoconference to vote, but their presence may not count towards a quorum;
- Requires meetings conducted by videoconference to be recorded and the recordings to be kept as official records;
- Requires that the notice for a meeting that is to be conducted by video conference must include a hyperlink to the videoconference and the address for the physical location of the meeting;
- Deletes requirements related to the broadcasting of meeting notices; and
- Requires the division to adopt rules for the conduct of meetings by videoconference.

Relating to the budgeting process in condominium associations, the bill:

- Requires associations to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year;
- Requires that the substitute budget must be presented to the unit owners for approval before a budget can be adopted, instead of the current requirement that the unit owners must petition for consideration of a substitute budget after the budget is approved; and
- Revises the expenses that an association can exclude when determining whether assessments exceed 115 percent of the assessment of the preceding year by:
 - Removing “assessments for the betterment of the community” from the calculation;
 - Limiting the exclusion of anticipated expenses which the board does not expect to be incurred on a regular or annual basis to only those expenses related to the SIRS inspection items.

Relating to the maintenance of reserves by condominium and cooperative associations, the bill:

- Revises the term “alternative funding method” to allow all multicondominiums to use the method, which is currently limited to multicondominiums with 25 or more condominiums, and to allow the division to adopt additional funding methods for reserves by rule;
- Provides requirements and procedures for associations to invest reserve funds;
- Increases the monetary threshold for reserve items from \$10,000 to \$25,000;
- Allows associations to fund reserves by special assessments, regular assessments, lines of credit, and loans;
- Allows an association that is required to have a structural integrity reserve study (SIRS) may, with the approval of a majority of the voting interests of the association, secure a line of credit or a loan;
- Allows condominium boards to pause reserve funding without unit owner approval when the condominium building is declared uninhabitable by the local building official. Current law requires a vote of the members to pause reserves if the building has been declared uninhabitable;
- For a budget adopted on or before December 31, 2028, allows unit-owner controlled associations to temporarily pause or reduce reserve contributions for no more than the two consecutive annual budgets following a milestone inspection, upon a vote of a majority of the total voting interests, in order to fund needed repairs recommended by the milestone inspection. If an association pauses or reduces reserve funding, it must perform a SIRS

before continuing reserve contribution in order to determine the association's reserve funding needs and to recommend a reserve funding plan; and

- Provides that a board may change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Regarding SIRS requirements for condominium and cooperative associations, the bill:

- Extends the deadline by which for associations must complete a required SIRS from December 31, 2024, to December 31, 2025;
- Requires design professionals, e.g., architects and engineers, and licensed contractors bidding on a SIRS to disclose in writing if they intend to bid on maintenance, repair, or replacement work related to the SIRS. They cannot have a direct or indirect interest in the firm conducting the study or be related to someone with such an interest unless disclosed to the association in writing. Failure to disclose makes the contract voidable and may result in professional discipline;
- Requires that the SIRS, at minimum, include a reserve "baseline" funding plan that ensures that the reserve cash balance stays above zero. It may suggest alternative funding schedules if such funding schedules meet the association's maintenance obligations;
- Requires that the SIRS must differentiate between mandatory reserve items and other reserve items;
- Allows associations that have completed a required milestone inspection to delay the SIRS for up to two budget years to prioritize funding for repairs and maintenance as required by the milestone inspection;
- Requires officers and directors of associations to sign an affidavit acknowledging receipt of a completed SIRS; and
- Requires the division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission (commission).

Regarding presale disclosure for condominium and cooperative associations, the bill:

- Revises the pre-sale notice requirements that sellers of a unit must provide a copy of the most recent year-end-financial statement and annual budget.
- Extends the three-day rescission period for condominium sales by nondeveloper unit owners to seven days. The current rescission period for developer sales is 15 days.

The bill expands the condominium jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections and repairs;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds;
- Board member education requirements; and
- Reporting requirements related to SIRS.

The bill requires condominium and cooperative associations to create an online account with the division on or before December 31, 2025, and provide specified information requested by the division. The bill limits the division to requesting information only once per year, except for updates to the contact information, and requires the division to give at least a 45-day notice for any request for information. The information that may be requested by the division is limited to the types of information specified in the bill, which includes:

- Contact information for the association, its members of the board, and its CAM; and
- Information about the association, such as the number of units, age of buildings, and assessments, including the purpose for the assessments.

The bill revises the term “official investigation” to include official investigations by the division for alleged violations of ss. 914.22 and 914.23, F.S., which relate to the criminal prohibitions against tampering with, harassing, or retaliating against a witness, victim, or informant.

Regarding the creation of condominiums within a portion of a building or within a multiple parcel building, the bill revises the provision in s. 31 of ch. 2024-244, Laws of Florida, which provides that the provisions in that act related to condominiums within a portion of a building or within a multiple parcel building are intended to clarify existing law and shall apply retroactively, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after October 1, 2024.

The bill has a significant negative fiscal impact on state expenditures. For the 2025-2026 fiscal year, the bill appropriates \$150,000 in recurring and \$100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the DBPR for the purpose of implementing the provisions of this bill. See Section V., Fiscal Impact Statement.

Except as otherwise expressly provided, the bill takes effect July 1, 2025.

II. Present Situation:

Milestone Inspections

Section 553.899, F.S., requires residential condominium and cooperative buildings that are three stories or more in height, as determined by the Florida Building Code, to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building’s milestone inspection must be performed before December 31, 2025. The local enforcement agency¹ will provide written notice of the required inspection to the association.²

Local enforcement agencies that are responsible with enforcing the milestone inspection requirements may set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater.³ Local enforcement agencies may also extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the buildings have entered into a contract with an architect or engineer to perform the

¹ Section 553.71(5), F.S., defines the term “local enforcement agency” to mean “an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.”

² Section 553.899(3), F.S.

³ Section 553.899(3)(b), F.S.

milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline.⁴

Single-family, two-family, three-family, and four-family dwellings with three or fewer stories above ground are exempt from the milestone inspection requirements.

The milestone inspection requirement applies to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings. Consequently, all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection.

The purpose of a milestone inspection is to determine the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determine the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building.⁵ The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.⁶ The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.⁷

In addition, s. 553.899, F.S.:

- Requires that a phase one milestone inspection must commence within 180 days after an association receives a written notice from the local enforcement agency.
- Requires that a phase two milestone inspection must be performed if any substantial deterioration is identified during phase one.⁸
- Provides the minimum contents of a milestone inspection report.
- Requires inspection report results to be provided to local building officials and the affected association.
- Requires that the contract between an association that is subject to the milestone inspection requirement and a community association manager (CAM) or CAM firm must require compliance with those requirements as directed by the board.
- Requires the local enforcement agency to review and determine if a building is safe for human occupancy if an association fails to submit proof that repairs for substantial deterioration have been scheduled or begun within at least 365 days after the local enforcement agency receives a phase two inspection report.

⁴ Section 553.899(3)(c), F.S.

⁵ Section 553.899(2)(a), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 553.899(2)(b), F.S., defines “substantial structural deterioration” to mean “substantial structural distress or substantial structural weakness that negatively affects a building’s general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.”

Within 45 days after receiving a milestone inspection report, the condominium or cooperative association must distribute a copy of an inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner. The inspector-prepared summary must be provided to unit owners, regardless of the findings or recommendations in the report, by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under ch. 718, F.S., or ch. 719, F.S., as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission. The association must also post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

Condominium and Cooperative Associations

Chapters 718 and 719, F.S.

Chapter 718, F.S., relating to condominiums, and ch. 719, F.S., relating to cooperatives, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,⁹ recordkeeping requirements, including which records are accessible to the members of the association,¹⁰ and financial reporting.¹¹ Timeshare condominiums are generally governed by ch. 721, F.S., the “Florida Vacation Plan and Timesharing Act.”

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR or department) administers the provisions of chs. 718 and 719, F.S., for condominium and cooperative associations, respectively.

Condominiums

A condominium is a “form of ownership of real property created under ch. 718, F.S.,”¹² the “Condominium Act.” Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.¹³ For unit owners, membership in the association is an unalienable right and required condition of unit ownership.¹⁴

A condominium association is administered by a board of directors referred to as a “board of administration.”¹⁵ The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and

⁹ See ss. 718.112(2) and 719.106(2)(c), F.S., for condominium and cooperative associations, respectively.

¹⁰ See ss. 718.111(12) and 719.104(2), F.S., for condominium and cooperative associations, respectively.

¹¹ See ss. 718.111(13) and 719.104(4), F.S., for condominium and cooperative associations, respectively.

¹² Section 718.103(11), F.S.

¹³ See s. 718.103, F.S., for the terms used in the Condominium Act.

¹⁴ *Id.*

¹⁵ Section 718.103(4), F.S.

are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.¹⁶

Cooperatives

Section 719.103(12), F.S., defines a “cooperative” to mean:

[T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative owner receives an exclusive right to occupy the unit based on their ownership interest in the cooperative entity as a whole. A cooperative owner is either a stockholder or member of a cooperative apartment corporation who is entitled, solely by reason of ownership of stock or membership in the corporation, to occupy an apartment in a building owned by the corporation.¹⁷ The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.¹⁸

Additional Issues

For ease of reference to each of the topics addressed in the bill, the Present Situation for each topic will be described in Section III of this analysis, followed immediately by an associated section detailing the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Milestone Inspections

Present Situation

Section 553.899(11), F.S., provides that boards of county commissioners or municipal governing bodies may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to the milestone inspection requirement schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. The local enforcement agency must review and determine if the building is unsafe for human occupancy in the event an owner of the building fails to submit proof that repairs have been scheduled or have commenced within the required timeframe.

¹⁶ Section 718.103(2), F.S.

¹⁷ See *Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3d DCA 2019), review dismissed 2020 WL 3442763 (Fla. 2020).

¹⁸ See ss. 719.106(1)(g) and 719.107, F.S.

Current law does not require local enforcement agencies to submit a report to the Department of Business and Professional Regulation (DBPR or department) with information about the milestone inspections conducted within their jurisdiction.

Effect of Proposed Changes

Section 3 creates s. 553.899(3)(e), F.S., to require local enforcement agencies to report, on or before October 1, 2025, and on or before each December 31 thereafter, to the local enforcement agency, in an electronic format determined by the department, information that may include, but is not limited to:

- The number of buildings required to have a milestone inspection within the agency's jurisdiction.
- The number of buildings for which a phase one milestone inspection has been completed.
- The number of buildings granted an extension under s. 553.899(3)(c), F.S.
- The number of buildings required to perform a phase two milestone inspection.
- The number of buildings for which a phase two milestone inspection has been completed.
- The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.
- A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.
- The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

The bill creates s. 553.899(3)(f), F.S., to require, if funds are appropriated, the DBPR to contract with the University of Florida (UF) for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the department.

Under the bill, all local enforcement agencies that are responsible for milestone inspections must provide UF with a copy of any phase one or phase two milestone inspection report by the date specified by the commission in a manner prescribed by UF, which may request any additional information from a local enforcement agency which the university requires to complete this report.

The bill requires UF to compile the report and the department to transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill amends s. 553.899(11), F.S., to require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

Community Association Managers

Present Situation

Community association managers (CAMs) are licensed and regulated by the Regulatory Council of Community Association Managers within the department pursuant to part VIII of ch. 468, F.S.

Section 468.431(2), F.S., defines “community association management” to mean:

any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community association and do not assist in any of the management services.¹⁹

Sections 468.436 and 455.227(1), F.S., provide the grounds for suspending, revoking, or denying a CAM license, which include violations of part VIII of ch. 468, F.S., ch. 718, F.S., relating to condominium associations, ch. 719, F.S., relating to cooperative associations, and ch. 720, F.S., relating to homeowners’ associations. An applicant for a CAM license may also have a license denied because of a previous license revocation.²⁰

Section 468.4334(1)(a), F.S., requires CAMs and CAM firms under a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, F.S., to comply with that section as directed by the board of the association.

CAM’s are not required to maintain an online licensure account with the Division of Condominiums, Timeshares, and Mobile Homes (division) within the department.

Effect of Proposed Changes

Section 1 amends s. 468.432(2), F.S., to provide that a person who has had his or her CAM license revoked may not have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm during the 10-year period after the effective date of the revocation. In addition, such person is ineligible to reapply for certification or registration for a period of 10 years after the effective date of a revocation.

The bill creates s. 468.432(3), F.S., to require CAM licensees to create and maintain an online licensure account with the department. A CAM licensee must identify on their online licensure account each community association for which the CAM provides community association management services and whether the community association is a condominium association under ch. 718, F.S., a cooperative association under ch. 719, F.S., or a homeowners’ association under ch. 720, F.S. A CAM licensee must update his or her online licensure account within 30 days after any change to the required information.

¹⁹ Section 468.431(2), F.S.

²⁰ Section 455.227(1)(f), F.S.

Under the bill, if a CAM has his or her license suspended or revoked, the division is required to give written notice of a suspension or revocation to the CAM firm and the community association for which the manager performs community management services.

Section 2 amends s. 468.4334(1)(a), F.S., to prohibit a CAM or a CAM firm from knowingly performing any act directed by the community association if such act violates any state or federal law.

The bill amends s. 468.4334(1)(b), F.S., to require CAMs and CAM firms under a contract with a community association that is subject to the structural integrity reserve study requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., to comply with those sections as directed by the board of the association.

The bill creates s. 468.4334(1)(c), F.S., to require that each contract between a community association and a CAM or CAM firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

The bill creates s. 468.4334(1)(d), F.S., to require that a contract between a CAM or CAM firm and a community association may not waive or limit the professional practice standards required pursuant to part VIII of ch. 468, F.S.

The bill amends s. 468.4334(3), F.S., to change the term “homeowners’ association” to “community association.”

The bill also limits the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.

Section 5 creates s. 718.111(3)(g), F.S., to provide that, if an association contracts with a CAM or CAM firm, the CAM or CAM firm must possess all applicable licenses required by part VIII of ch. 468, F.S. The bill provides that board members or officers of an association that contracts with a CAM or CAM firm have a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract.

The bill creates s. 718.111(3)(h) and (i), F.S., to provide that, if a CAM or CAM firm has a license suspended or revoked during the term of a contract with the association, the association has no further contractual obligations to the CAM or CAM firm whose license has been revoked or suspended effective on the date which the community association manager or community association management firm became unlicensed.

Official Records – Condominiums

Present Situation

Section 718.111(12)(a), F.S., requires a condominium association to maintain various records, including but not limited to, the association's recorded bylaws and amendments to those bylaws, articles of incorporation and amendments to those articles, bills of sale or transfer for association-owned property, accounting records, voting ballots, contracts for work to be performed, and bids.

Section 718.112(12)(a)7., F.S., provides, in pertinent part, that email addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with s. 718.112(12)(c)5.e., F.S., which provides for unit owners to consent in writing to the disclosure of contact information.

An association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.²¹

Section 718.111(12)(b), F.S., requires that some of these records (e.g., bylaws and articles of incorporation) must be permanently maintained from the inception of the association. All other official records must be maintained within the state for at least seven years, unless otherwise provided by general law.²² The records must be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. An association may comply with this requirement by having a copy of the records available for inspection or copying by a unit owner on the condominium property or association property or offering the option of making the records available electronically via the Internet or allowing the records to be viewed in electronic format on a computer screen and printed upon request.

Section 718.111(12)(c)1., F.S., provides that official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times.²³ A renter of a unit has a right to inspect and copy the association's bylaws and rules. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with these requirements. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages of \$50 per calendar day for up to 10 days for the association's willful failure to comply. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

Making the records available on the association's website or for download via an application on a mobile device satisfies these access requirements.

²¹ Section 718.112(12)(a)7., F.S.

²² Section 718.111(12)(b), F.S.

²³ The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.

Section 718.111(12)(g), F.S., provides that by January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units must post digital copies of specified records on its website or by an application on a mobile device. However, effective January 1, 2026, the threshold number of units for the website requirement decreases to 25 units.²⁴

The documents that must be posted include, but are not limited to: the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration, the recorded association bylaws and amendments to those bylaws, articles of incorporation of the association and amendments to those articles, the annual and proposed budget, and various contracts, including any contract or document regarding a conflict of interest or possible conflict of interest. The failure of the association to post required information is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Current law requires an association to maintain as official records the book or books that contain the minutes of meeting of the board of administration, but that requirement does not specify electronic records that contain the minutes.

Effect of Proposed Changes

Section 5 amends the official records provision in s. 718.111(12)(a), F.S., to include the following additional items that an association must maintain as an official record:

- Electronic records that contain the minutes of meetings, including minutes of the board of administration and any committee;
- Recordings of meetings that are conducted by videoconference;
- All bank statements and ledgers;
- All recordings of video conference meetings for at least one year after the date the video recording is posted on the association's website if there are approved minutes for a meeting held by video conference;
- All investment policy statements and all financial statements related to the association's investment of funds; and
- All the affidavits required under ch. 718, F.S.

The bill amends s. 718.111(12)(g), F.S., to require that the association's website or mobile application must be updated within 30 days of any change, unless a shorter period is otherwise required, and include:

- Affidavits required under ch. 718, F.S.;
- The video recording or a hyperlink to the video recording for all meetings that are conducted by video conference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months;
- All investment policy statements and all financial statements related to the association's investment of funds; and

²⁴ Section 8, ch. 2024-244, Laws of Fla.

- Approved minutes of all meetings of the board of administration over the preceding 12 months.

Effective January 1, 2026, **Section 9** of the bill amends section 8, ch. 2024-244, Laws of Fla., which amends s. 718.111(12)(g), F.S., reducing the threshold for the website requirement to associations with 25 or more units effective January 1, 2026, to conform to the changes made by the bill to s. 718.111(12)(g), F.S.

Financial Reporting

Present Situation

Section 718.111(13), F.S., provides the financial reporting requirements for condominium associations. Within 90 days following the end of the fiscal year, or annually on such date as provided in the association's bylaws, the governing board of the association must complete, or contract with a third party to complete, the financial report. Within 21 days after the financial report is completed by the board or received from the third party, but no later than 120 days after the end of the fiscal year, the board must provide each member of the association a copy of the financial report or a notice that it is available at no charge upon a written request.

The association must deliver the financial report to each unit owner, by United States mail or personal delivery to the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements. In addition, the association must also provide a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner.

The type of financial reporting that an association must perform differs based on the association's total annual revenue. From the least stringent to the most stringent, an association that has a total annual revenue of:

- Less than \$150,000 must prepare a report of cash receipts and expenditures.
- At least \$150,000 but less than \$300,000 must prepare *compiled* financial statements.²⁵
- At least \$300,000 but less than \$500,000 must prepare *reviewed* financial statements.²⁶
- \$500,000 or more must prepare *audited* financial statements.²⁷

²⁵ A compiled financial statement is an accounting service based on information provided by the entity that is the subject of the financial statement. A compiled financial statement is made without a Certified Public Accountant's (CPA) assurance as to conformity with generally accepted accounting principles (GAAP). Compiled financial statements must conform to the American Institute of Certified Public Accountants (AICPA) Statements on Standards for Accounting and Review Services. J.G. Siegel and J.K. Shim, *Barron's Business Guides, Dictionary of Accounting Terms*, 3rd ed. (Barron's 2000).

²⁶ A reviewed financial statement is an accounting service that provides a board of directors and interested parties some assurance as to the reliability of financial data without the CPA conducting an examination in accordance with GAAP. Reviewed financial statements must comply with AICPA auditing and review standards for public companies or the AICPA review standards for non-public businesses. *Id.*

²⁷ An audited financial statement by a CPA verifies the accuracy and completeness of the audited entities records in accordance with GAAP. *Id.*

An association may prepare a more or less stringent type financial report if approved by vote of the majority of the voting interest present at a properly called meeting of the association.²⁸ An approval to provide a less stringent type of financial report is effective only for the year in which the vote is taken.²⁹

Effect of Proposed Changes

Section 5 amends s. 718.111(13), F.S., to:

- Increase from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
- Provide that the association may deliver to unit owners either a copy of the financial report or a notice that a copy of the annual financial report may be provided upon request;
- Provide that the financial report or the notice advising that a unit owner may request a copy of the financial statement may be delivered by the means requested by the unit owner, which may be by United States mail, hand delivery, or electronic delivery via the Internet;
- Require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection; and
- Require the approval of a majority of all the voting interest to reduce the type of financial reporting, instead of a majority of the unit owners present at the meeting.

Investing Funds – Condominiums and Cooperatives

Present Situation

Reserve Funds

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance.³⁰

Commingling of Funds and Investing

Section 718.111(14), F.S., requires all funds collected by an association to be maintained separately in the association's name. Operating funds and reserve funds must be accounted for separately, and a commingled account cannot, at any time, be less than the amount identified as reserve funds. However, reserve funds may be commingled with operating funds of the association for investment purposes only.

Section 719.104(8), F.S., provides that reserve and operating funds of the association shall not be commingled unless combined for investment purposes, and this provision is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association. However, such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account.

²⁸ See s. 718.111(13)(c) and (d), F.S.

²⁹ See s. 718.111(13)(d), F.S.

³⁰ Section 718. 112(2)(f)2., F.S.

Investment Advisers

Investment advisers are defined as “a person, other than an associated person of an investment adviser or a federal covered adviser, that receives compensation, directly or indirectly, and engages for all or part of the person's time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities”³¹

The term “investment adviser” does not include:

- Any licensed practicing attorney whose performance of such services is solely incidental to the practice of her or his profession;
- Any licensed certified public accountant whose performance of such services is solely incidental to the practice of her or his profession;
- Any bank authorized to do business in this state;
- Any bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state;
- Any trust company having trust powers which it is authorized to exercise in the state, which trust company renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers;
- Any person who renders investment advice exclusively to insurance or investment companies;
- Any person who does not hold herself or himself out to the general public as an investment adviser and has no more than 15 clients within 12 consecutive months in this state;
- Any person whose transactions in this state are limited to those transactions described in s. 222(d) of the Investment Advisers Act of 1940; or
- A federal covered adviser.³²

An investment adviser must be registered with the Office of Financial Regulation (OFR) within the Financial Services Commission³³ to “sell or offer for sale any securities in or from offices in this state, or sell securities to persons in this state from offices outside this state, by mail or otherwise, unless the person has been registered with the [OFR] pursuant to the provisions of this section. The [OFR] shall not register any person as an associated person of a dealer unless the dealer with which the applicant seeks registration is lawfully registered with the [OFR] pursuant to [ch. 517, F.S.]”³⁴

Effect of Proposed Changes

Sections 5 and 11 create ss. 718.111(16) and 719.104(13), F.S., to authorize condominium and cooperative associations, respectively, including multicondominium associations, to invest reserve funds. The bill provides procedures and requirements an association must follow when investing reserve funds, including limits on the types of permissible investments, recordkeeping requirements, and requiring the use of an independent investment adviser. The bill:

³¹ Section 517.021(16)(a), F.S.

³² Section 517.021(16)(b), F.S.

³³ Section 517.021(8), F.S.

³⁴ Section 517.12(1), F.S.

- Requires the board to use its best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds;
- Permits reserve funds to be invested in one or any combination of certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union;
- Requires a majority vote of the voting interests before funds can be invested in investments other than in certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union; and
- Permits only reserve funds identified as reserve funds may be invested even if the declaration permits operating funds to be invested.

If an association elects to invest reserve funds in an investment other than certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, the bill:

- Requires the board to create an investment committee composed of at least two board members and two unit owners who are not board members, to adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association;
- Specifies the issues that the investment policy must address, including requiring that projected reserve expenditures within, at minimum, the next 24 months be held in cash or cash equivalents, requiring projected expenditures relating to the milestone inspection, and protocols for proxy response;
- Requires the investment committee to recommend investment advisers to the board;
- Requires such investment advisers to be registered or have a notice filed under s. 517.12, F.S., with the OFR. The investment advisor, representative, or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member;
- Requires the investment adviser to comply with the prudent investor rule in s. 518.11, F.S.,³⁵ and to act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974;
- Requires that the association, at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, if available, and the financial reports prepared pursuant to subsection s. 718.111(13), F.S.;
- Requires the investment adviser to:
 - Annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements;
 - Prepare a funding projection for each reserve component, including any of the component's redundancies;

³⁵ Section 518.11, F.S., sets forth the prudent investor rule. Generally, a fiduciary has a duty to invest and manage investment assets as a prudent investor would considering the purposes, terms, distribution requirements, and other circumstances of the trust.

- Annually provide the association with a written certification of compliance with these respective sections and a list of stocks, securities, and other obligations that are prohibited from being in an association portfolio; and
- Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with ch. 517, F.S., relating to the regulation of investment advisers;
- Requires that there be a minimum of 24 months of projected reserves in cash or cash equivalents available to the association at all times;
- Prohibits investment in stocks, securities, or other obligations that the State Board of Administration or state agencies are prohibited from investing in under ss. 215.471, 215.4725, 215.472, and 215.473, F.S., as determined by the investment adviser;³⁶
- Permits the investment adviser to withdraw investment fees, expenses, and commissions from invested funds;
- Requires that any principal, earnings, or interest must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request; and
- Requires unallocated income earned on reserve fund investments to be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus must be managed as common expenses and surpluses under s. 718.115, F.S.

Videoconferences and Condominium Association Meetings

Present Situation

Section 718.112, F.S., provides for the conduct of meetings of the board of administration, committee meetings, meetings of the unit owners, and budget meetings.

Section 718.112(2)(b)5., F.S., provides that a board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. Associations must use a speaker so that the conversation of members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

Section 718.112(c)2., F.S., allows broadcast notice to be used in lieu of a notice physically posted on condominium property. If the notice is made by broadcast, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.

³⁶ These provisions deal with investments in stocks, securities, or other obligations of companies doing business with Cuba or Venezuela, that boycott Israel or engage in a boycott of Israel, or that conduct certain business operations with [North] Sudan and Iran.

Effect of Proposed Changes

Section 4 creates s. 718.103(33), F.S., to define the term “videoconference” to mean a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices.

Under the bill any notice for any meeting that will be conducted by videoconference must have a hyperlink and call-in phone conference telephone number for unit owners to attend the meeting. In addition, the meeting must have a physical location where unit owners can attend the meeting in-person. The bill requires all meetings conducted by videoconference to be recorded and the recording must be maintained as an official record of the association.

Section 6 amends s. 718.112(2)(b), F.S., relating to meeting quorums and voting, to

- provide that a board meeting may be conducted in-person or by videoconference.

The bill amends s. 718.112(2)(c), F.S., relating to meetings of the board of administration, and s. 718.112(2)(d), F.S., relating to unit owner meetings, to require, if the meeting is to be conducted via videoconference, the notice of the meeting to:

- State that such meeting will be via videoconference; and
- Include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in-person.

The bill also provides that, if the meeting is conducted via videoconference, it must be recorded and the recording must be maintained as an official record.

The bill amends s. 718.112(c)2., F.S., to delete the requirements for broadcasting notices.

For meetings of the unit owners, the bill amends s. 718.112(2)(d), F.S., to provide that, if a unit owner meeting is conducted via videoconference:

- A unit owner may vote electronically in the manner provided in s. 718.128, F.S.;
- A quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting; and
- The location of the meeting must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property.

However, s. 718.112(2)(d)2., F.S., provides that unit owner meetings, including the annual meeting of the unit owners, must be held within 10 miles of the condominium property if the bylaws of the association are silent as to location.

The bill amends s. 718.112(2)(e), F.S., relating to budget meetings, to:

- Provide that budget meetings may be conducted by videoconference; and
- Require a sound transmitting device must be used so that the conversation of the members may be heard by the board or committee members attending in-person, as well as any unit owners present at the meeting.

The bill amends ss. 718.112(2)(b), (c), (d), and (e), F.S., to require the division to adopt rules for the conduct of board and committee meetings, board of administration meetings, unit owner meetings, and budget meetings, respectively.

Substitute Budget Process – Condominiums

Present Situation

Section 718.112(2)(e)1., F.S., provides for the adoption of a condominium association's annual budget. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners is required to be open to all unit owners. Unit owners must be given notice of the meeting at least 14 days before the meeting.

If a board adopts an annual budget which requires assessments against unit owners exceeding 115 percent of assessments for the preceding fiscal year, the unit owners may petition the board for a special meeting to consider a substitute budget. The unit owners' petition for a special meeting to consider a substitute budget must come from at least 10 percent of all voting interests of the association and must be received by the board within 15 days of the board's adoption of the annual budget.³⁷

The special meeting must be conducted within 60 days after adoption of the annual budget. The board must give unit owners a notice of the special meeting at least 14 days before the meeting. The board must deliver a notice of the special meeting to each unit owner by hand delivery or mail to each unit owner at the address last furnished to the association.³⁸

Unit owners may consider and adopt a substitute budget at the special meeting by the approval of a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board takes effect as scheduled.

The determination of whether assessments exceed 115 percent of assessments for the prior fiscal year must be determined by excluding:³⁹

- Any authorized provision for reasonable reserves for repair or replacement of the condominium property;
- Anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis;
- Insurance premiums; or
- Assessments for betterments to the condominium property.

If the board is controlled by a developer, assessments may not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.⁴⁰

³⁷ Section 718.112(2)(e)2.a., F.S.

³⁸ *Id.*

³⁹ Section 718.112(2)(e)2.b., F.S.

⁴⁰ Section 718.112(2)(e)2.c., F.S.

Effect of Proposed Changes

Section 6 amends s. 718.112(e), F.S., relating to the requirements for adoption of annual budgets in a condominium association when the assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year, to:

- Require the board to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year.
- Require that the substitute budget must be presented to the unit owners for approval before a budget can be adopted.

The bill also revises the expenses that associations can exclude when determining whether assessments exceed 115 percent of the assessments of the preceding year by:

- Removing “assessments for the betterment of the community” as an expense that can be excluded from the calculation; and
- Limiting the exclusion of anticipated expenses which the board does not expect to be incurred on a regular or annual basis to only those expenses related to the SIRS inspection items.

Reserves and Structural Integrity Reserve Studies – Condominiums and Cooperatives***Present Situation*****Alternative Funding Method**

Section 718.103(1), F.S., defines the term “alternative funding method” to mean:

a method approved by the division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget.

Budgets and Reserves

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. Reserve accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000.⁴¹

The amount to be reserved must be computed using a formula based upon the estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. Replacement reserve assessments may be adjusted annually to take into account

⁴¹ See s. 718.112(2)(f) and 719.106(1)(j), F.S., relating to reserves requirements for condominium and cooperative associations, respectively.

any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.⁴²

Members of unit-owner-controlled associations may waive reserves upon a majority vote of the total voting interests of the association. However, for a budget adopted on or after December 31, 2024, unit-owner-controlled condominium and cooperative associations that must obtain a structural integrity reserve study (SIRS) may not waive reserves. Associations that are required to obtain a SIRS also may not opt to provide less reserves or no reserves than are required for the structural integrity items. Nor may those reserves be used for any other purpose than their intended purpose.⁴³

A SIRS is a study of the reserve funds required for future major repairs and replacement of the common elements based on a visual inspection. A SIRS is required for condominium buildings that are three or more stories in height.⁴⁴

Before turnover of control to the unit owners, ss. 718.301(4)(p) and 719.301(4)(p), F.S., require the developer to perform a turnover inspection performed by a licensed professional engineer or architect, or a reserve specialist or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, this provision does not require that the inspection comply with the SIRS requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively.

A condominium association may temporarily pause reserve funding or reduce reserve funding if the entire condominium building is uninhabitable, as determined by the local building official, due to a natural emergency, as defined in s. 252.34, F.S., upon the approval of a majority of the members. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building and its structures are habitable, the association must immediately resume contributing funds to its reserves.⁴⁵ Cooperative associations do not have a comparable provision for pausing or reducing reserve funding if a building is uninhabitable.

Structural Integrity Reserve Studies

Regarding the funding of reserves for the continued maintenance and repair of condominium and cooperative buildings, ss. 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively, associations that are required to have a SIRS may not waive reserves for the SIRS items or use such reserves for other purposes.

Sections 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively:

⁴² *Id.*

⁴³ Sections 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively.

⁴⁴ See ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively

⁴⁵ Section 718.112(2)(f)2.a., F.S.

- Require condominium associations and cooperative associations to complete a structural integrity reserve study every 10 years for each building in an association that is three stories or higher in height, as determined by the Florida Building Code.
- Require associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, to have a SIRS completed by December 31, 2024. An association that completes a milestone inspection by December 31, 2026, may complete the SIRS at the same time.
- Require that the study include a visual inspection and state the estimated remaining useful life and the estimated replacement cost of the following items (structural integrity items): roof, structure, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing, windows and exterior doors, and any item with a deferred maintenance or replacement cost that exceeds \$10,000.
- Require the visual inspection be performed or verified by a person licensed as an engineer, an architect, reserve specialist, or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, any qualified person or entity may perform the other components of a SIRS.
- Provide that the SIRS may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost or deferred maintenance expense cannot be determined or for which the estimate of useful life is greater than 25 years, but the study may recommend a deferred maintenance amount for such items.
- Exempt from the SIRS requirement are:
 - Buildings less than three stories in height;
 - Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; and
 - Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.

Within 45 days of completion of a SIRS, condominium and cooperative associations must provide unit owners with a notice that the study is available for inspection and copying. The notice may be provided electronically.⁴⁶

Effect of Proposed Changes

Alternative Funding Methods

Section 4 amends s. 718.103(1), F.S., revising the term “alternative funding method” to mean a method for funding the capital expenditures and deferred maintenance obligations of the association, including:

- The allocation of funds in the annual operating budget of a multicondominium; or
- Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association’s reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

Budgets and Reserves

⁴⁶ Sections 718.112(2)(g)10. and 719.106(1)(k)10., F.S., relating to condominium and cooperative associations, respectively.

Sections 6 and 12 amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., relating to budgets in condominium and cooperative associations, respectively, and ss. 718.112(2)(g), and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively, to increase the minimum threshold amount from \$10,000 to \$25,000 for items whose deferred maintenance and replacements requires these associations to have reserves for such items.

The bill amends s. 718.112(2)(f)2.a., F.S., to provide that, if an association votes to terminate the condominium in accordance with s. 718.117, F.S., the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study.

The bill creates ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., to provide that reserves for SIRS items may be funded by regular assessments, special assessments, lines of credit, or loans.

The bill authorizes unit-owner-controlled condominium and cooperative associations that must have a SIRS to secure a line of credit or a loan to fund capital expenses required by a milestone inspection or a SIRS. A majority of the total voting interests of the association must approve the line of credit or loan. The line of credit must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the required reserves and the SIRS. Funding from the line of credit or loan must be immediately available for access by the board to fund the required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit or loan must be included in the association's annual financial report.

The bill amends s. 718.112(2)(f)2.d., F.S., to remove the requirement for the approval of a majority of the members of a condominium association before that association may temporarily pause the funding of reserves or reduce the amount of reserve funding if the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, F.S., as determined by the local enforcement agency.

The bill creates s. 719.106(1)(j)2.d., F.S., to allow cooperative associations to temporarily pause the funding of reserves or reduce the amount of reserve funding in a manner that is identical to that provided for condominium associations in s. 718.112(2)(f)2.d., F.S.

The bill creates ss. 718.112(2)(f)2.e., and 719.106(1)(j)2.f., F.S., to allow the boards of condominium or cooperative associations that have completed a milestone inspection pursuant to s. 553.899, F.S., within the previous two calendar years to temporarily pause reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection if approved by a majority of the total voting interests of the association. The temporary pause must be for a period of no more than two consecutive annual budgets immediately following completion of a milestone inspection. Associations may only temporarily pause reserve funding under this provision for budgets adopted on or before December 31, 2028. In addition, a developer-controlled association and an association in which the non-developer unit owners have been in control for less than one year, may not pause reserve funding under this provision. An association that has paused reserve contributions must have a SIRS performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

The bill amends ss. 718.112(2)(f)3., and 719.106(1)(j)3., F.S., to allow the boards of condominium or cooperative associations to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Structural Integrity Reserve Studies

The bill amends ss. 718.112(2)(g)(1)7., to extend the deadline by which associations must complete a required SIRS from December 31, 2024, to December 31, 2025.

The bill creates ss. 718.112(2)(g)3.b., and 719.106(1)(k)3.b., F.S., to provide conflict of interest provisions for persons performing the SIRS and the persons performing maintenance, repair, and replacement services recommended by SIRS for condominium and cooperative associations, respectively. Under the bill, any design professional, as defined in s. 558.002(7), F.S.,⁴⁷ or contractor licensed under ch. 489, F.S., who bids to perform a SIRS must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the SIRS.

Additionally, any design professional or licensed contractor who submits a bid to the association for performing any services recommended by the SIRS may not have an interest, directly or indirectly, in the firm or entity providing the association's SIRS or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. The bill defines the term "relative" to mean a relative within the third degree of consanguinity by blood or marriage.

The bill provides that a contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the required written disclosure of the relationship. It also provides that a design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the required written disclosure of the relationship.

The bill amends ss. 718.112(2)(g)4.a., and 719.106(1)(k)4.a., F.S., to require that the SIRS for condominium and cooperative associations, at a minimum, must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year for deferred maintenance, repair, and replacement of reserve items are sufficient to maintain the reserve cash balance above zero. Under the bill, the study may recommend other types of reserve funding schedules if the recommended schedules are sufficient to meet the association's maintenance obligation.

The bill amends ss. 718.112(2)(g)4.b., and 719.106(1)(k)4.b., F.S., to provide that if a SIRS for a condominium or cooperative association recommends reserves for any item for which reserves are not required, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required.

⁴⁷ Section 558.002(7), F.S., defines the term "design professional" to mean a person, as defined in s. 1.01, F.S., who is licensed in this state as an architect, a landscape architect, an engineer, a surveyor, or a geologist or who is a registered interior designer, as defined in s. 481.203, F.S.

The bill creates ss. 718.112(2)(g)4.c., and 719.106(1)(k)4.c., F.S., to require the SIRS to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. Under the bill, if the SIRS is performed before the association has approved a special assessment or secured a line of credit or a loan, the SIRS must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The SIRS may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. Additionally, the association must obtain an updated SIRS before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

The bill creates ss. 718.112(2)(g)9., and 719.106(1)(k)9., F.S., to allow condominium and cooperative associations that have completed a milestone inspection required by s. 553.899, F.S., or an inspection completed for a similar local requirement, to delay performance of a required SIRS for no more than two budget years to permit the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

The bill amends ss. 718.112(2)(g)10., and 719.106(1)(k)10., F.S., to require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS.

The bill creates ss. 718.112(2)(g)13., and 719.106(1)(k)13., F.S., to require the Division of Condominiums, Timeshares, and Mobile Homes to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Jurisdiction of the Division – Condominiums

Present Situation

Section 718.501, F.S., provides the investigative and enforcement authority of the division. The division may enforce and ensure compliance with ch. 718, F.S., and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899, F.S. The division may investigate complaints and enforce compliance with ch. 718, F.S., for associations that are still under developer control, including investigating complaints against developers involving improper turnover or failure to transfer control to the association.⁴⁸ After control of the condominium is transferred from the developer to the unit owners, the division only has jurisdiction to investigate complaints related to:⁴⁹

- Procedures and records related to financial issues, including annual financial reporting under s. 718.111(13), F.S., assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14), F.S., use of debit cards for other than intended purposes under s. 718.111(15), F.S., the annual operating budget and the allocation of reserve

⁴⁸ Section 718.501(1), F.S.

⁴⁹ Section 718.501(1)(a), F.S.

funds under s. 718.112(2)(f), F.S., financial records under s. 718.111(12)(a)11, F.S., and any other record necessary to determine the revenues and expenses of the association;

- Elections, including election and voting requirements under s. 718.112(2)(b) and (d), F.S., recall of board members under s. 718.112(2)(l), F.S., electronic voting under s. 718.128, F.S., and elections that occur during an emergency under s. 718.1265(1)(a), F.S.;
- The maintenance of and unit owner access to association records under s. 718.111(12), F.S.;
- Allegations of criminal violations under ch. 718, F.S.;
- The procedural aspects of meetings, such as unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2), F.S.;
- Disclosure of conflicts of interest under s. 718.111(1)(a), F.S., and s. 718.3027, F.S., including limitations contained in s. 718.111(3)(f), F.S.;
- Removal of a board director or officer under s. 718.111(1)(a) and (15), F.S., and s. 718.112(2)(p) and (q), F.S.;
- The procedural completion of SIRS under s. 718.112(2)(g), F.S.; and
- Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2., F.S.

Effect of Proposed Changes

Section 7 amends s. 718.501(1)(a), F.S., to expand the jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections;
- Procedural compliance with the milestone inspection requirements in s. 533.899, F.S.;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds under s. 718.111(11)(h), F.S.;
- Board member education requirements under s. 718.112(2)(d)5.b., F.S.; and
- Reporting requirements for SIRS.

Reporting Requirement for Condominiums and Cooperatives

Present Situation

Sections 718.501(3)(a) and 719.501(3)(a), F.S., require condominium and cooperative associations, respectively, existing on or before July 1, 2022, to provide specified information to the division on or before January 1, 2023. The associations may provide the information in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website. The following information must be provided:

- The number of buildings on the condominium property that are three stories or higher in height;
- The total number of units in all such buildings;
- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Sections 718.501(3)(b) and 719.501(3)(b), F.S., require the division to compile a list of the number of buildings on condominium and cooperative property, respectively, that are three

stories or higher in height, which is searchable by county, and must post the list on the division's website. The list compiled by the division must include the following information:

- The name of each association with buildings on the condominium property that are three stories or higher in height;
- The number of such buildings on each association's property;
- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Associations must provide an update in writing to the division if there are any changes to the information required for the list compiled by the division within six months after the change.⁵⁰

Effect of Proposed Changes

Sections 7 and 13 creates ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to create an online account with the division.

The bill amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to:

- Create and maintain an online account with the division on or before October 1, 2025;
- Provide that the information must be provided in an electronic format as determined by the division;
- Require the division to adopt rules to implement this provision;
- Limit the division to requesting information only once per year, except for updates to the contact information; and
- Require the division to give associations at least a 45-day notice for any request for information.
- The information must be updated within 30 days after any change. The information that must be provided to the division may include, but not be limited to:
 - The contact information for the association that includes all of the following:
 - The name of the association;
 - The physical address of the association;
 - The mailing address and county of the association;
 - The e-mail address and telephone number for the association;
 - The name and board title for each member of the association's board;
 - The name and contact information of the association's community association manager or community association management firm, if applicable;
 - The name and contact information of the community association manager or community association management firm, if applicable ; and
 - The hyperlink or website address to the association's website, if applicable.
 - The total number of buildings and for each building within the association:
 - The total number of stories of each building, including both habitable and uninhabitable stories;
 - The total number of units;
 - The age of each building based on the certificate of occupancy; and

⁵⁰ Sections 718.501(3)(c) and 719.501(3)(c), F.S., relating to condominium and cooperative associations, respectively.

- Any construction commenced within the common elements within the previous calendar year.
- The association's assessments, including the:
 - Amount of assessment or special assessment by unit type, including reserves;
 - Purpose of the assessment or special assessment; and
 - Name of the financial institution or institutions with which the association maintains accounts.

In addition, the associations must provide a copy of any SIRS and any associated materials requested by the department within five business days after a request in a manner prescribed by the department.

Pre-sale Disclosures - Condominium and Cooperative Associations

Present Situation

Developers and non-developer owners of condominium or cooperative units must give certain documents to a prospective buyer or lessee before the execution of a contract for the sale of a residential unit, including a copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4), F.S., and a copy of the most recent SIRS, or a statement that the association has not completed a SIRS or that a SIRS is not required.⁵¹

The developer may not close for 15 days following the execution of a purchase contract, or execution of a lease of a residential unit for an unexpired term of more than five years, and the delivery of the required documents to the buyer, including the documents creating the association, the bylaws, and the estimated operating budget of the association. A prospective purchaser may void the contract within 15 days of his or her receipt of all the required documents.⁵²

A non-developer unit owner must provide the prospective buyer or lessee certain information, including the articles of incorporation, bylaws and rules, a copy of the most recent financial information, and a "Frequently Asked Questions and Answers" document.⁵³ These documents must be provided more than three days, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract, or the sales contract is voidable by the prospective purchaser. These disclosures do not apply to the leasing of a residential unit by a non-developer owner.⁵⁴

Each contract for sale of a residential unit by a developer or non-developer must contain in conspicuous type a statement acknowledging that the purchaser has received the document and his or her right to void the contract if the required documents are not provided more than three days in the case of a non-developer sale or 15 days in the case of a developer sale, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract.

⁵¹ Sections 718.503(1) and 719.503(1), F.S.

⁵² Sections 718.503(1) and 719.503(1), F.S., providing the developer disclosures before the sale or lease of a residential condominium or cooperative unit, respectively.

⁵³ See ss. 718.503(2) and 719.503(2), F.S., providing the non-developer disclosures before the sale of a residential condominium or cooperative unit, respectively.

⁵⁴ *Id.*

These disclosures for developers and the non-developers also require that the prospective purchaser must be given a copy of the most recent financial statement and annual budget. However, the term “recent financial statement and annual budget” is not uniformly used throughout these requirements and instead uses the broader term “financial information.”

Effect of Proposed Changes

Sections 8 and 14 amends ss.718.503(1) and (2) and 719.503(1) and (2), F.S., to replace the term “financial information” with the terms “recent financial statement and annual budget.”

The bill also extends a three-day rescission period for condominium sales by non-developer unit owners to 15 days.

Condominiums within a Portion of a Building or within a Multiple Parcel Building

Present Situation

In a recent decision by the Florida Third District Court of Appeals (3rd DCA), the court held that the declaration of condominium had impermissibly divested a unit of its undivided share of the common elements by designating certain portions of the condominium property as “shared facilities.”⁵⁵

In *IconBrickell*, the condominium is a mixed-use condominium consisting of residential condominium units and a luxury hotel. The declaration of condominium designated a wide variety of specific portions of the common elements as “shared facilities” under the exclusive ownership and control of the hotel unit owner. The “shared facilities” include the balconies, lobby, elevators, and the infrastructure for utilities, such as wires and pipes. The term “shared facilities” is not defined in ch. 718, F.S.

Even though the residential unit owners did not have a common ownership interest in the “shared facilities,” the declaration burdened the residential unit owners, and not the owner of the hotel, with expenses incurred by the owner of the hotel for the maintenance, repair, replacement, improvement, management, and operation of the shared facilities. The court held that the “recharacterization, and the resultant expropriation of undivided common ownership, indubitably contravenes the edict of the [Condominium] Act.”⁵⁶

Revised by s. 5, ch. 2024-244, Laws of Fla., the term “condominium property” in s. 718.103(14), F.S., means “the lands, leaseholds, improvements, any personal property, and all easements and rights appurtenant thereto, regardless of whether contiguous, which are subjected to condominium ownership.”

Section 718.104(4)(b), F.S., relating to the creation of condominiums, was revised by s. 6, ch. 2024-244, Laws of Fla., to provide that condominiums created within a portion of a building or within a multiple parcel building must include the name by which the condominium

⁵⁵ *IconBrickell Condominium No. three Association, Inc. v. New Media Consulting, L.L.C.*, 310 So.3rd 477 (Fla. 3rd DCA 2020).

⁵⁶ *IconBrickell* at 481.

is to be identified and be followed by “a condominium within a portion of a building or within a multiple parcel building.”

Effective October 1, 2024, s. 718.407, F.S., which was created by s. 20, ch. 2024-244, Laws of Fla., provides conditions, including disclosure requirements in sales contracts, for the creation of condominiums within a portion of a building or within a multiple parcel building. The bill provides that the declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, or any other recorded instrument applicable (creating document) must specify the following:

- The portions of the building which are included in the condominium and the portions of the building that are excluded.
- The party responsible for maintaining and operating those portions of the building which are shared facilities, and which may include, among other things, the roof, the exterior of the building, windows, balconies, elevators, the building lobby, corridors, recreational amenities, and utilities.
- The manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned:
 - An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association for the portion of the building submitted to the condominium form of ownership, must approve any increase in the apportionment of expenses to such portion of the building.
 - The apportionment of expenses for the maintenance and operation of the shared facilities may be based on any of the specified criteria or any combination thereof.
 - An alternative method of apportionment of expenses may be provided if the apportionment method is stated in the creating document.
- The party responsible for collecting shared expenses.
- The rights and remedies available to enforce payment of shared expenses.

The association of a condominium created within a portion of a building or within a multiple parcel building has the right to inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

A disclosure summary must be included, in conspicuous type, in every contract for the sale of any condominium created under s. 718.407, F.S. The disclosure summary informs the prospective purchaser of a condominium unit that:

- The condominium is created within a portion of a building or within a multiple parcel building.
- The common elements of the condominium consist only of the portions of the building submitted to the condominium.

The disclosure summary also includes the buyer’s acknowledgment that:

- The condominium may have minimal or no common elements.
- Portions of the building that are not included in the condominium are (or will be) governed by a separate recorded instrument that contains important provisions and rights.

- The party that controls the maintenance and operation of the portions of the building that are not included in the condominium determines the budget for the operation and maintenance of such portions; however, the association and unit owners are still responsible for their share of such expenses.
- The allocation between the owners of the costs to maintain and operate the building can be found in the declaration of condominium or other recorded instruments.

Section 718.407(6), F.S., provides that the creation of a multiple parcel building is not a subdivision of the land upon which such building is situated, provided the land itself is not subdivided.

Section 31 of ch. 2024-244, Laws of Fla., provided that the amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), F.S., are intended to clarify existing law and apply retroactively. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Effect of Proposed Changes

Section 10 revises the provision in section 31 of ch. 2024-244, Laws of Florida, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after July 1, 2025.

Law Enforcement

Present Situation

Section 914.21(3), F.S., defines the term “official investigation,” as the term is used in ss. 914.22 to 914.24, F.S., to mean any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics.

Section 914.22, F.S., prohibits tampering with or harassing a witness, victim, or informant and provides criminal penalties. Section 914.23, F.S., prohibits retaliation against a witness, victim, or informant and provides criminal penalties. Section 914.24, F.S., provides requirements for civil actions to restrain harassment of a victim or witness.

Effect of Proposed Changes

Section 15 amends s. 914.21(3), F.S., revising the definition of the term “official investigation”; providing appropriations to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S., relating to the criminal prohibitions against tampering with, harassing, or retaliation against a witness, victim, or informant.

Appropriation

For the 2025-2026 fiscal year, **Section 16** of the bill appropriates the recurring sum of \$150,000 and the nonrecurring sum of \$100,000 from the Professional Regulation Trust Fund to the DBPR to contract with the University of Florida to implement the study required under s. 553.899(3)(f), F.S., as provided by this bill. Under the bill, the unexpended balance of nonrecurring funds shall revert and are appropriated for the same purpose for the 2026-2027 fiscal year.

Additional Provisions

Sections 17-22 reenact the following provisions:

- Section 721.13(3)(e), F.S., relating to timeshare management, to incorporate the amendment made to s. 718.111, F.S.;
- Sections 718.504(7)(a) and (21)(c), and 718.618(1)(d), F.S., relating to prospectus or offering circulars; and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S.;
- Section 718.706(1) and (3), F.S., relating to specific provisions pertaining to the offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S.; and
- Sections 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S.

Effective Date

Except as otherwise expressly provided, the bill takes effect July 1, 2025.

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 reduce the impact of assessments against unit owners that are related to reserve requirements arising from structural integrity reserve studies (SIRS), such as, by authorizing the increase of the reserve threshold for reserve items from \$10,000 to \$25,000, authorizing the use of lines of credit in lieu of reserves, authorizing the temporary stay of reserve funding under the limited conditions in the bill, and requiring that a SIRS must, at minimum, recommend a baseline funding plan.

C. Government Sector Impact:

For the 2025-2026 fiscal year, the bill appropriates \$150,000 in recurring and \$100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the Florida Department of Business and Professional Regulation (department) to contract with the University of Florida for the purpose of creating a specified report on milestone inspections performed in Florida during each calendar year. The bill directs the unexpended balance of nonrecurring funds to revert and to be appropriated for the same purpose for the 2026-2027 fiscal year.

The department may incur an indeterminate increase in workload costs related to implementing provisions in the bill; however, it's expected that any costs could be handled with existing resources. To date, no analysis by the department of the impact of the bill on its operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

Section 718.112(2)(d), F.S., provides conflicting requirements for the location of unit owner meetings. Section 718.112(2)(d), F.S., provides that location of the meeting must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property. However, s. 718.112(2)(d)2., F.S., provides that unit owner meetings, including the annual meeting of the unit owners, must be held within 10 miles of the condominium property if the bylaws of the association are silent as to location.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.432, 468.4334, 553.899, 718.103, 718.111, 718.112, 718.501, 718.503, 719.104, 719.106, 719.501, 719.503, and 914.21.

This bill substantially amends the following sections of the Laws of Florida: sections 8 and 31 of chapter 2024-244.

This bill reenacts the following sections of the Florida Statutes: 718.504, 718.618, 718.706, 719.103, 719.504, and 721.13.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:

The committee substitute:

- Amends s. 468.432, F.S., to:
 - Delete the requirement that community association managers (CAMs) and CAM firms report the communities for which they do work;
 - Require CAMs to identify their CAM firm and the communities for which they are an on-site manager;
 - Require CAM firms to identify the CAMs that they employ;
 - Provide that the online account is with the Department of Business and Professional Regulation (department) and not the Division of Condominiums, timeshares, and Mobile Homes (division); and
 - Provide that a CAM or a CAM firm may not “knowingly” perform any act directed by the community association if such an act violates any state or federal law.
- Amends s. 468.4334, F.S., to revise the contract notice in the bill to only apply if the contract includes recordkeeping.
- Amends s. 553.899, F.S., to require the persons who perform milestone inspections to disclose conflicts of interest.
- Amends s. 718.111(12), F.S., to
 - Provide that, if there are approved minutes for a meeting held by video conference, recordings of meetings conducted by video conference must be maintained for at least one year after the date the video recording is posted on the association’s website;
 - Require all investment policy statements and all financial statements related to the association’s investment of funds to be maintained as an official record, including the association’s website; and
 - Require that the association’s website must include the video recording or a hyperlink to the video recording for all meetings that are conducted by video conference of the association, the board of administration, any committee, and the unit owners over the preceding 12 months.
- Amends s. 718.111(13), F.S., to revise the financial reporting requirements to:
 - Increase from 120 days to 180 days, the date by which the financial report must be completed after the end of the fiscal year;
 - Allow associations to either deliver to unit owners a copy of the financial statement or a notice that the financial statement may be requested by the owners; and
 - Require the approval of a majority of all the voting interest to reduce the type of financial reporting.

- Amends s. 718.111(16), F.S., to prohibit the financial advisor from being related by affinity or consanguinity to a co-owner of a unit with a board member or investment committee member, instead of having such a relation to any unit owner.
- Amends s. 718.112(2)(b), F.S., to delete the provision prohibiting board members from participating in meetings by video conference more than two times in a calendar year, and to change the term “videoconference” to “video conference.”
- Amends s. 718.112(2)(d), F.S., to require unit owner meeting to be held within 15 miles of the condominium property or within the same county as the condominium property, instead of requiring that the meeting be held within 10 miles of the condominium property.
- Amends s. 718.112(2)(f)2.c., F.S., to:
 - Authorize reserves to be funded by special assessments;
 - Include loans in the requirements for this provision;
 - Remove the provision limiting the provision to budgets adopted on or before December 31, 2028;
 - Provide that a line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the required reserves and the SIRS; and
 - Delete the provision that the line of credit must be sufficient to meet the association’s deferred maintenance obligation not funded in the association’s reserves.
- Creates ss. 718.112(2)(g)4.c., and 719.106(1)(k)4.c., F.S., to require the SIRS to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans, and to require the SIRS to be updated under specified circumstances.
- Amends ss. 718.501(3) and 719.501(3), F.S., relating to the reporting requirements condominium and cooperative associations, respectively, to:
 - Require the division to adopt rules;
 - Limit the division to requesting information only once per year, except for updates to the contact information;
 - Require the division to give at least a 45-day notice for any request for information;
 - Limit the types of information that can be requested to only the listed information: Provide that the division may require associations to update contact information within 30 days after any change, instead of within 15 days of any change; and
 - Delete the requirement for associations to provide the email addresses for each board member and the name and contact information of every individual or community association management company responsible for remitting any payment to the division.
- Amends ss. 718.503 and 719.503, F.S., relating to condominiums and cooperative associations, to decrease the nondeveloper rescission period under the bill from 15 days to seven days.
- Revises the provision in section 31 of chapter 2024-244, Laws of Florida (CS/CS/CS/HB 1021), to provide that the provisions referenced in the section do not

apply retroactively and only apply to condominiums for which declarations were initially recorded on or after October 1, 2024, instead of July 1, 2025.

- Provides that the appropriation for the University of Florida Study is to the department instead of to the Florida Building Commission.

CS by Regulated Industries on March 25, 2025:

The committee substitute:

- Amends s. 468.432, F.S., to:
 - Prohibit a person whose community association manager (CAM) license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for 10 years after the revocation or reapply for 10 years; and
 - Require a licensee to provide specific information on his or her licensure account, and that such information be updated.
- Amends s. 468.4334, F.S., to:
 - Revise the requirements for contracts between an association and CAMs or CAM firms;
 - Require a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or application;
 - Change the term “homeowners’ association” to “community association;” and
 - Limit the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.
- Amends s. 553.899, F.S., to:
 - Require local enforcement agencies, on or before October 1, 2025, to report to the Department of Business and Professional Regulation specified information regarding the inspections;
 - Require the Florida Building Commission to contract with the University of Florida to create a report related to milestone inspections;
 - Require submission of the report to the Governor and the presiding officers of the Legislature;
 - Require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.
- Amends s. 718.103(1), F.S., to revise the term “alternative funding method.”
- Creates s. 718.103(33), F.S., to define the term “videoconference.”
- Amends s. 718.111(3), F.S., to revise the requirements for contracts between CAM and CAM firms and associations.
- Amends s. 718.111(12), F.S., and section 8, ch. 2024-244, Laws of Fla., to revise the requirements for the official records that an association must maintain on its website or make available for download by an application on a mobile device.
- Amends s. 718.111(13), F.S., to require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection.

- Revises ss. 718.111(16) and 719.104(13), F.S., relating to the investing of reserves, to remove the requirement that deposited funds must be insured by the federal government, and to limit the procedures in these subsections to investments other than certificates of deposit and depository accounts at specified financial institutions.
- Amends s. 718.112(2)(b)-(d), F.S., to revise the requirements for the conduct of meetings by videoconference, and delete the requirements for broadcasting notice.
- Amends s. 718.112(2)(e), F.S., to revise the requirements for substitute budgets in circumstances in which assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year.
- Amends ss. 718.112(2)(f)2.c. and (g) and 719.106(1)(j)2.e. and (k), F.S. to increase the threshold amount for reserves from \$10,000 to \$25,000 in condominium and cooperative associations, respectively.
- Amends ss. 718.112(2)(f) and (g), and 719.106(1)(j) and (k), F.S., to limit the temporary pause of reserve funding for the purpose of making repairs required by a milestone inspection to the two consecutive annual budgets immediately following completion of a milestone inspection; and require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS; and revise the meaning of baseline reserve funding.
- Amends s. 718.112(2)(f), F.S., to also allow the members of a condominium to waive reserves recommended by the SIRS if an association votes to terminate the condominium in accordance with s. 718.117, F.S.
- Amends s. 718.501(1), F.S., to revise the jurisdiction of the division.
- Amends ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to maintain an online account with the division,
- Amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to report specified information to the division, and amends those provisions to repeal the requirement for the division to compile a list with specified information.
- Amends s. 914.21(3), F.S., revising the definition of the term “official investigation” to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S.
- Appropriates \$250,000 from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida for the purpose of implementing s. 553.899(3)(f), F.S., as provided by this bill.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2025	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (h) is added to subsection (2) of section 468.432, Florida Statutes, and subsection (3) is added to that section, to read:

468.432 Licensure of community association managers and community association management firms; exceptions.—

(2) A community association management firm or other



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similar organization responsible for the management of more than 10 units or a budget of \$100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

(h) A person who has had his or her community association manager license revoked may not have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm during the 10-year period after the effective date of the revocation. Such person is ineligible to reapply for certification or registration under this part for a period of 10 years after the effective date of a revocation.

(3) A licensee must create and maintain an online licensure account with the department. Each community association manager must identify on his or her online licensure account the community association management firm for which he or she provides management services and identify each community association for which he or she is the designated on-site community association manager. A licensee must update his or her online licensure account with this information within 30 days after any change to the required information. A community association management firm must identify on its online licensure account the community association managers that it employs to provide community association management services. If a community association manager has his or her license suspended or revoked, the department must give written notice of such



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suspension or revocation to the community association management firm and the community association for which the manager performs community management services.

Section 2. Subsections (1) and (3) of section 468.4334, Florida Statutes, are amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager or a community association management firm may not knowingly perform any act directed by the community association if such an act violates any state or federal law. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as



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directed by the board.

(c) Each contract between a community association and a community association manager or community association management firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

(d) A contract between a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a community homeowners' association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the community homeowners' association annually.

(b) Provide to the members of the community homeowners' association the name and contact information for each community association manager or representative of a community association management firm assigned to the community homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager



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or representative is responsible. The community homeowners' association shall also post this information on the association's website or mobile application, if the association is required to maintain official records on a website or application ~~required under s. 720.303(4)(b)~~. The community association manager or community association management firm shall update the community homeowners' association and its members within 14 business days after any change to such information.

(c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the community homeowners' association and include such contract with association's official records.

Section 3. Subsection (11) and present subsections (12) and (13) of section 553.899, Florida Statutes, are amended, paragraphs (e) and (f) are added to subsection (3) and a new subsection (12) is added to that section, to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(3)

(e) On or before October 1, 2025, and on or before each December 31 thereafter, the local enforcement agency responsible for milestone inspections must provide the department, in an electronic format determined by the department, information that may include, but is not limited to:

1. The number of buildings required to have a milestone inspection within the agency's jurisdiction.

2. The number of buildings for which a phase one milestone



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inspection has been completed.

3. The number of buildings granted an extension under paragraph (3)(c).

4. The number of buildings required to have a phase two milestone inspection.

5. The number of buildings for which a phase two milestone inspection has been completed.

6. The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.

7. A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.

8. The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

(f) Subject to appropriation, the department shall contract with the University of Florida for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the department. Every local enforcement agency responsible for milestone inspections must provide the university with a copy of any phase one or phase two milestone inspection report by the date specified by the department in a manner prescribed by the university. The university may request any additional information from a local enforcement agency which the university requires to complete this report. The university shall compile the report, and the department shall transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.



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(11) A board of county commissioners or municipal governing body shall ~~may~~ adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) A licensed architect or engineer who bids to perform a milestone inspection must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement which may be recommended by the milestone inspection. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the milestone inspection may not have an interest, directly or indirectly, in the firm or entity providing the milestone inspection or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if



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the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this subsection. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subsection.

~~(13)~~⁽¹²⁾ By December 31, 2024, the Florida Building Commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 to establish a building safety program for the implementation of this section within the Florida Building Code: Existing Building. The building inspection program must, at minimum, include inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority.

~~(14)~~⁽¹³⁾ The Florida Building Commission shall consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. The commission shall provide a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

Section 4. Present subsections (33) and (34) of section 718.103, Florida Statutes, are redesignated as subsections (34) and (35), respectively, a new subsection (33) is added to that section, and subsection (1) of that section is amended, to read:

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



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(1) "Alternative funding method" means a method ~~approved by the division~~ for funding the capital expenditures and deferred maintenance obligations of the association for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the, including:

(a) The allocation of funds in the annual operating budget of a multicondominium; or

(b) Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

(33) "Videoconference" means a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice for any meeting that will be conducted by videoconference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by videoconference must be recorded and such recording must be maintained as an official record of the association.

Section 5. Paragraphs (a) and (g) of subsection (12) and subsection (13) of section 718.111, Florida Statutes, are amended, paragraphs (g), (h), and (i) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,



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SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

(h) If a community association manager has his or her license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association manager whose license has been revoked or suspended, effective on the date the community association manager became unlicensed.

(i) If a community association management firm has its license suspended or revoked during the term of a contract with the association, the association has the right to terminate the contract upon delivery of a written notice to the community association management firm whose license has been revoked or suspended, effective on the date the community association management firm became unlicensed.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other



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items provided by the developer under s. 718.301(4).

2. A copy ~~photocopy~~ of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A copy ~~photocopy~~ of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of administration, any committee, and the unit owners, and a recording of all such meetings that are conducted by videoconference. If there are approved minutes for a meeting held by video conference, recordings of meetings that are conducted by videoconference must be maintained for at least 1 year after the date the video recording is posted as required under paragraph (g).

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)5.e., the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and



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the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not



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limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss.



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553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

20. A copy of all affidavits required by this chapter.

21. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

~~22.20.~~ All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.



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a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to



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the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by videoconference over the preceding 12 months.

~~g.e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed \$500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

~~h.f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

~~i.g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

~~j.h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

~~k.i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other



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entity in which an association director is also a director or officer and financially interested.

~~l.j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

~~m.k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

~~n.l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

~~o.m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

~~p.n.~~ The association's most recent structural integrity reserve study, if applicable.

~~q.o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

s. A copy of all investment policy statements adopted



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pursuant to paragraph (16)(c), and all financial statements
related to the association's investment of funds under
subsection (16).

3. The association shall ensure that the information and
records described in paragraph (c), which are not allowed to be
accessible to unit owners, are not posted on the association's
website or application. If protected information or information
restricted from being accessible to unit owners is included in
documents that are required to be posted on the association's
website or application, the association shall ensure the
information is redacted before posting the documents.

Notwithstanding the foregoing, the association or its agent is
not liable for disclosing information that is protected or
restricted under this paragraph unless such disclosure was made
with a knowing or intentional disregard of the protected or
restricted nature of such information.

4. The failure of the association to post information
required under subparagraph 2. is not in and of itself
sufficient to invalidate any action or decision of the
association's board or its committees.

(13) FINANCIAL REPORTING.—Within 90 days after the end of
the fiscal year, or annually on a date provided in the bylaws,
the association shall prepare and complete, or contract for the
preparation and completion of, a financial report for the
preceding fiscal year. Within 21 days after the final financial
report is completed by the association or received from the
third party, but not later than 180 ~~120~~ days after the end of
the fiscal year or other date as provided in the bylaws, the
association shall deliver to each unit owner by United States



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mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report, or and a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, ~~or~~ hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. Evidence of compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association.

The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$150,000 or



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more, but less than \$300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least \$300,000, but less than \$500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of \$500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than \$150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial



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statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority vote of all the voting interests ~~present at a properly called meeting~~ of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter,



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all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested



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funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit owners who are not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for



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projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to a mandatory structural inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment



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adviser with the association's investment policy statement, the
most recent reserve study report, the association's structural
integrity report, and the financial reports prepared pursuant to
subsection (13). If there is no recent reserve study report, the
association must provide the investment adviser with a good
faith estimate disclosing the annual amount of reserve funds
necessary for the association to fund reserves fully for the
life of each reserve component and each component's
redundancies. The investment adviser shall annually review these
documents and provide the association with a portfolio
allocation model that is suitably structured and prudently
designed to match projected annual reserve fund requirements and
liability, assets, and liquidity requirements. The investment
adviser shall prepare a funding projection for each reserve
component, including any of the component's redundancies. The
association must have available at all times a minimum of 24
months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may
contain any type of investment necessary to meet the objectives
in the investment policy statement; however, portfolios may not
contain stocks, securities, or other obligations that the State
Board of Administration is prohibited from investing in under s.
215.471, s. 215.4725, or s. 215.473 or that state agencies are
prohibited from investing in under s. 215.472, as determined by
the investment adviser. Any funds invested by the investment
adviser must be held in third-party custodial accounts that are
subject to insurance coverage by the Securities Investor
Protection Corporation in an amount equal to or greater than the
invested amount. The investment adviser may withdraw investment



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fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments must be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds which exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 6. Paragraphs (b) through (g) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(b) Quorum; voting requirements; proxies.—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting



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interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda



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item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board meeting may be conducted in person or by videoconference. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

(c) Board of administration meetings.—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members



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is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via videoconference, the notice must state that such meeting will be via videoconference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via videoconference, it must be recorded and such recording must be maintained as an official record of the association. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular



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board meeting or at a special meeting called for that purpose.
An item not included on the notice may be taken up on an
emergency basis by a vote of at least a majority plus one of the
board members. Such emergency action must be noticed and
ratified at the next regular board meeting. Written notice of a
meeting at which a nonemergency special assessment or an
amendment to rules regarding unit use will be considered must be
mailed, delivered, or electronically transmitted to the unit
owners and posted conspicuously on the condominium property at
least 14 days before the meeting. Evidence of compliance with
this 14-day notice requirement must be made by an affidavit
executed by the person providing the notice and filed with the
official records of the association.

2. Upon notice to the unit owners, the board shall, by duly
adopted rule, designate a specific location on the condominium
property at which all notices of board meetings must be posted.
~~If there is no condominium property at which notices can be~~
~~posted,~~ Notices shall be mailed, delivered, or electronically
transmitted to each unit owner who has consented to receive
electronic notifications at least 14 days before the meeting. In
~~lieu of or in~~ addition to the physical posting of the notice on
the condominium property and mailing, delivering, or
electronically transmitting the notice, the association may, by
reasonable rule, adopt a procedure for conspicuously posting and
repeatedly broadcasting the notice and the agenda on a closed-
circuit cable television system serving the condominium
association. ~~However, if broadcast notice is used in lieu of a~~
~~notice physically posted on condominium property, the notice and~~
~~agenda must be broadcast at least four times every broadcast~~



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~~hour of each day that a posted notice is otherwise required~~
~~under this section. If broadcast notice is provided, the notice~~
~~and agenda must be broadcast in a manner and for a sufficient~~
~~continuous length of time so as to allow an average reader to~~
~~observe the notice and read and comprehend the entire content of~~
~~the notice and the agenda.~~ In addition to any of the authorized
means of providing notice of a meeting of the board, the
association may, by rule, adopt a procedure for conspicuously
posting the meeting notice and the agenda on a website serving
the condominium association for at least the minimum period of
time for which a notice of a meeting is also required to be
physically posted on the condominium property. Any rule adopted
shall, in addition to other matters, include a requirement that
the association send an electronic notice in the same manner as
a notice for a meeting of the members, which must include a
hyperlink to the website at which the notice is posted, to unit
owners whose e-mail addresses are included in the association's
official records.

3. Notice of any meeting in which regular or special
assessments against unit owners are to be considered must
specifically state that assessments will be considered and
provide the estimated cost and description of the purposes for
such assessments. If an agenda item relates to the approval of a
contract for goods or services, a copy of the contract must be
provided with the notice and be made available for inspection
and copying upon a written request from a unit owner or made
available on the association's website or through an application
that can be downloaded on a mobile device.

4. Meetings of a committee to take final action on behalf



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of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(d) Unit owner meetings.—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles ~~45 miles~~ of the condominium property or within the same county as the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium. If a unit owner meeting is conducted via videoconference, a unit owner may vote electronically in the manner provided in s. 718.128.

2. Unit owner meetings, including the annual meeting of the unit owners, may be conducted in person or via videoconference. If the annual meeting of the unit owners is conducted via videoconference, a quorum of the members of the board of



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administration must be physically present at the physical location where unit owners can attend the meeting. The location must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 10 miles of the condominium property. If the unit owner meeting is conducted via videoconference, the videoconference must be recorded and such recording must be maintained as an official record of the association. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

3.2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough



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939 eligible candidates to fill the vacancies on the board at the
940 time of the vacancy. Only board service that occurs on or after
941 July 1, 2018, may be used when calculating a board member's term
942 limit. If the number of board members whose terms expire at the
943 annual meeting equals or exceeds the number of candidates, the
944 candidates become members of the board effective upon the
945 adjournment of the annual meeting. Unless the bylaws provide
946 otherwise, any remaining vacancies shall be filled by the
947 affirmative vote of the majority of the directors making up the
948 newly constituted board even if the directors constitute less
949 than a quorum or there is only one director. In a residential
950 condominium association of more than 10 units or in a
951 residential condominium association that does not include
952 timeshare units or timeshare interests, co-owners of a unit may
953 not serve as members of the board of directors at the same time
954 unless they own more than one unit or unless there are not
955 enough eligible candidates to fill the vacancies on the board at
956 the time of the vacancy. A unit owner in a residential
957 condominium desiring to be a candidate for board membership must
958 comply with sub-subparagraph 4.a. and must be eligible to be a
959 candidate to serve on the board of directors at the time of the
960 deadline for submitting a notice of intent to run in order to
961 have his or her name listed as a proper candidate on the ballot
962 or to serve on the board. A person who has been suspended or
963 removed by the division under this chapter, or who is delinquent
964 in the payment of any assessment due to the association, is not
965 eligible to be a candidate for board membership and may not be
966 listed on the ballot. For purposes of this paragraph, a person
967 is delinquent if a payment is not made by the due date as



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specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

~~4.3.~~ The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than



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997 an annual meeting, notice must be provided at least 14
998 continuous days before the meeting. Upon notice to the unit
999 owners, the board shall, by duly adopted rule, designate a
1000 specific location on the condominium property or association
1001 property at which all notices of unit owner meetings must be
1002 posted. This requirement does not apply if there is no
1003 condominium property for posting notices. ~~In lieu of, or in~~ In
1004 addition to, the physical posting of meeting notices, the
1005 association may, by reasonable rule, adopt a procedure for
1006 conspicuously posting and repeatedly broadcasting the notice and
1007 the agenda on a closed-circuit cable television system serving
1008 the condominium association. ~~However, if broadcast notice is~~
1009 ~~used in lieu of a notice posted physically on the condominium~~
1010 ~~property, the notice and agenda must be broadcast at least four~~
1011 ~~times every broadcast hour of each day that a posted notice is~~
1012 ~~otherwise required under this section.~~ If broadcast notice is
1013 provided, the notice and agenda must be broadcast in a manner
1014 and for a sufficient continuous length of time so as to allow an
1015 average reader to observe the notice and read and comprehend the
1016 entire content of the notice and the agenda. In addition to any
1017 of the authorized means of providing notice of a meeting of the
1018 board, the association may, by rule, adopt a procedure for
1019 conspicuously posting the meeting notice and the agenda on a
1020 website serving the condominium association for at least the
1021 minimum period of time for which a notice of a meeting is also
1022 required to be physically posted on the condominium property.
1023 Any rule adopted shall, in addition to other matters, include a
1024 requirement that the association send an electronic notice in
1025 the same manner as a notice for a meeting of the members, which



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must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

5.4- The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by



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1055 separate association mailing or included in another association
1056 mailing, delivery, or transmission, including regularly
1057 published newsletters, to each unit owner entitled to a vote, a
1058 first notice of the date of the election. A unit owner or other
1059 eligible person desiring to be a candidate for the board must
1060 give written notice of his or her intent to be a candidate to
1061 the association at least 40 days before a scheduled election.
1062 Together with the written notice and agenda as set forth in
1063 subparagraph 3., the association shall mail, deliver, or
1064 electronically transmit a second notice of the election to all
1065 unit owners entitled to vote, together with a ballot that lists
1066 all candidates not less than 14 days or more than 34 days before
1067 the date of the election. Upon request of a candidate, an
1068 information sheet, no larger than 8 1/2 inches by 11 inches,
1069 which must be furnished by the candidate at least 35 days before
1070 the election, must be included with the mailing, delivery, or
1071 transmission of the ballot, with the costs of mailing, delivery,
1072 or electronic transmission and copying to be borne by the
1073 association. The association is not liable for the contents of
1074 the information sheets prepared by the candidates. In order to
1075 reduce costs, the association may print or duplicate the
1076 information sheets on both sides of the paper. The division
1077 shall by rule establish voting procedures consistent with this
1078 sub-subparagraph, including rules establishing procedures for
1079 giving notice by electronic transmission and rules providing for
1080 the secrecy of ballots. Elections shall be decided by a
1081 plurality of ballots cast. There is no quorum requirement;
1082 however, at least 20 percent of the eligible voters must cast a
1083 ballot in order to have a valid election. A unit owner may not



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authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and



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1113 educational certificate within 1 year before being elected or
1114 appointed or 90 days after the date of election or appointment.
1115 A director of an association of a residential condominium who
1116 was elected or appointed before July 1, 2024, must comply with
1117 the written certification and educational certificate
1118 requirements in this sub-subparagraph by June 30, 2025. The
1119 written certification and educational certificate is valid for 7
1120 years after the date of issuance and does not have to be
1121 resubmitted as long as the director serves on the board without
1122 interruption during the 7-year period. A director who is
1123 appointed by the developer may satisfy the educational
1124 certificate requirement in sub-sub-subparagraph (II) for any
1125 subsequent appointment to a board by a developer within 7 years
1126 after the date of issuance of the most recent educational
1127 certificate, including any interruption of service on a board or
1128 appointment to a board in another association within that 7-year
1129 period. One year after submission of the most recent written
1130 certification and educational certificate, and annually
1131 thereafter, a director of an association of a residential
1132 condominium must submit to the secretary of the association a
1133 certificate of having satisfactorily completed at least 1 hour
1134 of continuing education administered by the division, or a
1135 division-approved condominium education provider, relating to
1136 any recent changes to this chapter and the related
1137 administrative rules during the past year. A director of an
1138 association of a residential condominium who fails to timely
1139 file the written certification and educational certificate is
1140 suspended from service on the board until he or she complies
1141 with this sub-subparagraph. The board may temporarily fill the



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vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

~~6.5-~~ Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

~~7.6-~~ Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (1); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt



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of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

~~8.7.~~ Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

~~9.8.~~ A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

~~10.9.~~ Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (1) and rules adopted by the division.

~~11.10.~~ This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.



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Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) Budget meeting.—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by videoconference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be heard by the board or committee members attending in person, as well as any unit owners present at the meeting. At least 14 days before ~~prior to~~ such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the



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official records of the association.

2.a. If a board proposes ~~adopts~~ in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget. The substitute budget must be proposed at the budget meeting before the adoption of the annual budget ~~conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special meeting shall be conducted within 60 days after adoption of the annual budget.~~ At least 14 days before such budget meeting in which a substitute budget will be proposed ~~prior to such special meeting~~, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or~~ a substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as~~



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~~scheduled.~~

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for required ~~reasonable~~ reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis for the repair, maintenance, or replacement of the items listed in paragraph (g), and insurance premiums, ~~or assessments for betterments to the condominium property.~~

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) Annual budget.—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in



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s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve



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replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association ~~operating a~~ ~~multicondominium~~ may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method is used by the association ~~has been approved by the division.~~

c.(I) Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

(II) A unit-owner-controlled association that must have a structural reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. A line of credit or a loan under this subparagraph requires the approval of a majority vote of the total voting interests of the



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association. The line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loan must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit or a loan secured under this sub-subparagraph must be included in the financial report required under s. 718.111(13).

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board, ~~upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or



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reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

~~f.b.~~ Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget



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adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

(g) Structural integrity reserve study.—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the



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structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related



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to any maintenance, repair, or replacement that may be
recommended by the structural integrity reserve study. Any
design professional as defined in s. 558.002 or contractor
licensed under chapter 489 who submits a bid to the association
for performing any services recommended by the structural
integrity reserve study may not have an interest, directly or
indirectly, in the firm or entity providing the association's
structural integrity reserve study or be a relative of any
person having a direct or indirect interest in such firm, unless
such relationship is disclosed to the association in writing. As
used in this section, the term "relative" means a relative
within the third degree of consanguinity by blood or marriage. A
contract for services is voidable and terminates upon the
association filing a written notice terminating the contract if
the design professional or licensed contractor failed to provide
the written disclosure of the interests or relationships
required under this paragraph. A design professional or licensed
contractor may be subject to discipline under the applicable
practice act for his or her profession for failure to provide
the written disclosure of the interests or relationships
required under this paragraph.

4.a.3- At a minimum, a structural integrity reserve study
must identify each item of the condominium property being
visually inspected, state the estimated remaining useful life
and the estimated replacement cost or deferred maintenance
expense of each item of the condominium property being visually
inspected, and provide a reserve funding plan or schedule with a
recommended annual reserve amount that achieves the estimated
replacement cost or deferred maintenance expense of each item of



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condominium property being visually inspected by the end of the estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments,



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lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

~~5.4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

~~6.5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

~~7.6.~~ Associations existing on or before July 1, 2022, which



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are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

~~8.7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

~~10.8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or director of an association must sign an affidavit acknowledging receipt of



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the completed structural integrity reserve study.

~~11.9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

~~12.10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 7. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

718.501 Authority, responsibility, and duties of Division



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of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the procedural completion of milestone inspections under s. 553.899.~~ In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(1), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association



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records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g) and the milestone inspections under s. 553.899.

8. Completion of repairs required by a milestone inspection under s. 553.899.

9.8. Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the association under s. 718.111(11)(h).

11. Board member education requirements under s. 718.112(2)(d)5.b.

12. Reporting requirements for structural integrity reserve studies in paragraph (3) and under s 718.112(2)(g)12.

(b)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid



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in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

(c) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(d) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.



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(e) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue



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an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order



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of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the



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1780 penalty for any offense may not exceed \$5,000. The division
1781 shall adopt⁷ by rule⁷ penalty guidelines applicable to possible
1782 violations or to categories of violations of this chapter or
1783 rules adopted by the division. The guidelines must specify a
1784 meaningful range of civil penalties for each such violation of
1785 the statute and rules and must be based upon the harm caused by
1786 the violation, upon the repetition of the violation, and upon
1787 such other factors deemed relevant by the division. For example,
1788 the division may consider whether the violations were committed
1789 by a developer, bulk assignee, or bulk buyer, or owner-
1790 controlled association, the size of the association, and other
1791 factors. The guidelines must designate the possible mitigating
1792 or aggravating circumstances that justify a departure from the
1793 range of penalties provided by the rules. It is the legislative
1794 intent that minor violations be distinguished from those which
1795 endanger the health, safety, or welfare of the condominium
1796 residents or other persons and that such guidelines provide
1797 reasonable and meaningful notice to the public of likely
1798 penalties that may be imposed for proscribed conduct. This
1799 subsection does not limit the ability of the division to
1800 informally dispose of administrative actions or complaints by
1801 stipulation, agreed settlement, or consent order. All amounts
1802 collected shall be deposited with the Chief Financial Officer to
1803 the credit of the Division of Florida Condominiums, Timeshares,
1804 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
1805 bulk buyer fails to pay the civil penalty and the amount deemed
1806 to be owed to the association, the division shall issue an order
1807 directing that such developer, bulk assignee, or bulk buyer
1808 cease and desist from further operation until such time as the



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civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least \$500 but no more than \$5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award



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reasonable costs of investigation.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

(f) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(g) The division may adopt rules to administer and enforce this chapter.

(h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review



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and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

(l) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~7~~ by rule~~7~~ additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.



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(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any



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person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or
2. Accept grants-in-aid from any source.

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and rules and common administrative practices.

(s) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.



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(t) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(u) If the division receives a complaint regarding access to official records on the association's website or through an application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)

(d) Each condominium association must create and maintain



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an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all condominium associations must create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require condominium associations to provide such information no more than once per year, except that the division may require condominium associations to update the contact information in paragraph (a) within 30 days after any change. The division shall provide a condominium association at least a 45-day notice of any requirement to provide any information after the condominium association initially creates an online account. The information that the division may require from condominium associations is limited to:

(a) Contact information for the association that includes:

1. Name of the association.

2. The physical address of the condominium property.

3. Mailing address and county of the association.

4. E-mail address and telephone number for the association.

5. Name and board title for each member of the association's board.

6. Name and contact information of the association's community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) Total number of buildings and for each building in the



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association:

1. Total number of stories, including both habitable and uninhabitable stories.

2. Total number of units.

3. Age of each building based on the certificate of occupancy.

4. Any construction commenced within the common elements within the calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, condominium associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the condominium property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~



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~~(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the condominium property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 8. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended, to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit



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shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY



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BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the



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resale of a residential unit must ~~shall~~ contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR~~ ~~TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.



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A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-



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PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~
DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT



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STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
CLOSING.

A contract that does not conform to the requirements of this
paragraph is voidable at the option of the purchaser before
~~prior to~~ closing.

Section 9. Section 8 of chapter 2024-244, Laws of Florida,
is amended to read:

Section 8. Effective January 1, 2026, paragraph (g) of
subsection (12) of section 718.111, Florida Statutes, as amended
by this act, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more
units which does not contain timeshare units shall post digital
copies of the documents specified in subparagraph 2. on its
website or make such documents available through an application
that can be downloaded on a mobile device. Unless a shorter
period is otherwise required, a document must be made available
on the association's website or made available for download
through an application on a mobile device within 30 days after
the association receives or creates an official record specified
in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal
wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a



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third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.



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e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by videoconference over the preceding 12 months.

g. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed \$500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

~~h.f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

~~i.g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

~~j.h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

~~k.i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

~~l.j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss.



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468.4335, 468.436(2)(b)6., and 718.3027(3).

~~m.k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

~~n.l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

~~o.m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

~~p.n.~~ The association's most recent structural integrity reserve study, if applicable.

~~q.e.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

s. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

3. The association shall ensure that the information and



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records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents.

Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 10. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after October 1, 2024. ~~However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 11. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial



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reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are unit owners but not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded



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and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to an inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or a co-owner of a unit with a board member or investment committee member. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment



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committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association shall have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by



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the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments may be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds which exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 12. Paragraphs (j) and (k) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not,



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they shall be deemed to include the following:

(j) Annual budget.—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$25,000 ~~\$10,000~~. The amount to be reserved must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful



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life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official as defined in s. 468.603, determines that the entire cooperative building is uninhabitable



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due to a natural emergency as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the cooperative building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the cooperative building and its structures habitable. Upon the determination by the local building official that the cooperative building is habitable, the association must immediately resume contributing funds to its reserves.

e.1. Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

2. A unit-owner-controlled association that must have a structural reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. Any line of credit or loan under this subparagraph requires the approval of a majority vote of the total voting interests of the association. The lines of credit or loans must be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the lines of credit or loans must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. Any lines of credit or loans secured under this paragraph must be included in the financial report required under s. 719.104(4).



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a. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year.

b. An association that has paused reserve contributions under this sub-subparagraph a. must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or



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deferred maintenance costs of the components listed in paragraph (k). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

(k) Structural integrity reserve study.—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study may be performed



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by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his



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or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a.3- At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural



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integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

5.4. This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been



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submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

~~6.5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

~~7.6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

~~8.7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone



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inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

~~10.8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

~~11.9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

~~12.10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner



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established by the division using a form posted on the
division's website.

13. The division shall adopt by rule the form for the
structural integrity reserve study in coordination with the
Florida Building Commission.

Section 13. Subsection (3) of section 719.501, Florida
Statutes, is amended, paragraph (c) is added to subsection (2)
of that section, and subsection (1) of that section is
reenacted, to read:

719.501 Powers and duties of Division of Florida
Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and
Mobile Homes of the Department of Business and Professional
Regulation, referred to as the "division" in this part, in
addition to other powers and duties prescribed by chapter 718,
has the power to enforce and ensure compliance with this chapter
and adopted rules relating to the development, construction,
sale, lease, ownership, operation, and management of residential
cooperative units; complaints related to the procedural
completion of the structural integrity reserve studies under s.
719.106(1)(k); and complaints related to the procedural
completion of milestone inspections under s. 553.899. In
performing its duties, the division shall have the following
powers and duties:

(a) The division may make necessary public or private
investigations within or outside this state to determine whether
any person has violated this chapter or any rule or order
hereunder, to aid in the enforcement of this chapter, or to aid
in the adoption of rules or forms hereunder.



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(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or



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letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final



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2853 order of the division. An officer or board member who complies
2854 within 10 days is not subject to a civil penalty. A penalty may
2855 be imposed on the basis of each day of continuing violation, but
2856 in no event shall the penalty for any offense exceed \$5,000. The
2857 division shall adopt, by rule, penalty guidelines applicable to
2858 possible violations or to categories of violations of this
2859 chapter or rules adopted by the division. The guidelines must
2860 specify a meaningful range of civil penalties for each such
2861 violation of the statute and rules and must be based upon the
2862 harm caused by the violation, upon the repetition of the
2863 violation, and upon such other factors deemed relevant by the
2864 division. For example, the division may consider whether the
2865 violations were committed by a developer or owner-controlled
2866 association, the size of the association, and other factors. The
2867 guidelines must designate the possible mitigating or aggravating
2868 circumstances that justify a departure from the range of
2869 penalties provided by the rules. It is the legislative intent
2870 that minor violations be distinguished from those which endanger
2871 the health, safety, or welfare of the cooperative residents or
2872 other persons and that such guidelines provide reasonable and
2873 meaningful notice to the public of likely penalties that may be
2874 imposed for proscribed conduct. This subsection does not limit
2875 the ability of the division to informally dispose of
2876 administrative actions or complaints by stipulation, agreed
2877 settlement, or consent order. All amounts collected shall be
2878 deposited with the Chief Financial Officer to the credit of the
2879 Division of Florida Condominiums, Timeshares, and Mobile Homes
2880 Trust Fund. If a developer fails to pay the civil penalty, the
2881 division shall thereupon issue an order directing that such



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developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association



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with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and



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shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division



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must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all cooperative associations shall create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require cooperative associations to provide such information no more than once per year, except that the division may require cooperative associations to update their contact information in paragraph (a) within 30 days after any change. The division shall provide a cooperative association at least a 45-day notice of any requirement to provide any required information after the cooperative association creates an online account. The information that the division may require associations to provide is limited to:

(a) The contact information for the association that includes all of the following:

1. The name of the association.
2. The physical address of the cooperative property.
3. The mailing address and county of the association.
4. The e-mail address and telephone number for the association.
5. The name and board title for each member of the association's board.



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6. The name and contact information of the association's community association manager or community association management firm, if applicable.

7. The hyperlink or website address of the association's website, if applicable.

(b) The total number of buildings and for each building in the association:

1. The total number of stories of each building, including both habitable and uninhabitable stories.

2. The total number of units.

3. The age of each building based on the certificate of occupancy.

4. Any construction commenced on the common elements within the previous calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department. The association must provide such materials within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division~~



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~~and on a form posted on the division's website:~~

~~1. The number of buildings on the cooperative property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on cooperative property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the cooperative property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 14. Paragraph (d) of subsection (1) and paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended, to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover



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inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY



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RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),
FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN
WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
CLOSING.



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A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this



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paragraph is voidable at the option of the purchaser before
~~prior to~~ closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED



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IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS



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719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 15. Subsection (3) of section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:
(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics or the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.

Section 16. For the 2025-2026 fiscal year, the recurring sum of \$150,000 and nonrecurring sum of \$100,000 is appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation to contract with the University of Florida to implement s. 553.899(3)(f), Florida Statutes, as amended by this act. The unexpended balance of nonrecurring funds provided by this section shall revert and is appropriated for the same purpose for the 2026-2027 fiscal year.

Section 17. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—



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(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 18. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:



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3259 718.504 Prospectus or offering circular.—Every developer of
3260 a residential condominium which contains more than 20
3261 residential units, or which is part of a group of residential
3262 condominiums which will be served by property to be used in
3263 common by unit owners of more than 20 residential units, shall
3264 prepare a prospectus or offering circular and file it with the
3265 Division of Florida Condominiums, Timeshares, and Mobile Homes
3266 prior to entering into an enforceable contract of purchase and
3267 sale of any unit or lease of a unit for more than 5 years and
3268 shall furnish a copy of the prospectus or offering circular to
3269 each buyer. In addition to the prospectus or offering circular,
3270 each buyer shall be furnished a separate page entitled
3271 “Frequently Asked Questions and Answers,” which shall be in
3272 accordance with a format approved by the division and a copy of
3273 the financial information required by s. 718.111. This page
3274 shall, in readable language, inform prospective purchasers
3275 regarding their voting rights and unit use restrictions,
3276 including restrictions on the leasing of a unit; shall indicate
3277 whether and in what amount the unit owners or the association is
3278 obligated to pay rent or land use fees for recreational or other
3279 commonly used facilities; shall contain a statement identifying
3280 that amount of assessment which, pursuant to the budget, would
3281 be levied upon each unit type, exclusive of any special
3282 assessments, and which shall further identify the basis upon
3283 which assessments are levied, whether monthly, quarterly, or
3284 otherwise; shall state and identify any court cases in which the
3285 association is currently a party of record in which the
3286 association may face liability in excess of \$100,000; shall
3287 state whether the condominium is created within a portion of a



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building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b),



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including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 718.112(2)(g).

1. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 19. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in



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references thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:

(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein. The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations arising under this section.

Section 20. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a



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supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT
REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD
BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT
AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH
EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of



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the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 21. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the cooperative property performed as required under s. 719.106(1)(k).

Section 22. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and



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sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities



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that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.



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g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 719.106(1)(k).

1. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 23. Except as otherwise provided in this act, this act shall take effect July 1, 2025.

===== 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 condominium and cooperative associations; amending s. 468.432, F.S.; prohibiting a person whose community association manager license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association



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3520 management firm for a specified timeframe; requiring a
3521 licensee to create and maintain an online licensure
3522 account with the Department of Business and
3523 Professional Regulation; requiring a community
3524 association manager to identify on his or her online
3525 licensure account certain information; requiring a
3526 licensee to provide specific information on his or her
3527 online licensure account; requiring that such
3528 information be updated within a specified timeframe;
3529 requiring a community association management firm to
3530 identify on its online licensure account the community
3531 association managers that it employs to provide
3532 community association management services; requiring
3533 the department to give written notice to the community
3534 association management firm and the community
3535 association if the community association manager has
3536 his or her license suspended or revoked; amending s.
3537 468.4334, F.S.; prohibiting a community association
3538 manager or a community association management firm
3539 from knowingly performing any act directed by the
3540 community association if such act violates any state
3541 or federal law; revising the contractual obligations a
3542 community association manager or a community
3543 association management firm has with the association
3544 board; requiring that such contract include a certain
3545 statement, if applicable to the type of management
3546 services provided in the contract; prohibiting such
3547 contracts from waiving or limiting certain
3548 professional practice standards; requiring a community



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3549 association to include specified information on its
3550 website or mobile application, if such association is
3551 required to maintain official records on a website or
3552 application; conforming provisions to changes made by
3553 the act; amending s. 553.899, F.S.; requiring the
3554 local enforcement agency responsible for milestone
3555 inspections to provide to the Department of Business
3556 and Professional Regulation in an electronic format
3557 certain information; specifying what information is to
3558 be provided to the department; requiring the
3559 department to contract with the University of Florida
3560 for the creation of a report that provides certain
3561 information on milestone inspections during a
3562 specified timeframe; requiring a local enforcement
3563 agency to provide the university with certain
3564 information; authorizing the university to request any
3565 additional information from a local enforcement agency
3566 required to complete the report; requiring the
3567 university to compile the report and the department to
3568 transmit the report to the Governor and the
3569 Legislature; requiring, rather than authorizing, the
3570 board of county commissioners or a municipal governing
3571 body to adopt a specified ordinance; requiring
3572 specified professionals who bid to perform a
3573 structural integrity reserve study to disclose to the
3574 association in writing their intent to bid on services
3575 related to any maintenance, repair, or replacement
3576 that may be recommended by the structural integrity
3577 reserve study; prohibiting such professionals from



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3578 having any interest in or being related to any person
3579 having any interest in the firm or entity providing
3580 the association's structural integrity reserve study
3581 unless such relationship is disclosed in writing;
3582 defining the term "relative"; providing that a
3583 contract for services is voidable and terminates upon
3584 the association filing a written notice terminating
3585 such a contract if such professionals fail to provide
3586 a written disclosure of such relationship with the
3587 firm conducting the structural integrity reserve
3588 study; providing that such professionals may be
3589 subject to discipline for failure to provide such
3590 written disclosure; amending s. 718.103, F.S.;
3591 revising the definition of the term "alternative
3592 funding method"; defining the term "videoconference";
3593 amending s. 718.111, F.S.; requiring a community
3594 association manager or a community association
3595 management firm that contracts with a community
3596 association to possess specific licenses; providing
3597 that all board members or officers of a community
3598 association that contracts with a community
3599 association manager or a community association
3600 management firm have a duty to ensure that the
3601 community association manager or community association
3602 management firm is properly licensed before entering
3603 into a contract; authorizing a community association
3604 to terminate a contract with a community association
3605 manager or a community association management firm if
3606 the manager's or management firm's license is



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3607 suspended or revoked during the term of the contract;
3608 providing that a community association has no further
3609 contractual obligations to a community association
3610 management firm if such firm has its license suspended
3611 or revoked, effective upon the date of the license
3612 suspension or revocation; revising what items
3613 constitute the official records of the association;
3614 requiring that certain documents be posted on certain
3615 associations' websites or made available for download
3616 through an application on a mobile device within a
3617 specified timeframe; revising what documents must be
3618 posted in digital format on the association's website
3619 or application; revising the timeframe in which the
3620 association must deliver a copy of the most recent
3621 financial report or a notice that a copy of the most
3622 recent financial report; revising the methods of
3623 delivery for a copy of the most recent association
3624 financial report to include electronic delivery via
3625 the Internet; requiring that an officer or a director
3626 execute an affidavit as evidence of compliance with
3627 the delivery requirement; revising how financial
3628 reports are prepared; requiring an association board
3629 to use best efforts to make prudent investment
3630 decisions in fulfilling its duty to manage operating
3631 and reserve funds of the association; authorizing an
3632 association, including a multicondominium association,
3633 to invest reserve funds in specified financial
3634 institutions; authorizing such associations to place
3635 reserve funds in other investments upon a majority



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3636 vote of the voting interests of the association;
3637 providing restrictions; prohibiting any funds not
3638 identified as reserve funds from being used for
3639 investments; requiring a board to create an investment
3640 committee composed of a specified minimum number of
3641 board members; requiring the board to adopt rules;
3642 requiring that all meetings of the investment
3643 committee be recorded and made part of the official
3644 records of the association; requiring that the
3645 investment policy statement developed pursuant to
3646 certain provisions address specified issues; requiring
3647 the investment committee to recommend investment
3648 advisers to the board; requiring the board to select
3649 one of the recommended investment advisers to provide
3650 services to the association; requiring that such
3651 advisers be registered; prohibiting an investment
3652 adviser from being related to any board member,
3653 community management company, reserve study provider,
3654 or co-owner of a unit with a board member or
3655 investment committee member; requiring investment
3656 advisers to comply with the prudent investor rule;
3657 requiring an adviser to act as a fiduciary to the
3658 association; providing that the investment and
3659 fiduciary standards required by the act take
3660 precedence over any conflicting law; requiring the
3661 investment committee to recommend a replacement
3662 adviser if the committee determines that an investment
3663 adviser is not meeting requirements; requiring the
3664 association to provide the investment adviser with



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3665 specified financial information at least once each
3666 calendar year, or sooner if a substantial financial
3667 obligation of the association becomes known to the
3668 board; requiring the investment adviser to annually
3669 review such financial information and provide the
3670 association with a portfolio allocation model that is
3671 suitably structured and prudently designed to match
3672 projected annual reserve fund requirements and
3673 liability, assets, and liquidity requirements;
3674 requiring the investment adviser to prepare a funding
3675 projection for each reserve component, including any
3676 of the component's redundancies; requiring that a
3677 specified minimum timeframe of projected reserves in
3678 cash or cash equivalents be available to the
3679 association; authorizing a portfolio managed by an
3680 investment adviser to contain any type of investment
3681 necessary to meet the objectives in the investment
3682 policy statement; providing exceptions; requiring that
3683 any funds invested by the investment adviser be held
3684 in third-party custodial accounts that are subject to
3685 insurance coverage by the Securities Investor
3686 Protection Corporation in an amount equal to or
3687 greater than the invested amount; authorizing the
3688 investment adviser to withdraw investment fees,
3689 expenses, and commissions from invested funds;
3690 requiring the investment adviser to annually provide
3691 the association with a written certification of
3692 compliance with certain provisions and provide the
3693 association with a list of certain stocks, securities,



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3694 and other obligations; requiring the investment
3695 adviser to submit monthly, quarterly, and annual
3696 reports to the association, prepared in accordance
3697 with established financial industry standards;
3698 requiring that any principal, earnings, or interest
3699 managed be available to the association at no cost
3700 within a specified timeframe after the association's
3701 written or electronic request; requiring that
3702 unallocated income earned on reserve fund investments
3703 be spent only on specified expenditures; amending s.
3704 718.112, F.S.; authorizing an association board
3705 meeting to be conducted in person or by
3706 videoconference; requiring the Division of Florida
3707 Condominiums, Timeshares, and Mobile Homes to adopt
3708 rules; requiring that notice for board meetings
3709 conducted via videoconference contain specific
3710 information; requiring that such meetings be recorded
3711 and maintained as an official record of the
3712 association; revising how notice may be sent to unit
3713 owners; revising the distance from the condominium
3714 property within which a unit owner meeting must be
3715 held; authorizing a unit owner to vote electronically
3716 if the unit owner meeting is conducted via
3717 videoconference; authorizing unit owner meetings to be
3718 conducted in person or via videoconference; specifying
3719 what constitutes a quorum for meetings held via
3720 videoconference; requiring that the location of the
3721 meeting be provided in the association bylaws or
3722 within a specified distance from the condominium



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3723 property if the bylaws are silent; requiring that
3724 meetings held via videoconference be recorded and be
3725 maintained as an official record of the association;
3726 requiring the division to adopt rules; revising the
3727 method of serving notices of unit owner meetings;
3728 authorizing budget meetings to be conducted via
3729 videoconference; requiring the division to adopt
3730 rules; requiring that a sound transmitting device be
3731 used at such meetings for a specified purpose;
3732 revising a provision that a board proposing a budget
3733 that requires a certain special assessment against
3734 unit owners to simultaneously propose a substitute
3735 budget that meets certain requirements, rather than
3736 conduct a special meeting of the unit owners to
3737 consider a substitute budget after the adoption of the
3738 annual budget; requiring unit owners, rather than
3739 authorizing them, to consider a substitute budget;
3740 authorizing the annual budget initially proposed to be
3741 adopted by the board; revising the criteria used in
3742 determining whether assessments exceed the specified
3743 percentage of assessments of the previous fiscal year;
3744 revising the threshold for deferred maintenance
3745 expenses or replacements in reserve accounts;
3746 authorizing the members to vote to waive the
3747 maintenance of reserves recommended in the most recent
3748 structural integrity reserve study under certain
3749 circumstances; revising the provision that any
3750 association, rather than an association operating a
3751 multicondominium, may determine to provide no reserves



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3752 or less reserves than required if an alternative
3753 funding method is used by the association; deleting
3754 the requirement that the division approve the funding
3755 method; providing that specified reserves may be
3756 funded by regular assessments, special assessments,
3757 lines of credit, or loans under certain circumstances;
3758 authorizing a unit-owner-controlled association that
3759 is required to have a structural reserve study to
3760 obtain a line of credit or a loan to fund capital
3761 expenses required by a milestone inspection or a
3762 structural integrity reserve study; requiring that
3763 such line of credit or loan be approved by a majority
3764 of the total voting interests of the association;
3765 requiring that such line of credit or loan be
3766 sufficient to fund the cumulative amount of any
3767 previously waived or unfunded portions of the reserve
3768 funding amount and the most recent structural
3769 integrity reserve study; requiring that funding from
3770 the line of credit or loan be immediately available
3771 for access by the board for a specified purpose;
3772 requiring that such lines of credit or loans be
3773 included in the association's financial report;
3774 deleting a requirement that the majority of the
3775 members must approve of the board pausing
3776 contributions to the association's reserves for a
3777 specified purpose; authorizing the board to
3778 temporarily pause reserve fund contributions or reduce
3779 the amount of reserve funding for a specified purpose
3780 for a budget adopted on or before a specified date if



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3781 the association has completed a milestone inspection
3782 within a specified timeframe and such inspection
3783 recommended certain repairs; requiring that such
3784 temporary pause or reduction be approved by a majority
3785 of the total voting interests of the association;
3786 providing applicability; requiring associations that
3787 have paused or reduced their reserve funding to have a
3788 structural integrity reserve study performed before
3789 the continuation of reserve contributions for
3790 specified purposes; providing that a vote of the
3791 members is not required for the board to change the
3792 accounting method for reserves to specified accounting
3793 methods; revising the items to be included in a
3794 structural integrity reserve study; requiring
3795 specified design professionals or contractors who bid
3796 to perform a structural integrity reserve study to
3797 disclose in writing to the association their intent to
3798 bid on any services related to the maintenance,
3799 repair, or replacement that may be recommended by the
3800 structural integrity reserve study; prohibiting such
3801 professionals or contractors from having any interest
3802 in or being related to any person having any interest
3803 in the firm or entity providing the association's
3804 structural integrity reserve study unless such
3805 relationship is disclosed in writing; defining the
3806 term "relative"; providing that a contract for
3807 services is voidable and terminates upon the
3808 association filing a written notice terminating such a
3809 contract if such professional or contractor fails to



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3810 provide a written disclosure of such relationship with
3811 the firm conducting the structural integrity reserve
3812 study; providing that such professional or contractor
3813 may be subject to discipline for his or her failure to
3814 provide such written disclosure; requiring that a
3815 structural integrity reserve study include a
3816 recommendation for a reserve funding schedule based on
3817 specified criteria; authorizing the study to recommend
3818 other types of reserve funding schedules, provided
3819 each recommended schedule is sufficient to meet the
3820 association's maintenance obligations; requiring that
3821 reserves not required for certain items be separately
3822 identified as such in the structural integrity reserve
3823 study; requiring the structural integrity reserve
3824 study to take into consideration the funding method or
3825 methods used by the association to fund its
3826 maintenance and reserve funding obligations through
3827 regular assessments, special assessments, loans, or
3828 lines of credit; requiring a structural integrity
3829 reserve study that has been performed before the
3830 approval of a special assessment or the securing of a
3831 line of credit or a loan to be updated to reflect
3832 certain information regarding the reserve funding
3833 schedule; authorizing a structural integrity reserve
3834 study to be updated to reflect changes in the useful
3835 life of the reserve items after such items are
3836 repaired or replaced, and the effect of such repair or
3837 replacement will have on the reserve funding schedule;
3838 requiring an association to obtain an updated



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3839 structural integrity reserve study before adopting any
3840 budget in which the reserve funding from regular
3841 assessments, special assessments, loans, or lines of
3842 credit do not align with the funding plan of the most
3843 recent version of the structural integrity reserve
3844 study; authorizing an association to delay a required
3845 structural integrity reserve study for a specified
3846 timeframe if it has completed a milestone inspection
3847 or similar inspection, for a specified purpose;
3848 requiring an officer or director of an association to
3849 sign an affidavit acknowledging receipt of the
3850 completed structural integrity reserve study;
3851 requiring the division to adopt rules for the form for
3852 the structural integrity reserve study in coordination
3853 with the Florida Building Commission; making technical
3854 changes; amending s. 718.501, F.S.; revising the
3855 duties of the Division of Florida Condominiums,
3856 Timeshares, and Mobile Homes regarding investigation
3857 of complaints; requiring condominium associations to
3858 create and maintain an online account with the
3859 division; requiring board members to maintain accurate
3860 contact information on file with the division;
3861 requiring the division to adopt rules; requiring all
3862 condominium associations to create and maintain an
3863 online account with the division; requiring all
3864 condominium associations to provide specified
3865 information to the division by a specified date;
3866 requiring that such information be updated within a
3867 specified timeframe; requiring the division to adopt



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3868 rules; authorizing the division to require condominium
3869 associations to provide information to the division;
3870 specifying the information to be provided to the
3871 division; amending s. 718.503, F.S.; revising the
3872 disclosures that must be included in a contract for
3873 the sale and resale of a residential unit; amending s.
3874 8 of chapter 2024-244, Laws of Florida, as amended;
3875 revising the documents required to be posted on
3876 certain associations' websites or be made available
3877 through download using an application on a mobile
3878 device; amending s. 31 of chapter 2024-244, Laws of
3879 Florida; revising applicability; amending s. 719.104,
3880 F.S.; requiring a board to use best efforts to make
3881 prudent investment decisions in fulfilling its duty to
3882 manage operating and reserve funds of the cooperative
3883 association; authorizing an association to invest
3884 reserve funds in specified financial institutions;
3885 authorizing such associations to place reserve funds
3886 in other investments upon a majority vote of the
3887 voting interests of the association; providing
3888 restrictions; prohibiting any funds not identified as
3889 reserve funds from being used for investments;
3890 providing applicability; requiring a board to create
3891 an investment committee composed of a specified
3892 minimum number of board members; requiring the board
3893 to adopt rules; requiring that all meetings of the
3894 investment committee be recorded and made part of the
3895 official records of the association; requiring that
3896 the investment policy statement developed pursuant to



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3897 certain provisions address specified issues; requiring
3898 the investment committee to recommend investment
3899 advisers to the board; requiring the board to select
3900 one of the recommended investment advisers to provide
3901 services to the association; requiring such advisers
3902 to be registered; prohibiting an investment adviser
3903 from being related to any board member, community
3904 management company, reserve study provider, or co-
3905 owner of a unit with a board member or investment
3906 committee member; requiring investment advisers to
3907 comply with the prudent investor rule; requiring an
3908 adviser to act as a fiduciary to the association;
3909 providing that the investment and fiduciary standards
3910 required by the act take precedence over any
3911 conflicting law; requiring the investment committee to
3912 recommend a replacement adviser if the committee
3913 determines that an investment adviser is not meeting
3914 requirements; requiring the association to provide the
3915 investment adviser with specified financial
3916 information at least once each calendar year, or
3917 sooner if a substantial financial obligation of the
3918 association becomes known to the board; requiring the
3919 investment adviser to annually review such financial
3920 information and provide the association with a
3921 portfolio allocation model that is suitably structured
3922 and prudently designed to match projected annual
3923 reserve fund requirements and liability, assets, and
3924 liquidity requirements; requiring the investment
3925 adviser to prepare a funding projection for each



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3926 reserve component, including any of the component's
3927 redundancies; requiring that a specified minimum
3928 timeframe of projected reserves in cash or cash
3929 equivalents be available to the association;
3930 authorizing a portfolio managed by an investment
3931 adviser to contain any type of investment necessary to
3932 meet the objectives in the investment policy
3933 statement; providing exceptions; requiring that any
3934 funds invested by the investment adviser be held in
3935 third-party custodial accounts that are subject to
3936 insurance coverage by the Securities Investor
3937 Protection Corporation in an amount equal to or
3938 greater than the invested amount; authorizing the
3939 investment adviser to withdraw investment fees,
3940 expenses, and commissions from invested funds;
3941 requiring the investment adviser to annually provide
3942 the association with a written certification of
3943 compliance with certain provisions and provide the
3944 association with a list of certain stocks, securities,
3945 and other obligations; requiring the investment
3946 adviser to submit monthly, quarterly, and annual
3947 reports to the association, prepared in accordance
3948 with established financial industry standards;
3949 requiring that any principal, earnings, or interest
3950 managed be available to the association at no cost
3951 within a specified timeframe after the association's
3952 written or electronic request; requiring that
3953 unallocated income earned on reserve fund investments
3954 be spent only on specified expenditures; amending s.



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3955 719.106, F.S.; revising the deferred maintenance
3956 expense or replacement costs threshold that must be in
3957 reserve accounts; authorizing the board to pause
3958 contributions to its reserves or reduce reserve
3959 funding if a local building official determines the
3960 entire cooperative building is uninhabitable due to a
3961 natural emergency; authorizing any reserve account
3962 fund held by the association to be expended to make
3963 the cooperative building and its structures habitable,
3964 pursuant to the board's determination; requiring the
3965 association to immediately resume contributing funds
3966 to its reserves once the local building official
3967 determines that the cooperative building is habitable;
3968 authorizing certain reserves be funded by regular
3969 assessments, special assessments, lines of credit, or
3970 loans under certain circumstances; authorizing a unit-
3971 owner-controlled association to obtain a line of
3972 credit or a loan to fund capital expenses required by
3973 a milestone inspection or a structural integrity
3974 reserve study; requiring that such lines of credit or
3975 loans be approved by a majority vote of the total
3976 voting interests of the association; requiring that
3977 such lines of credit or loans be sufficient to fund
3978 the cumulative amount of any previously waived or
3979 unfunded portion of the reserve funding amount and
3980 most recent structural integrity reserve study;
3981 requiring that funding from such lines of credit or
3982 loans be immediately available for access by the board
3983 for a specified purpose; authorizing the board to



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3984 temporarily pause reserve fund contributions or reduce
3985 the amount of reserve funding for a specified purpose
3986 for a budget adopted on or before a specified date if
3987 the association has completed a milestone inspection
3988 within a specified timeframe; requiring that such
3989 temporary pause or reduction be approved by a majority
3990 of the total voting interests of the association;
3991 providing applicability; requiring associations that
3992 have paused or reduced their reserve funding
3993 contributions to have a structural integrity reserve
3994 study performed before the continuation of reserve
3995 contributions for specified purposes; providing that a
3996 vote of the members is not required for the board to
3997 change the accounting method for reserves to specified
3998 accounting methods; requiring specified design
3999 professionals or contractors who bid to perform a
4000 structural integrity reserve study to disclose in
4001 writing to the association their intent to bid on any
4002 services related to the maintenance, repair, or
4003 replacement that may be recommended by the structural
4004 integrity reserve study; prohibiting such
4005 professionals or contractors from having any interest
4006 in or being related to any person having any interest
4007 in the firm or entity providing the association's
4008 structural integrity reserve study unless such
4009 relationship is disclosed in writing; defining the
4010 term "relative"; providing that a contract for
4011 services is voidable and terminates upon the
4012 association filing a written notice terminating such a



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contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance obligation; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring the structural integrity reserve study to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans; requiring a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan to be updated to reflect certain information regarding the reserve funding schedule; authorizing a structural integrity reserve study to be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or replacement will have on the reserve funding schedule;



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requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan of the most recent version of the structural integrity reserve study; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or a director of the association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission; amending s. 719.501, F.S.; requiring a cooperative association to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; authorizing the division to require cooperative associations to provide information to the division no more than once per year; providing an exception; requiring the division to provide associations a specified timeframe to provide any required information; specifying the information the division may request; amending s. 719.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of an



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4071 interest in a cooperative; amending s. 914.21, F.S.;
4072 revising the definition of the term "official
4073 investigation"; providing appropriations; reenacting
4074 s. 721.13(3)(e), F.S., relating to management, to
4075 incorporate the amendment made to s. 718.111, F.S., in
4076 a reference thereto; reenacting ss. 718.504(7)(a) and
4077 (21)(c) and 718.618(1)(d), F.S., relating to
4078 prospectus or offering circulars and converter reserve
4079 accounts and warranties, respectively, to incorporate
4080 the amendment made to s. 718.112, F.S., in references
4081 thereto; reenacting s. 718.706(1) and (3), F.S.,
4082 relating to specific provisions pertaining to offering
4083 of units by bulk assignees or bulk buyers, to
4084 incorporate the amendments made to ss. 718.111,
4085 718.112, and 718.503, F.S., in references thereto;
4086 reenacting ss. 719.103(24) and 719.504(7)(a) and
4087 (20)(c), F.S., relating to definitions and prospectus
4088 or offering circulars, respectively, to incorporate
4089 the amendment made to s. 719.106, F.S., in references
4090 thereto; providing effective dates.

By the Committee on Regulated Industries; and Senator Bradley

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1 A bill to be entitled
 2 An act relating to condominium and cooperative
 3 associations; amending s. 468.432, F.S.; prohibiting a
 4 person whose community association manager license is
 5 revoked from having an indirect or direct ownership
 6 interest in, or be an employee, partner, officer,
 7 director, or trustee of, a community association
 8 management firm for a specified timeframe; requiring a
 9 licensee to provide specific information on his or her
 10 online licensure account; requiring that such
 11 information be updated within a specified timeframe;
 12 requiring the Division of Florida Condominiums,
 13 Timeshares, and Mobile Homes to give written notice to
 14 the community association management firm and the
 15 community association if the community association
 16 manager has his or her license suspended or revoked;
 17 amending s. 468.4334, F.S.; prohibiting a community
 18 association manager or a community association
 19 management firm from performing any act directed by
 20 the community association if such act violates any
 21 state or federal law; revising the contractual
 22 obligations a community association manager or a
 23 community association management firm has with the
 24 association board; requiring such that contracts
 25 include a certain statement; prohibiting such
 26 contracts from waiving or limiting certain
 27 professional practice standards; requiring a community
 28 association to include specified information on its
 29 website or mobile application, if such association is

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30 required to maintain official records on a website or
 31 application; conforming provisions to changes made by
 32 the act; amending s. 553.899, F.S.; requiring the
 33 local enforcement agency responsible for milestone
 34 inspections to provide to the Department of Business
 35 and Professional Regulation in an electronic format
 36 certain information; specifying what information is to
 37 be provided to the department; requiring the Florida
 38 Building Commission to contract with the University of
 39 Florida for the creation of a report that provides
 40 certain information on milestone inspections during a
 41 specified timeframe; requiring a local enforcement
 42 agency to provide the university with certain
 43 information; authorizing the university to request any
 44 additional information from a local enforcement agency
 45 required to complete the report; requiring the
 46 university to compile the report and the department to
 47 transmit the report to the Governor and the
 48 Legislature; requiring, rather than authorizing, the
 49 board of county commissioners or a municipal governing
 50 body to adopt a specified ordinance; amending s.
 51 718.103, F.S.; revising the definition of the term
 52 "alternative funding method"; defining the term
 53 "videoconference"; amending s. 718.111, F.S.;
 54 requiring a community association manager or a
 55 community association management firm that contracts
 56 with a community association to possess specific
 57 licenses; providing that all board members or officers
 58 of a community association that contracts with a

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59 community association manager or a community
 60 association management firm have a duty to ensure that
 61 the community association manager or community
 62 association management firm is properly licensed
 63 before entering into a contract; prohibiting a
 64 community association from having any further
 65 contractual obligations to a community association
 66 manager or community association management firm if
 67 the community association manager or the community
 68 association management firm has its license suspended
 69 or revoked; revising what items constitute the
 70 official records of the association; requiring that
 71 certain documents be posted on certain associations'
 72 websites or made available for download through an
 73 application on a mobile device within a specified
 74 timeframe; revising what documents must be posted in
 75 digital format on the association's website or
 76 application; revising the methods of delivery for a
 77 copy of the most recent association financial report
 78 to include electronic delivery via the Internet;
 79 requiring that an officer or a director execute an
 80 affidavit as evidence of compliance with the delivery
 81 requirement; requiring an association board to use
 82 best efforts to make prudent investment decisions in
 83 fulfilling its duty to manage operating and reserve
 84 funds of the association; authorizing an association,
 85 including a multicondominium association, to invest
 86 reserve funds in specified financial institutions;
 87 authorizing such associations to place reserve funds

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88 in other investments upon a majority vote of the
 89 voting interests of the association; providing
 90 restrictions; prohibiting any funds not identified as
 91 reserve funds from being used for investments;
 92 requiring a board to create an investment committee
 93 composed of a specified minimum number of board
 94 members; requiring the board to adopt rules; requiring
 95 that all meetings of the investment committee be
 96 recorded and made part of the official records of the
 97 association; requiring that the investment policy
 98 statement developed pursuant to certain provisions
 99 address specified issues; requiring the investment
 100 committee to recommend investment advisers to the
 101 board; requiring the board to select one of the
 102 recommended investment advisers to provide services to
 103 the association; requiring that such advisers be
 104 registered; prohibiting an investment adviser from
 105 being related to any board member, community
 106 management company, reserve study provider, or unit
 107 owner; requiring investment advisers to comply with
 108 the prudent investor rule; requiring an adviser to act
 109 as a fiduciary to the association; requiring that the
 110 investment and fiduciary standards required by the act
 111 take precedence over any conflicting law; requiring
 112 the investment committee to recommend a replacement
 113 adviser if the committee determines that an investment
 114 adviser is not meeting requirements; requiring the
 115 association to provide the investment adviser with
 116 specified financial information at least once each

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117 calendar year, or sooner if a substantial financial
 118 obligation of the association becomes known to the
 119 board; requiring the investment adviser to annually
 120 review such financial information and provide the
 121 association with a portfolio allocation model that is
 122 suitably structured and prudently designed to match
 123 projected annual reserve fund requirements and
 124 liability, assets, and liquidity requirements;
 125 requiring the investment adviser to prepare a funding
 126 projection for each reserve component, including any
 127 of the component's redundancies; requiring that a
 128 specified minimum timeframe of projected reserves in
 129 cash or cash equivalents be available to the
 130 association; authorizing a portfolio managed by an
 131 investment adviser to contain any type of investment
 132 necessary to meet the objectives in the investment
 133 policy statement; providing exceptions; requiring that
 134 any funds invested by the investment adviser be held
 135 in third-party custodial accounts that are subject to
 136 insurance coverage by the Securities Investor
 137 Protection Corporation in an amount equal to or
 138 greater than the invested amount; authorizing the
 139 investment adviser to withdraw investment fees,
 140 expenses, and commissions from invested funds;
 141 requiring the investment adviser to annually provide
 142 the association with a written certification of
 143 compliance with this section and provide the
 144 association with a list of certain stocks, securities,
 145 and other obligations; requiring the investment

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146 adviser to submit monthly, quarterly, and annual
 147 reports to the association, prepared in accordance
 148 with established financial industry standards;
 149 requiring that any principal, earnings, or interest
 150 managed be available to the association at no cost
 151 within a specified timeframe after the association's
 152 written or electronic request; requiring that
 153 unallocated income earned on reserve fund investments
 154 be spent only on specified expenditures; amending s.
 155 718.112, F.S.; authorizing an association board
 156 meeting to be conducted in person or by
 157 videoconference; prohibiting a board member from
 158 participating in any meeting of the association via
 159 videoconference more than a specified number of times
 160 each calendar year; requiring the Division of Florida
 161 Condominiums, Timeshares, and Mobile Homes to adopt
 162 rules; requiring that notice for board meetings
 163 conducted via videoconference contain specific
 164 information; requiring that such meetings be recorded
 165 and maintained as an official record of the
 166 association; revising how notice may be sent to unit
 167 owners; revising the distance from the condominium
 168 property within which a unit owner meeting must be
 169 held; authorizing a unit owner to vote electronically
 170 if the unit owner meeting is conducted via
 171 videoconference; authorizing unit owner meetings to be
 172 conducted in person or via videoconference; specifying
 173 what constitutes a quorum for meetings held via
 174 videoconference; requiring that the location of the

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175 meeting be provided in the association bylaws or
 176 within a specified distance from the condominium
 177 property if the bylaws are silent; requiring that
 178 meetings held via videoconference be recorded and be
 179 maintained as an official record of the association;
 180 requiring the division to adopt rules; revising the
 181 method of serving notices of unit owner meetings;
 182 authorizing budget meetings to be conducted via
 183 videoconference; requiring the division to adopt
 184 rules; requiring that a sound transmitting device be
 185 used at such meetings for a specified purpose;
 186 revising a provision that a board proposing a budget
 187 that requires a certain special assessment against
 188 unit owners to simultaneously propose a substitute
 189 budget that meets certain requirements, rather than
 190 conduct a special meeting of the unit owners to
 191 consider a substitute budget after the adoption of the
 192 annual budget; requiring unit owners, rather than
 193 authorizing them, to consider a substitute budget;
 194 authorizing the annual budget initially proposed to be
 195 adopted by the board; revising the criteria used in
 196 determining whether assessments exceed the specified
 197 percentage of assessments of the prior fiscal year;
 198 revising the threshold for deferred maintenance
 199 expenses or replacements in reserve accounts;
 200 authorizing the members to vote to waive the
 201 maintenance of reserves recommended in the most recent
 202 structural integrity reserve study under certain
 203 circumstances; revising the provision that any

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204 association, rather than an association operating a
 205 multicondominium, may determine to provide no reserves
 206 or less reserves than required if an alternative
 207 funding method is used by the association; deleting
 208 the requirement that the division approve the funding
 209 method; authorizing a unit-owner-controlled
 210 association to obtain a line of credit in lieu of
 211 maintaining reserves for budgets adopted on or before
 212 a specified date upon a majority vote of the
 213 association; requiring that such line of credit be
 214 sufficient to meet the association's deferred
 215 maintenance obligations not funded in the
 216 association's reserve account for each budget;
 217 requiring that funding from the line of credit be
 218 immediately available for access by the board for a
 219 specified purpose; requiring that such lines of credit
 220 be included in the association's financial report;
 221 deleting a requirement that the majority of the
 222 members must approve of the board pausing
 223 contributions to the association's reserves for a
 224 specified purpose; authorizing the board to
 225 temporarily pause reserve fund contributions or reduce
 226 the amount of reserve funding for a specified purpose
 227 for a budget adopted on or before a specified date if
 228 the association has completed a milestone inspection
 229 within a specified timeframe and such inspection
 230 recommended certain repairs; requiring that such
 231 temporary pause or reduction be approved by a majority
 232 of the total voting interests of the association;

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

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233 providing applicability; requiring associations that
 234 have paused or reduced their reserve funding to have a
 235 structural integrity reserve study performed before
 236 the continuation of reserve contributions for
 237 specified purposes; providing that a vote of the
 238 members is not required for the board to change the
 239 accounting method for reserves to specified accounting
 240 methods; revising the items to be included in a
 241 structural integrity reserve study; requiring
 242 specified design professionals or contractors who bid
 243 to perform a structural integrity reserve study to
 244 disclose in writing to the association their intent to
 245 bid on any services related to the maintenance,
 246 repair, or replacement that may be recommended by the
 247 structural integrity reserve study; prohibiting such
 248 professionals or contractors from having any interest
 249 in or being related to any person having any interest
 250 in the firm or entity providing the association's
 251 structural integrity reserve study unless such
 252 relationship is disclosed in writing; defining the
 253 term "relative"; providing that a contract for
 254 services is voidable and terminates upon the
 255 association filing a written notice terminating such a
 256 contract if such professional or contractor fails to
 257 provide a written disclosure of such relationship with
 258 the firm conducting the structural integrity reserve
 259 study; providing that such professional or contractor
 260 may be subject to discipline for his or her failure to
 261 provide such written disclosure; requiring that a

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262 structural integrity reserve study include a
 263 recommendation for a reserve funding schedule based on
 264 specified criteria; authorizing the study to recommend
 265 other types of reserve funding schedules, provided
 266 each recommended schedule is sufficient to meet the
 267 association's maintenance obligations; requiring that
 268 reserves not required for certain items be separately
 269 identified as such in the structural integrity reserve
 270 study; authorizing an association to delay a required
 271 structural integrity reserve study for a specified
 272 timeframe if it has completed a milestone inspection
 273 or similar inspection, for a specified purpose;
 274 requiring an officer or director of an association to
 275 sign an affidavit acknowledging receipt of the
 276 completed structural integrity reserve study;
 277 requiring the division to adopt rules for the form for
 278 the structural integrity reserve study in coordination
 279 with the Florida Building Commission; making technical
 280 changes; amending s. 718.501, F.S.; revising the
 281 duties of the Division of Florida Condominiums,
 282 Timeshares, and Mobile Homes regarding investigation
 283 of complaints; requiring condominium associations to
 284 create and maintain an online account with the
 285 division; requiring board members to maintain accurate
 286 contact information on file with the division;
 287 requiring the division to adopt rules; requiring all
 288 condominium associations to provide specified
 289 information to the division by a specified date;
 290 requiring that such information be updated within a

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291 specified timeframe; specifying the information to be
 292 provided to the division; amending s. 718.503, F.S.;
 293 revising the disclosures that must be included in a
 294 contract for the sale and resale of a residential
 295 unit; amending s. 8 of chapter 2024-244, Laws of
 296 Florida, as amended; revising the documents required
 297 to be posted on certain associations' websites or be
 298 made available through download using an application
 299 on a mobile device; amending s. 31 of chapter 2024-
 300 244, Laws of Florida; revising applicability; amending
 301 s. 719.104, F.S.; requiring a board to use best
 302 efforts to make prudent investment decisions in
 303 fulfilling its duty to manage operating and reserve
 304 funds of the association; authorizing an association
 305 to invest reserve funds in specified financial
 306 institutions; authorizing such associations to place
 307 reserve funds in other investments upon a majority
 308 vote of the voting interests of the association;
 309 providing restrictions; prohibiting any funds not
 310 identified as reserve funds from being used for
 311 investments; providing applicability; requiring a
 312 board to create an investment committee composed of a
 313 specified minimum number of board members; requiring
 314 the board to adopt rules; requiring that all meetings
 315 of the investment committee be recorded and made part
 316 of the official records of the association; requiring
 317 that the investment policy statement developed
 318 pursuant to certain provisions address specified
 319 issues; requiring the investment committee to

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320 recommend investment advisers to the board; requiring
 321 the board to select one of the recommended investment
 322 advisers to provide services to the association;
 323 requiring such advisers to be registered; prohibiting
 324 an investment adviser from being related to any board
 325 member, community management company, reserve study
 326 provider, or unit owner; requiring investment advisers
 327 to comply with the prudent investor rule; requiring an
 328 adviser to act as a fiduciary to the association;
 329 requiring that the investment and fiduciary standards
 330 required by the act take precedence over any
 331 conflicting law; requiring the investment committee to
 332 recommend a replacement adviser if the committee
 333 determines that an investment adviser is not meeting
 334 requirements; requiring the association to provide the
 335 investment adviser with specified financial
 336 information at least once each calendar year, or
 337 sooner if a substantial financial obligation of the
 338 association becomes known to the board; requiring the
 339 investment adviser to annually review such financial
 340 information and provide the association with a
 341 portfolio allocation model that is suitably structured
 342 and prudently designed to match projected annual
 343 reserve fund requirements and liability, assets, and
 344 liquidity requirements; requiring the investment
 345 adviser to prepare a funding projection for each
 346 reserve component, including any of the component's
 347 redundancies; requiring that a specified minimum
 348 timeframe of projected reserves in cash or cash

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349 equivalents be available to the association;
 350 authorizing a portfolio managed by an investment
 351 adviser to contain any type of investment necessary to
 352 meet the objectives in the investment policy
 353 statement; providing exceptions; requiring that any
 354 funds invested by the investment adviser be held in
 355 third-party custodial accounts that are subject to
 356 insurance coverage by the Securities Investor
 357 Protection Corporation in an amount equal to or
 358 greater than the invested amount; authorizing the
 359 investment adviser to withdraw investment fees,
 360 expenses, and commissions from invested funds;
 361 requiring the investment adviser to annually provide
 362 the association with a written certification of
 363 compliance with this section and provide the
 364 association with a list of certain stocks, securities,
 365 and other obligations; requiring the investment
 366 adviser to submit monthly, quarterly, and annual
 367 reports to the association, prepared in accordance
 368 with established financial industry standards;
 369 requiring that any principal, earnings, or interest
 370 managed be available to the association at no cost
 371 within a specified timeframe after the association's
 372 written or electronic request; requiring that
 373 unallocated income earned on reserve fund investments
 374 be spent only on specified expenditures; amending s.
 375 719.106, F.S.; revising the deferred maintenance
 376 expense or replacement costs threshold that must be in
 377 reserve accounts; authorizing the association members

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378 to vote to waive the maintenance of reserves
 379 recommended by the most recent structural integrity
 380 reserve study under certain circumstances; authorizing
 381 the board to pause contributions to its reserves or
 382 reduce reserve funding if a local building official
 383 determines the entire condominium building is
 384 uninhabitable due to a natural emergency; authorizing
 385 any reserve account fund held by the association to be
 386 expended to make the condominium building and its
 387 structures habitable, pursuant to the board's
 388 determination; requiring the association to
 389 immediately resume contributing funds to its reserves
 390 once the local building official determines that the
 391 condominium building is habitable; authorizing a unit-
 392 owner-controlled association to obtain a line of
 393 credit in lieu of maintaining reserves for budgets
 394 adopted on or before a specified date upon a majority
 395 vote of the association; requiring that such line of
 396 credit be sufficient to meet the association's
 397 deferred maintenance obligations not funded in the
 398 association's reserve account for each budget;
 399 requiring that funding from the line of credit be
 400 immediately available for access by the board for a
 401 specified purpose; authorizing the board to
 402 temporarily pause reserve fund contributions or reduce
 403 the amount of reserve funding for a specified purpose
 404 for a budget adopted on or before a specified date if
 405 the association has completed a milestone inspection
 406 within a specified timeframe; requiring that such

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407 temporary pause or reduction be approved by a majority
 408 of the total voting interests of the association;
 409 providing applicability; requiring associations that
 410 have paused or reduced their reserve funding
 411 contributions to have a structural integrity reserve
 412 study performed before the continuation of reserve
 413 contributions for specified purposes; providing that a
 414 vote of the members is not required for the board to
 415 change the accounting method for reserves to specified
 416 accounting methods; requiring specified design
 417 professionals or contractors who bid to perform a
 418 structural integrity reserve study to disclose in
 419 writing to the association their intent to bid on any
 420 services related to the maintenance, repair, or
 421 replacement that may be recommended by the structural
 422 integrity reserve study; prohibiting such
 423 professionals or contractors from having any interest
 424 in or being related to any person having any interest
 425 in the firm or entity providing the association's
 426 structural integrity reserve study unless such
 427 relationship is disclosed in writing; defining the
 428 term "relative"; providing that a contract for
 429 services is voidable and terminates upon the
 430 association filing a written notice terminating such a
 431 contract if such professional or contractor fails to
 432 provide a written disclosure of such relationship with
 433 the firm conducting the structural integrity reserve
 434 study; providing that such professional or contractor
 435 may be subject to discipline for his or her failure to

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436 provide such written disclosure; requiring that a
 437 structural integrity reserve study include a
 438 recommendation for a reserve funding schedule based on
 439 specified criteria; authorizing the study to recommend
 440 other types of reserve funding schedules, provided
 441 each recommended schedule is sufficient to meet the
 442 association's maintenance obligation; requiring that
 443 reserves not required for certain items be separately
 444 identified as such in the structural integrity reserve
 445 study; authorizing an association to delay a required
 446 structural integrity reserve study for a specified
 447 timeframe if it has completed a milestone inspection
 448 or similar inspection, for a specified purpose;
 449 requiring an officer or a director of the association
 450 to sign an affidavit acknowledging receipt of the
 451 completed structural integrity reserve study;
 452 requiring the division to adopt, by rule, the form for
 453 the structural integrity reserve study in coordination
 454 with the Florida Building Commission; amending s.
 455 719.501, F.S.; requiring a cooperative association to
 456 create and maintain an online account with the
 457 division; requiring board members to maintain accurate
 458 contact information on file with the division;
 459 requiring the division to adopt rules; requiring all
 460 cooperative associations to provide information
 461 specified by the division in an electronic format to
 462 be determined by the division; specifying the
 463 information that must be updated with the division
 464 within a specified timeframe; amending s. 719.503,

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465 F.S.; revising the disclosures that must be included
 466 in a contract for the sale and resale of an interest
 467 in a cooperative; amending s. 914.21, F.S.; revising
 468 the definition of the term "official investigation";
 469 providing appropriations; reenacting s. 721.13(3)(e),
 470 F.S., relating to management, to incorporate the
 471 amendment made to s. 718.111, F.S., in a reference
 472 thereto; reenacting ss. 718.504(7)(a) and (21)(c), and
 473 718.618(1)(d), F.S., relating to prospectus or
 474 offering circulars and converter reserve accounts and
 475 warranties, respectively, to incorporate the amendment
 476 made to s. 718.112, F.S., in references thereto;
 477 reenacting s. 718.706(1) and (3), F.S., relating to
 478 specific provisions pertaining to offering of units by
 479 bulk assignees or bulk buyers, to incorporate the
 480 amendments made to ss. 718.111, 718.112, and 718.503,
 481 F.S., in references thereto; reenacting ss.
 482 719.103(24) and 719.504(7)(a) and (20)(c), F.S.,
 483 relating to definitions and prospectus or offering
 484 circulars, respectively, to incorporate the amendment
 485 made to s. 719.106, F.S., in references thereto;
 486 providing effective dates.

487
 488 Be It Enacted by the Legislature of the State of Florida:

489
 490 Section 1. Paragraph (h) is added to subsection (2) of
 491 section 468.432, Florida Statutes, and subsection (3) is added
 492 to that section, to read:

493 468.432 Licensure of community association managers and

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494 community association management firms; exceptions.—

495 (2) A community association management firm or other
 496 similar organization responsible for the management of more than
 497 10 units or a budget of \$100,000 or greater shall not engage or
 498 hold itself out to the public as being able to engage in the
 499 business of community association management in this state
 500 unless it is licensed by the department as a community
 501 association management firm in accordance with the provisions of
 502 this part.

503 (h) A person who has had his or her community association
 504 manager license revoked may not have an indirect or direct
 505 ownership interest in, or be an employee, partner, officer,
 506 director, or trustee of, a community association management firm
 507 during the 10-year period after the effective date of the
 508 revocation. Such person is ineligible to reapply for
 509 certification or registration under this part for a period of 10
 510 years after the effective date of a revocation.

511 (3) A licensee must provide on his or her online licensure
 512 account each community association for which the licensee
 513 provides community association management services and whether
 514 the community association is a condominium association under
 515 chapter 718, a cooperative association under chapter 719, or a
 516 homeowners' association under chapter 720. A licensee must
 517 update his or her online licensure account with this information
 518 within 30 days after any change to the required information. If
 519 a community association manager has his or her license suspended
 520 or revoked, the division must give written notice of such
 521 suspension or revocation to the community association management
 522 firm and the community association for which the manager

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performs community management services.

Section 2. Subsections (1) and (3) of section 468.4334, Florida Statutes, are amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager or a community association management firm may not perform any act directed by the community association if such an act violates any state or federal law. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as directed by the board.

(c) Each contract between a community association and a

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community association manager or community association management firm for community association management services must include the following written statement in at least 12-point type:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

(d) A contract between a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a community homeowners' association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the homeowners' association annually.

(b) Provide to the members of the community homeowners' association the name and contact information for each community association manager or representative of a community association management firm assigned to the community homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The community homeowners' association shall also post this information on the association's website or mobile application, if the association

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581 is required to maintain official records on a website or
 582 application required under s. 720.303(4)(b). The community
 583 association manager or community association management firm
 584 shall update the community homeowners' association and its
 585 members within 14 business days after any change to such
 586 information.

587 (c) Provide to any member upon request a copy of the
 588 contract between the community association manager or community
 589 association management firm and the community homeowners'
 590 association and include such contract with association's
 591 official records.

592 Section 3. Subsection (11) of section 553.899, Florida
 593 Statutes, is amended, and paragraphs (e) and (f) are added to
 594 subsection (3) of that section, to read:

595 553.899 Mandatory structural inspections for condominium
 596 and cooperative buildings.—

597 (3)

598 (e) On or before October 1, 2025, and on or before each
 599 December 31 thereafter, the local enforcement agency responsible
 600 for milestone inspections must provide the department, in an
 601 electronic format determined by the department, information that
 602 may include, but is not limited to:

603 1. The number of buildings required to have a milestone
 604 inspection within the agency's jurisdiction.

605 2. The number of buildings for which a phase one milestone
 606 inspection has been completed.

607 3. The number of buildings granted an extension under
 608 paragraph (3)(c).

609 4. The number of buildings required to have a phase two

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610 milestone inspection.

611 5. The number of buildings for which a phase two milestone
 612 inspection has been completed.

613 6. The number, type, and value of permits applied for to
 614 complete repairs pursuant to a phase two milestone inspection.

615 7. A list of buildings deemed to be unsafe or uninhabitable
 616 due to a milestone inspection.

617 8. The license number of the building code administrator
 618 responsible for milestone inspections for the local enforcement
 619 agency.

620 (f) Subject to appropriation, the commission shall contract
 621 with the University of Florida for the purpose of creating a
 622 report that provides comprehensive data, evaluation, and
 623 analysis on the milestone inspections performed throughout this
 624 state during each calendar year or other time period approved by
 625 the commission. Every local enforcement agency responsible for
 626 milestone inspections must provide the university with a copy of
 627 any phase one or phase two milestone inspection report by the
 628 date specified by the commission in a manner prescribed by the
 629 university. The university may request any additional
 630 information from a local enforcement agency which the university
 631 requires to complete this report. The university shall compile
 632 the report, and the department shall transmit the report to the
 633 Governor, the President of the Senate, and the Speaker of the
 634 House of Representatives.

635 (11) A board of county commissioners or municipal governing
 636 body shall ~~may~~ adopt an ordinance requiring that a condominium
 637 or cooperative association and any other owner that is subject
 638 to this section schedule or commence repairs for substantial

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structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

Section 4. Present subsections (33) and (34) of section 718.103, Florida Statutes, are redesignated as subsections (34) and (35), respectively, a new subsection (33) is added to that subsection, and subsection (1) of that section is amended, to read:

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

(1) "Alternative funding method" means a method ~~approved by the division~~ for funding the capital expenditures and deferred maintenance obligations of the association ~~for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the, including:~~

(a) The allocation of funds in the annual operating budget of a multicondominium; or

(b) Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

(33) "Videoconference" means a real-time audio and video-based meeting between two or more people in different locations

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using video-enabled and audio-enabled devices. The notice for any meeting that will be conducted by videoconference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by videoconference must be recorded and such recording must be maintained as an official record of the association.

Section 5. Paragraphs (a) and (g) of subsection (12) and subsection (13) of section 718.111, Florida Statutes, are amended, and paragraphs (g) and (h) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

(h) If a community association manager or a community association management firm has its license suspended or revoked during the term of a contract with the association, the

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697 association shall have no further contractual obligations to the
 698 community association manager or community association
 699 management firm whose license has been revoked or suspended,
 700 effective on the date which the community association manager or
 701 community association management firm became unlicensed.

702 (12) OFFICIAL RECORDS.—

703 (a) From the inception of the association, the association
 704 shall maintain each of the following items, if applicable, which
 705 constitutes the official records of the association:

706 1. A copy of the plans, permits, warranties, and other
 707 items provided by the developer under s. 718.301(4).

708 2. A copy ~~photocopy~~ of the recorded declaration of
 709 condominium of each condominium operated by the association and
 710 each amendment to each declaration.

711 3. A copy ~~photocopy~~ of the recorded bylaws of the
 712 association and each amendment to the bylaws.

713 4. A certified copy of the articles of incorporation of the
 714 association, or other documents creating the association, and
 715 each amendment thereto.

716 5. A copy of the current rules of the association.

717 6. A book or books or electronic records that contain the
 718 minutes of all meetings of the association, the board of
 719 administration, any committee, and the unit owners, and a
 720 recording of all such meetings that are conducted by
 721 videoconference.

722 7. A current roster of all unit owners and their mailing
 723 addresses, unit identifications, voting certifications, and, if
 724 known, telephone numbers. The association shall also maintain
 725 the e-mail addresses and facsimile numbers of unit owners

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726 consenting to receive notice by electronic transmission. In
 727 accordance with sub-subparagraph (c)5.e., the e-mail addresses
 728 and facsimile numbers are only accessible to unit owners if
 729 consent to receive notice by electronic transmission is
 730 provided, or if the unit owner has expressly indicated that such
 731 personal information can be shared with other unit owners and
 732 the unit owner has not provided the association with a request
 733 to opt out of such dissemination with other unit owners. An
 734 association must ensure that the e-mail addresses and facsimile
 735 numbers are only used for the business operation of the
 736 association and may not be sold or shared with outside third
 737 parties. If such personal information is included in documents
 738 that are released to third parties, other than unit owners, the
 739 association must redact such personal information before the
 740 document is disseminated. However, the association is not liable
 741 for an inadvertent disclosure of the e-mail address or facsimile
 742 number for receiving electronic transmission of notices unless
 743 such disclosure was made with a knowing or intentional disregard
 744 of the protected nature of such information.

745 8. All current insurance policies of the association and
 746 condominiums operated by the association.

747 9. A current copy of any management agreement, lease, or
 748 other contract to which the association is a party or under
 749 which the association or the unit owners have an obligation or
 750 responsibility.

751 10. Bills of sale or transfer for all property owned by the
 752 association.

753 11. Accounting records for the association and separate
 754 accounting records for each condominium that the association

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operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates,

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notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

20. A copy of all affidavits required by this chapter.

21.20- All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the

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813 association receives or creates an official record specified in
 814 subparagraph 2.

815 a. The association's website or application must be:

816 (I) An independent website, application, or web portal
 817 wholly owned and operated by the association; or

818 (II) A website, application, or web portal operated by a
 819 third-party provider with whom the association owns, leases,
 820 rents, or otherwise obtains the right to operate a web page,
 821 subpage, web portal, collection of subpages or web portals, or
 822 an application which is dedicated to the association's
 823 activities and on which required notices, records, and documents
 824 may be posted or made available by the association.

825 b. The association's website or application must be
 826 accessible through the Internet and must contain a subpage, web
 827 portal, or other protected electronic location that is
 828 inaccessible to the general public and accessible only to unit
 829 owners and employees of the association.

830 c. Upon a unit owner's written request, the association
 831 must provide the unit owner with a username and password and
 832 access to the protected sections of the association's website or
 833 application which contain any notices, records, or documents
 834 that must be electronically provided.

835 2. A current copy of the following documents must be posted
 836 in digital format on the association's website or application:

837 a. The recorded declaration of condominium of each
 838 condominium operated by the association and each amendment to
 839 each declaration.

840 b. The recorded bylaws of the association and each
 841 amendment to the bylaws.

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842 c. The articles of incorporation of the association, or
 843 other documents creating the association, and each amendment to
 844 the articles of incorporation or other documents. The copy
 845 posted pursuant to this sub-subparagraph must be a copy of the
 846 articles of incorporation filed with the Department of State.

847 d. The rules of the association.

848 e. The approved minutes of all board of administration
 849 meetings over the preceding 12 months.

850 f.e- A list of all executory contracts or documents to
 851 which the association is a party or under which the association
 852 or the unit owners have an obligation or responsibility and,
 853 after bidding for the related materials, equipment, or services
 854 has closed, a list of bids received by the association within
 855 the past year. Summaries of bids for materials, equipment, or
 856 services which exceed \$500 must be maintained on the website or
 857 application for 1 year. In lieu of summaries, complete copies of
 858 the bids may be posted.

859 g.f- The annual budget required by s. 718.112(2)(f) and any
 860 proposed budget to be considered at the annual meeting.

861 h.g- The financial report required by subsection (13) and
 862 any monthly income or expense statement to be considered at a
 863 meeting.

864 i.h- The certification of each director required by s.
 865 718.112(2)(d)4.b.

866 j.i- All contracts or transactions between the association
 867 and any director, officer, corporation, firm, or association
 868 that is not an affiliated condominium association or any other
 869 entity in which an association director is also a director or
 870 officer and financially interested.

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871 ~~k.j.~~ Any contract or document regarding a conflict of
 872 interest or possible conflict of interest as provided in ss.
 873 468.4335, 468.436(2)(b)6., and 718.3027(3).
 874 ~~l.k.~~ The notice of any unit owner meeting and the agenda
 875 for the meeting, as required by s. 718.112(2)(d)3., no later
 876 than 14 days before the meeting. The notice must be posted in
 877 plain view on the front page of the website or application, or
 878 on a separate subpage of the website or application labeled
 879 "Notices" which is conspicuously visible and linked from the
 880 front page. The association must also post on its website or
 881 application any document to be considered and voted on by the
 882 owners during the meeting or any document listed on the agenda
 883 at least 7 days before the meeting at which the document or the
 884 information within the document will be considered.
 885 ~~m.l.~~ Notice of any board meeting, the agenda, and any other
 886 document required for the meeting as required by s.
 887 718.112(2)(c), which must be posted no later than the date
 888 required for notice under s. 718.112(2)(c).
 889 ~~n.m.~~ The inspection reports described in ss. 553.899 and
 890 718.301(4)(p) and any other inspection report relating to a
 891 structural or life safety inspection of condominium property.
 892 ~~o.p.~~ The association's most recent structural integrity
 893 reserve study, if applicable.
 894 ~~p.q.~~ Copies of all building permits issued for ongoing or
 895 planned construction.
 896 q. A copy of all affidavits required by this chapter.
 897 3. The association shall ensure that the information and
 898 records described in paragraph (c), which are not allowed to be
 899 accessible to unit owners, are not posted on the association's

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900 website or application. If protected information or information
 901 restricted from being accessible to unit owners is included in
 902 documents that are required to be posted on the association's
 903 website or application, the association shall ensure the
 904 information is redacted before posting the documents.
 905 Notwithstanding the foregoing, the association or its agent is
 906 not liable for disclosing information that is protected or
 907 restricted under this paragraph unless such disclosure was made
 908 with a knowing or intentional disregard of the protected or
 909 restricted nature of such information.
 910 4. The failure of the association to post information
 911 required under subparagraph 2. is not in and of itself
 912 sufficient to invalidate any action or decision of the
 913 association's board or its committees.
 914 (13) FINANCIAL REPORTING.—Within 90 days after the end of
 915 the fiscal year, or annually on a date provided in the bylaws,
 916 the association shall prepare and complete, or contract for the
 917 preparation and completion of, a financial report for the
 918 preceding fiscal year. Within 21 days after the final financial
 919 report is completed by the association or received from the
 920 third party, but not later than 120 days after the end of the
 921 fiscal year or other date as provided in the bylaws, the
 922 association shall deliver to each unit owner by United States
 923 mail or personal delivery at the mailing address, property
 924 address, e-mail address, or facsimile number provided to fulfill
 925 the association's notice requirements, a copy of the most recent
 926 financial report, and a notice that a copy of the most recent
 927 financial report will be, as requested by the owner, mailed, or
 928 hand delivered, or electronically delivered via the Internet to

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the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. Evidence of compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association.

The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of \$150,000 or more, but less than \$300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least \$300,000, but less than \$500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of \$500,000 or

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more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than \$150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:

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1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division

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of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting

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interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit owners who are not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to a mandatory structural inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment

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advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or unit owner. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the

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1103 life of each reserve component and each component's
 1104 redundancies. The investment adviser shall annually review these
 1105 documents and provide the association with a portfolio
 1106 allocation model that is suitably structured and prudently
 1107 designed to match projected annual reserve fund requirements and
 1108 liability, assets, and liquidity requirements. The investment
 1109 adviser shall prepare a funding projection for each reserve
 1110 component, including any of the component's redundancies. The
 1111 association must have available at all times a minimum of 24
 1112 months of projected reserves in cash or cash equivalents.

1113 (f) Portfolios managed by the investment adviser may
 1114 contain any type of investment necessary to meet the objectives
 1115 in the investment policy statement; however, portfolios may not
 1116 contain stocks, securities, or other obligations that the State
 1117 Board of Administration is prohibited from investing in under s.
 1118 215.471, s. 215.4725, or s. 215.473 or that state agencies are
 1119 prohibited from investing in under s. 215.472, as determined by
 1120 the investment adviser. Any funds invested by the investment
 1121 adviser must be held in third-party custodial accounts that are
 1122 subject to insurance coverage by the Securities Investor
 1123 Protection Corporation in an amount equal to or greater than the
 1124 invested amount. The investment adviser may withdraw investment
 1125 fees, expenses, and commissions from invested funds.

1126 (g) The investment adviser shall:
 1127 1. Annually provide the association with a written
 1128 certification of compliance with this section and a list of
 1129 stocks, securities, and other obligations that are prohibited
 1130 from being in association portfolios under paragraph (f); and
 1131 2. Submit monthly, quarterly, and annual reports to the

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1132 association which are prepared in accordance with established
 1133 financial industry standards and in accordance with chapter 517.
 1134 (h) Any principal, earnings, or interest managed under this
 1135 subsection must be available at no cost or charge to the
 1136 association within 15 business days after delivery of the
 1137 association's written or electronic request.

1138 (i) Unallocated income earned on reserve fund investments
 1139 must be spent only on capital expenditures, planned maintenance,
 1140 structural repairs, or other items for which the reserve
 1141 accounts have been established. Any surplus of funds which
 1142 exceeds the amount required to maintain reasonably funded
 1143 reserves must be managed pursuant to s. 718.115.

1144 Section 6. Paragraphs (b) through (g) of subsection (2) of
 1145 section 718.112, Florida Statutes, are amended to read:

1146 718.112 Bylaws.—

1147 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 1148 following and, if they do not do so, shall be deemed to include
 1149 the following:

1150 (b) *Quorum; voting requirements; proxies.*—

1151 1. Unless a lower number is provided in the bylaws, the
 1152 percentage of voting interests required to constitute a quorum
 1153 at a meeting of the members is a majority of the voting
 1154 interests. Unless otherwise provided in this chapter or in the
 1155 declaration, articles of incorporation, or bylaws, and except as
 1156 provided in subparagraph (d)4., decisions shall be made by a
 1157 majority of the voting interests represented at a meeting at
 1158 which a quorum is present.

1159 2. Except as specifically otherwise provided herein, unit
 1160 owners in a residential condominium may not vote by general

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proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner

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executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board meeting may be conducted in person or by videoconference. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A board member may not participate in any meeting of the association, including unit owner meetings, by videoconference more than two times in a calendar year. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

(c) *Board of administration meetings.*—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to

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attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via videoconference, the notice must state that such meeting will be via videoconference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via videoconference, it must be recorded and such recording must be maintained as an official record of the association. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and

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ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. ~~If there is no condominium property at which notices can be posted,~~ Notices shall be mailed, delivered, or electronically transmitted to each unit owner who has consented to receive electronic notifications at least 14 days before the meeting. In ~~lieu of or in~~ addition to the physical posting of the notice on the condominium property and mailing, delivering, or electronically transmitting the notice, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to~~

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1277 ~~observe the notice and read and comprehend the entire content of~~
 1278 ~~the notice and the agenda.~~ In addition to any of the authorized
 1279 means of providing notice of a meeting of the board, the
 1280 association may, by rule, adopt a procedure for conspicuously
 1281 posting the meeting notice and the agenda on a website serving
 1282 the condominium association for at least the minimum period of
 1283 time for which a notice of a meeting is also required to be
 1284 physically posted on the condominium property. Any rule adopted
 1285 shall, in addition to other matters, include a requirement that
 1286 the association send an electronic notice in the same manner as
 1287 a notice for a meeting of the members, which must include a
 1288 hyperlink to the website at which the notice is posted, to unit
 1289 owners whose e-mail addresses are included in the association's
 1290 official records.

1291 3. Notice of any meeting in which regular or special
 1292 assessments against unit owners are to be considered must
 1293 specifically state that assessments will be considered and
 1294 provide the estimated cost and description of the purposes for
 1295 such assessments. If an agenda item relates to the approval of a
 1296 contract for goods or services, a copy of the contract must be
 1297 provided with the notice and be made available for inspection
 1298 and copying upon a written request from a unit owner or made
 1299 available on the association's website or through an application
 1300 that can be downloaded on a mobile device.

1301 4. Meetings of a committee to take final action on behalf
 1302 of the board or make recommendations to the board regarding the
 1303 association budget are subject to this paragraph. Meetings of a
 1304 committee that does not take final action on behalf of the board
 1305 or make recommendations to the board regarding the association

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1306 budget are subject to this section, unless those meetings are
 1307 exempted from this section by the bylaws of the association.

1308 5. Notwithstanding any other law, the requirement that
 1309 board meetings and committee meetings be open to the unit owners
 1310 does not apply to:

1311 a. Meetings between the board or a committee and the
 1312 association's attorney, with respect to proposed or pending
 1313 litigation, if the meeting is held for the purpose of seeking or
 1314 rendering legal advice; or

1315 b. Board meetings held for the purpose of discussing
 1316 personnel matters.

1317 (d) *Unit owner meetings.*—

1318 1. An annual meeting of the unit owners must be held at the
 1319 location provided in the association bylaws and, if the bylaws
 1320 are silent as to the location, the meeting must be held within
 1321 10 miles 45 miles of the condominium property. However, such
 1322 distance requirement does not apply to an association governing
 1323 a timeshare condominium. If a unit owner meeting is conducted
 1324 via videoconference, a unit owner may vote electronically in the
 1325 manner provided in s. 718.128.

1326 2. Unit owner meetings, including the annual meeting of the
 1327 unit owners, may be conducted in person or via videoconference.
 1328 If the annual meeting of the unit owners is conducted via
 1329 videoconference, a quorum of the members of the board of
 1330 administration must be physically present at the physical
 1331 location where unit owners can attend the meeting. The location
 1332 must be provided in the association bylaws and, if the bylaws
 1333 are silent as to the location, the meeting must be held within
 1334 10 miles of the condominium property. If the unit owner meeting

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1335 is conducted via videoconference, the videoconference must be
 1336 recorded and such recording must be maintained as an official
 1337 record of the association. The division shall adopt rules
 1338 pursuant to ss. 120.536 and 120.54 governing the requirements
 1339 for meetings.

1340 ~~3.2-~~ Unless the bylaws provide otherwise, a vacancy on the
 1341 board caused by the expiration of a director's term must be
 1342 filled by electing a new board member, and the election must be
 1343 by secret ballot. An election is not required if the number of
 1344 vacancies equals or exceeds the number of candidates. For
 1345 purposes of this paragraph, the term "candidate" means an
 1346 eligible person who has timely submitted the written notice, as
 1347 described in sub-subparagraph 4.a., of his or her intention to
 1348 become a candidate. Except in a timeshare or nonresidential
 1349 condominium, or if the staggered term of a board member does not
 1350 expire until a later annual meeting, or if all members' terms
 1351 would otherwise expire but there are no candidates, the terms of
 1352 all board members expire at the annual meeting, and such members
 1353 may stand for reelection unless prohibited by the bylaws. Board
 1354 members may serve terms longer than 1 year if permitted by the
 1355 bylaws or articles of incorporation. A board member may not
 1356 serve more than 8 consecutive years unless approved by an
 1357 affirmative vote of unit owners representing two-thirds of all
 1358 votes cast in the election or unless there are not enough
 1359 eligible candidates to fill the vacancies on the board at the
 1360 time of the vacancy. Only board service that occurs on or after
 1361 July 1, 2018, may be used when calculating a board member's term
 1362 limit. If the number of board members whose terms expire at the
 1363 annual meeting equals or exceeds the number of candidates, the

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1364 candidates become members of the board effective upon the
 1365 adjournment of the annual meeting. Unless the bylaws provide
 1366 otherwise, any remaining vacancies shall be filled by the
 1367 affirmative vote of the majority of the directors making up the
 1368 newly constituted board even if the directors constitute less
 1369 than a quorum or there is only one director. In a residential
 1370 condominium association of more than 10 units or in a
 1371 residential condominium association that does not include
 1372 timeshare units or timeshare interests, co-owners of a unit may
 1373 not serve as members of the board of directors at the same time
 1374 unless they own more than one unit or unless there are not
 1375 enough eligible candidates to fill the vacancies on the board at
 1376 the time of the vacancy. A unit owner in a residential
 1377 condominium desiring to be a candidate for board membership must
 1378 comply with sub-subparagraph 4.a. and must be eligible to be a
 1379 candidate to serve on the board of directors at the time of the
 1380 deadline for submitting a notice of intent to run in order to
 1381 have his or her name listed as a proper candidate on the ballot
 1382 or to serve on the board. A person who has been suspended or
 1383 removed by the division under this chapter, or who is delinquent
 1384 in the payment of any assessment due to the association, is not
 1385 eligible to be a candidate for board membership and may not be
 1386 listed on the ballot. For purposes of this paragraph, a person
 1387 is delinquent if a payment is not made by the due date as
 1388 specifically identified in the declaration of condominium,
 1389 bylaws, or articles of incorporation. If a due date is not
 1390 specifically identified in the declaration of condominium,
 1391 bylaws, or articles of incorporation, the due date is the first
 1392 day of the assessment period. A person who has been convicted of

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1393 any felony in this state or in a United States District or
 1394 Territorial Court, or who has been convicted of any offense in
 1395 another jurisdiction which would be considered a felony if
 1396 committed in this state, is not eligible for board membership
 1397 unless such felon's civil rights have been restored for at least
 1398 5 years as of the date such person seeks election to the board.
 1399 The validity of an action by the board is not affected if it is
 1400 later determined that a board member is ineligible for board
 1401 membership due to having been convicted of a felony. This
 1402 subparagraph does not limit the term of a member of the board of
 1403 a nonresidential or timeshare condominium.

1404 ~~4.3-~~ The bylaws must provide the method of calling meetings
 1405 of unit owners, including annual meetings. Written notice of an
 1406 annual meeting must include an agenda; be mailed, hand
 1407 delivered, or electronically transmitted to each unit owner at
 1408 least 14 days before the annual meeting; and be posted in a
 1409 conspicuous place on the condominium property or association
 1410 property at least 14 continuous days before the annual meeting.
 1411 Written notice of a meeting other than an annual meeting must
 1412 include an agenda; be mailed, hand delivered, or electronically
 1413 transmitted to each unit owner; and be posted in a conspicuous
 1414 place on the condominium property or association property within
 1415 the timeframe specified in the bylaws. If the bylaws do not
 1416 specify a timeframe for written notice of a meeting other than
 1417 an annual meeting, notice must be provided at least 14
 1418 continuous days before the meeting. Upon notice to the unit
 1419 owners, the board shall, by duly adopted rule, designate a
 1420 specific location on the condominium property or association
 1421 property at which all notices of unit owner meetings must be

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1422 posted. This requirement does not apply if there is no
 1423 condominium property for posting notices. ~~In lieu of, or in~~ In
 1424 addition to, the physical posting of meeting notices, the
 1425 association may, by reasonable rule, adopt a procedure for
 1426 conspicuously posting and repeatedly broadcasting the notice and
 1427 the agenda on a closed-circuit cable television system serving
 1428 the condominium association. ~~However, if broadcast notice is~~
 1429 ~~used in lieu of a notice posted physically on the condominium~~
 1430 ~~property, the notice and agenda must be broadcast at least four~~
 1431 ~~times every broadcast hour of each day that a posted notice is~~
 1432 ~~otherwise required under this section.~~ If broadcast notice is
 1433 provided, the notice and agenda must be broadcast in a manner
 1434 and for a sufficient continuous length of time so as to allow an
 1435 average reader to observe the notice and read and comprehend the
 1436 entire content of the notice and the agenda. In addition to any
 1437 of the authorized means of providing notice of a meeting of the
 1438 board, the association may, by rule, adopt a procedure for
 1439 conspicuously posting the meeting notice and the agenda on a
 1440 website serving the condominium association for at least the
 1441 minimum period of time for which a notice of a meeting is also
 1442 required to be physically posted on the condominium property.
 1443 Any rule adopted shall, in addition to other matters, include a
 1444 requirement that the association send an electronic notice in
 1445 the same manner as a notice for a meeting of the members, which
 1446 must include a hyperlink to the website at which the notice is
 1447 posted, to unit owners whose e-mail addresses are included in
 1448 the association's official records. Unless a unit owner waives
 1449 in writing the right to receive notice of the annual meeting,
 1450 such notice must be hand delivered, mailed, or electronically

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transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

5.4 The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must

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give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such

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assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate

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requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer.

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Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

~~6.5-~~ Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

~~7.6-~~ Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (1); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

~~8.7-~~ Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing

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the frequency, duration, and manner of unit owner participation.

~~9.8-~~ A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

~~10.9-~~ Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (1) and rules adopted by the division.

~~11.10-~~ This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a

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proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) *Budget meeting.*—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by videoconference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be heard by the board or committee members attending in person, as well as any unit owners present at the meeting. At least 14 days before ~~prior to~~ such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

2.a. If a board proposes ~~adopts~~ in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall simultaneously propose a substitute budget

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~~that does not include any discretionary expenditures that are not required to be in the budget conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The substitute budget must be proposed at the budget meeting before the adoption of the annual budget. The special meeting shall be conducted within 60 days after adoption of the annual budget.~~ At least 14 days before such budget meeting in which a substitute budget will be proposed prior to such special meeting, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or~~ a substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as scheduled~~.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for reasonable reserves for repair or replacement of the condominium property, anticipated expenses of

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the association which the board does not expect to be incurred on a regular or annual basis, and insurance premiums, ~~or assessments for betterments to the condominium property.~~

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and

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deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

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b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association ~~operating a multicondominium~~ may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method is used by the association ~~has been approved by the division~~.

c. For a budget adopted on or before December 31, 2028, a unit-owner-controlled association that must have a structural reserve study may secure a line of credit in lieu of maintaining reserves for all or a portion of the reserves required under this paragraph upon a majority vote of the total voting interests of the association. The line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit secured under this sub-subparagraph must be included in the financial report required under s. 718.111(13).

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is

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uninhabitable due to a natural emergency, as defined in s. 252.34, the board, ~~upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

~~f.b.~~ Before turnover of control of an association by a developer to unit owners other than a developer under s.

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718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the

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voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

(g) *Structural integrity reserve study.*—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

- a. Roof.
- b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.
- c. Fireproofing and fire protection systems.
- d. Plumbing.
- e. Electrical systems.
- f. Waterproofing and exterior painting.
- g. Windows and exterior doors.
- h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure

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to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A

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contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the interests or relationships required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the interests or relationships required under this paragraph.

4.a.3- At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding plan or schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for

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which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

5.4- This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.5- Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

7.6- Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property

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that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.7- If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10.8- If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.9- Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy

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of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

~~12.40-~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 7. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development,

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construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the procedural completion of milestone inspections under s. 553.899.~~ In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of

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administration meetings, and budget meetings under s.
718.112(2).

5. The disclosure of conflicts of interest under ss.
718.111(1)(a) and 718.3027, including limitations contained in
s. 718.111(3)(f).

6. The removal of a board director or officer under ss.
718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity
reserve studies under s. 718.112(2)(g) and the milestone
inspections under s. 553.899.

8. Completion of repairs required by a milestone inspection
under s. 553.899.

9.8- Any written inquiries by unit owners to the
association relating to such matters, including written
inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an
insurance policy or fidelity bonding for all persons who control
or disperse funds of the association under s. 718.111(11)(h).

11. Board member education requirements under s.
718.112(2)(d)5.b.

12. Reporting requirements for structural integrity reserve
studies in paragraph (3) and under s 718.112(2)(g)12.

(b)1. The division may make necessary public or private
investigations within or outside this state to determine whether
any person has violated this chapter or any rule or order
hereunder, to aid in the enforcement of this chapter, or to aid
in the adoption of rules or forms.

2. The division may submit any official written report,
worksheet, or other related paper, or a duly certified copy

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thereof, compiled, prepared, drafted, or otherwise made by and
duly authenticated by a financial examiner or analyst to be
admitted as competent evidence in any hearing in which the
financial examiner or analyst is available for cross-examination
and attests under oath that such documents were prepared as a
result of an examination or inspection conducted pursuant to
this chapter.

(c) The division may require or permit any person to file a
statement in writing, under oath or otherwise, as the division
determines, as to the facts and circumstances concerning a
matter to be investigated.

(d) For the purpose of any investigation under this
chapter, the division director or any officer or employee
designated by the division director may administer oaths or
affirmations, subpoena witnesses and compel their attendance,
take evidence, and require the production of any matter which is
relevant to the investigation, including the existence,
description, nature, custody, condition, and location of any
books, documents, or other tangible things and the identity and
location of persons having knowledge of relevant facts or any
other matter reasonably calculated to lead to the discovery of
material evidence. Upon the failure by a person to obey a
subpoena or to answer questions propounded by the investigating
officer and upon reasonable notice to all affected persons, the
division may apply to the circuit court for an order compelling
compliance.

(e) Notwithstanding any remedies available to unit owners
and associations, if the division has reasonable cause to
believe that a violation of any provision of this chapter or

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related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins

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nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in

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violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed \$5,000. The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or

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rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in

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a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least \$500 but no more than \$5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance

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with this paragraph.

(f) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(g) The division may adopt rules to administer and enforce this chapter.

(h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such

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list available to board members and unit owners in a reasonable and cost-effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

(l) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the

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division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair

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2321 its verity or availability in the department's investigation.
 2322 The division shall refer to local law enforcement authorities
 2323 any person whom the division believes has engaged in fraud,
 2324 theft, embezzlement, or other criminal activity or when the
 2325 division has cause to believe that fraud, theft, embezzlement,
 2326 or other criminal activity has occurred.

2327 (p) The division director or any officer or employee of the
 2328 division and the condominium ombudsman or any employee of the
 2329 Office of the Condominium Ombudsman may attend and observe any
 2330 meeting of the board of administration or any unit owner
 2331 meeting, including any meeting of a subcommittee or special
 2332 committee, which is open to members of the association for the
 2333 purpose of performing the duties of the division or the Office
 2334 of the Condominium Ombudsman under this chapter.

2335 (q) The division may:

- 2336 1. Contract with agencies in this state or other
- 2337 jurisdictions to perform investigative functions; or
- 2338 2. Accept grants-in-aid from any source.

2339 (r) The division shall cooperate with similar agencies in
 2340 other jurisdictions to establish uniform filing procedures and
 2341 forms, public offering statements, advertising standards, and
 2342 rules and common administrative practices.

2343 (s) The division shall consider notice to a developer, bulk
 2344 assignee, or bulk buyer to be complete when it is delivered to
 2345 the address of the developer, bulk assignee, or bulk buyer
 2346 currently on file with the division.

2347 (t) In addition to its enforcement authority, the division
 2348 may issue a notice to show cause, which must provide for a
 2349 hearing, upon written request, in accordance with chapter 120.

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2350 (u) If the division receives a complaint regarding access
 2351 to official records on the association's website or through an
 2352 application that can be downloaded on a mobile device under s.
 2353 718.111(12)(g), the division may request access to the
 2354 association's website or application and investigate. The
 2355 division may adopt rules to carry out this paragraph.

2356 (v) The division shall submit to the Governor, the
 2357 President of the Senate, the Speaker of the House of
 2358 Representatives, and the chairs of the legislative
 2359 appropriations committees an annual report that includes, but
 2360 need not be limited to, the number of training programs provided
 2361 for condominium association board members and unit owners, the
 2362 number of complaints received by type, the number and percent of
 2363 complaints acknowledged in writing within 30 days and the number
 2364 and percent of investigations acted upon within 90 days in
 2365 accordance with paragraph (n), and the number of investigations
 2366 exceeding the 90-day requirement. The annual report must also
 2367 include an evaluation of the division's core business processes
 2368 and make recommendations for improvements, including statutory
 2369 changes. After December 31, 2024, the division must include a
 2370 list of the associations that have completed the structural
 2371 integrity reserve study required under s. 718.112(2)(g). The
 2372 report shall be submitted by September 30 following the end of
 2373 the fiscal year.

2374 (2)

2375 (d) Each condominium association must create and maintain
 2376 an online account with the division. Board members shall
 2377 maintain accurate contact information on file with the division.
 2378 The division shall adopt rules to implement this paragraph.

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2379 (3) On or before October 1, 2025, all associations must
 2380 provide information as specified by the division in an
 2381 electronic format determined by the division. The information in
 2382 paragraphs (a), (b), and (c) must be updated within 15 days
 2383 after any change. The information that must be provided to the
 2384 division includes, but is not limited to:

2385 (a) Contact information for the association that includes:
 2386 1. Name of the association.
 2387 2. Mailing address and county of the association.
 2388 3. E-mail address and telephone number for the association.
 2389 4. Name, board title, and e-mail address for each member of
 2390 the association's board.

2391 5. Name and contact information of the association's
 2392 community association manager or community association
 2393 management firm, if applicable.

2394 6. Name and contact information of every individual or
 2395 community association management company responsible for
 2396 remitting any payment to the division.

2397 7. The hyperlink or website address to the association's
 2398 website, if applicable.

2399 (b) Total number of buildings and for each building in the
 2400 association:

2401 1. Physical address of the association.
 2402 2. Total number of stories, including both habitable and
 2403 uninhabitable stories.
 2404 3. Total number of units.
 2405 4. Age of each building based on the certificate of
 2406 occupancy.
 2407 5. Any construction commenced within the common elements

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2408 within the calendar year.

2409 (c) The association's assessments, including the:
 2410 1. Amount of assessment or special assessment by unit type,
 2411 including reserves.
 2412 2. Purpose of the assessment or special assessment.
 2413 3. Name of the financial institution or institutions with
 2414 which the association maintains accounts.

2415 (d) A copy of any structural integrity reserve study and
 2416 any associated materials requested by the department within 5
 2417 business days after such request, in a manner prescribed by the
 2418 department.

2419 ~~(a) On or before January 1, 2023, condominium associations~~
 2420 ~~existing on or before July 1, 2022, must provide the following~~
 2421 ~~information to the division in writing, by e-mail, United States~~
 2422 ~~Postal Service, commercial delivery service, or hand delivery,~~
 2423 ~~at a physical address or e-mail address provided by the division~~
 2424 ~~and on a form posted on the division's website:~~

2425 ~~1. The number of buildings on the condominium property that~~
 2426 ~~are three stories or higher in height.~~
 2427 ~~2. The total number of units in all such buildings.~~
 2428 ~~3. The addresses of all such buildings.~~
 2429 ~~4. The counties in which all such buildings are located.~~

2430 ~~(b) The division must compile a list of the number of~~
 2431 ~~buildings on condominium property that are three stories or~~
 2432 ~~higher in height, which is searchable by county, and must post~~
 2433 ~~the list on the division's website. This list must include all~~
 2434 ~~of the following information:~~

2435 ~~1. The name of each association with buildings on the~~
 2436 ~~condominium property that are three stories or higher in height.~~

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2437 ~~2. The number of such buildings on each association's~~
 2438 ~~property.~~
 2439 ~~3. The addresses of all such buildings.~~
 2440 ~~4. The counties in which all such buildings are located.~~
 2441 ~~(c) An association must provide an update in writing to the~~
 2442 ~~division if there are any changes to the information in the list~~
 2443 ~~under paragraph (b) within 6 months after the change.~~
 2444 Section 8. Paragraph (d) of subsection (1) and paragraphs
 2445 (d) and (e) of subsection (2) of section 718.503, Florida
 2446 Statutes, are amended, to read:
 2447 718.503 Developer disclosure prior to sale; nondeveloper
 2448 unit owner disclosure prior to sale; voidability.—
 2449 (1) DEVELOPER DISCLOSURE.—
 2450 (d) Milestone inspection, turnover inspection report, or
 2451 structural integrity reserve study.—If the association is
 2452 required to have completed a milestone inspection as described
 2453 in s. 553.899, a turnover inspection report for a turnover
 2454 inspection performed on or after July 1, 2023, or a structural
 2455 integrity reserve study, and the association has not completed
 2456 the milestone inspection, the turnover inspection report, or the
 2457 structural integrity reserve study, each contract entered into
 2458 after December 31, 2024, for the sale of a residential unit
 2459 shall contain in conspicuous type a statement indicating that
 2460 the association is required to have a milestone inspection, a
 2461 turnover inspection report, or a structural integrity reserve
 2462 study and has not completed such inspection, report, or study,
 2463 as appropriate. If the association is not required to have a
 2464 milestone inspection as described in s. 553.899 or a structural
 2465 integrity reserve study, each contract entered into after

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2466 December 31, 2024, for the sale of a residential unit shall
 2467 contain in conspicuous type a statement indicating that the
 2468 association is not required to have a milestone inspection or a
 2469 structural integrity reserve study, as appropriate. If the
 2470 association has completed a milestone inspection as described in
 2471 s. 553.899, a turnover inspection report for a turnover
 2472 inspection performed on or after July 1, 2023, or a structural
 2473 integrity reserve study, each contract entered into after
 2474 December 31, 2024, for the sale of a residential unit shall
 2475 contain in conspicuous type:
 2476 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 2477 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 2478 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2479 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2480 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 2481 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2482 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2483 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2484 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
 2485 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 2486 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and
 2487 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2488 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2489 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2490 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2491 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 2492 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2493 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2494 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

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2495 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2496 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2497 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2498 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 2499 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2500 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 2501 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2502 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 2503 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 2504 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 2505 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),
 2506 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 2507 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 2508 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
 2509 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 2510 CLOSING.

2511
 2512 A contract that does not conform to the requirements of this
 2513 paragraph is voidable at the option of the purchaser before
 2514 ~~prior to~~ closing.

2515 (2) NONDEVELOPER DISCLOSURE.—

2516 (d) Each contract entered into after July 1, 1992, for the
 2517 resale of a residential unit must ~~shall~~ contain in conspicuous
 2518 type either:

2519 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 2520 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
 2521 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,
 2522 BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT
 2523 ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY

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2524 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 15 ~~3~~ DAYS,
 2525 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR~~
 2526 ~~TO~~ EXECUTION OF THIS CONTRACT; or

2527 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2528 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2529 CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2530 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2531 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
 2532 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF
 2533 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL
 2534 STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND
 2535 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED
 2536 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2537 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 2538 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2539 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,
 2540 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST
 2541 RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET
 2542 ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT
 2543 IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT
 2544 SHALL TERMINATE AT CLOSING.

2545
 2546 A contract that does not conform to the requirements of this
 2547 paragraph is voidable at the option of the purchaser before
 2548 ~~prior to~~ closing.

2549 (e) If the association is required to have completed a
 2550 milestone inspection as described in s. 553.899, a turnover
 2551 inspection report for a turnover inspection performed on or
 2552 after July 1, 2023, or a structural integrity reserve study, and

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2553 the association has not completed the milestone inspection, the
 2554 turnover inspection report, or the structural integrity reserve
 2555 study, each contract entered into after December 31, 2024, for
 2556 the sale of a residential unit shall contain in conspicuous type
 2557 a statement indicating that the association is required to have
 2558 a milestone inspection, a turnover inspection report, or a
 2559 structural integrity reserve study and has not completed such
 2560 inspection, report, or study, as appropriate. If the association
 2561 is not required to have a milestone inspection as described in
 2562 s. 553.899 or a structural integrity reserve study, each
 2563 contract entered into after December 31, 2024, for the sale of a
 2564 residential unit shall contain in conspicuous type a statement
 2565 indicating that the association is not required to have a
 2566 milestone inspection or a structural integrity reserve study, as
 2567 appropriate. If the association has completed a milestone
 2568 inspection as described in s. 553.899, a turnover inspection
 2569 report for a turnover inspection performed on or after July 1,
 2570 2023, or a structural integrity reserve study, each contract
 2571 entered into after December 31, 2024, for the resale of a
 2572 residential unit shall contain in conspicuous type:

2573 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 2574 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 2575 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2576 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2577 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 2578 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2579 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2580 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2581 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 3

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2582 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 2583 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2584 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2585 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2586 CANCEL WITHIN 15 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2587 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2588 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 2589 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2590 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2591 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 2592 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2593 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2594 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2595 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 2596 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2597 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 2598 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2599 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 2600 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 2601 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 2602 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),
 2603 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 2604 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 2605 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
 2606 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 2607 CLOSING.

2608
 2609 A contract that does not conform to the requirements of this
 2610 paragraph is voidable at the option of the purchaser before

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2611 ~~prior to~~ closing.

2612 Section 9. Section 8 of chapter 2024-244, Laws of Florida,
2613 is amended to read:

2614 Section 8. Effective January 1, 2026, paragraph (g) of
2615 subsection (12) of section 718.111, Florida Statutes, as amended
2616 by this act, is amended to read:

2617 718.111 The association.—

2618 (12) OFFICIAL RECORDS.—

2619 (g)1. An association managing a condominium with 25 or more
2620 units which does not contain timeshare units shall post digital
2621 copies of the documents specified in subparagraph 2. on its
2622 website or make such documents available through an application
2623 that can be downloaded on a mobile device. Unless a shorter
2624 period is otherwise required, a document must be made available
2625 on the association's website or made available for download
2626 through an application on a mobile device within 30 days after
2627 the association receives or creates an official record specified
2628 in subparagraph 2.

2629 a. The association's website or application must be:

2630 (I) An independent website, application, or web portal
2631 wholly owned and operated by the association; or

2632 (II) A website, application, or web portal operated by a
2633 third-party provider with whom the association owns, leases,
2634 rents, or otherwise obtains the right to operate a web page,
2635 subpage, web portal, collection of subpages or web portals, or
2636 an application which is dedicated to the association's
2637 activities and on which required notices, records, and documents
2638 may be posted or made available by the association.

2639 b. The association's website or application must be

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2640 accessible through the Internet and must contain a subpage, web
2641 portal, or other protected electronic location that is
2642 inaccessible to the general public and accessible only to unit
2643 owners and employees of the association.

2644 c. Upon a unit owner's written request, the association
2645 must provide the unit owner with a username and password and
2646 access to the protected sections of the association's website or
2647 application which contain any notices, records, or documents
2648 that must be electronically provided.

2649 2. A current copy of the following documents must be posted
2650 in digital format on the association's website or application:

2651 a. The recorded declaration of condominium of each
2652 condominium operated by the association and each amendment to
2653 each declaration.

2654 b. The recorded bylaws of the association and each
2655 amendment to the bylaws.

2656 c. The articles of incorporation of the association, or
2657 other documents creating the association, and each amendment to
2658 the articles of incorporation or other documents. The copy
2659 posted pursuant to this sub-subparagraph must be a copy of the
2660 articles of incorporation filed with the Department of State.

2661 d. The rules of the association.

2662 e. The approved minutes of all board of administration
2663 meetings over the preceding 12 months.

2664 f. A list of all executory contracts or documents to which
2665 the association is a party or under which the association or the
2666 unit owners have an obligation or responsibility and, after
2667 bidding for the related materials, equipment, or services has
2668 closed, a list of bids received by the association within the

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past year. Summaries of bids for materials, equipment, or services which exceed \$500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

~~g.f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

~~h.g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

~~i.h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

~~j.i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

~~k.j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

~~l.k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the

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information within the document will be considered.

~~m.l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

~~n.m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

~~o.n.~~ The association's most recent structural integrity reserve study, if applicable.

~~p.o.~~ Copies of all building permits issued for ongoing or planned construction.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

q. A copy of all affidavits required by this chapter.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the

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association's board or its committees.

Section 10. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, ~~may not be intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after July 1, 2025. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Section 11. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the

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association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are unit owners but not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to an inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser

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2785 and any representative or association of the investment adviser
 2786 may not be related by affinity or consanguinity to, or under
 2787 common ownership with, any board member, community management
 2788 company, reserve study provider, or unit owner. The investment
 2789 adviser shall comply with the prudent investor rule in s.
 2790 518.11. The investment adviser shall act as a fiduciary to the
 2791 association in compliance with the standards set forth in the
 2792 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
 2793 1104(a)(1)(A)-(C). In case of conflict with other laws
 2794 authorizing investments, the investment and fiduciary standards
 2795 set forth in this subsection must prevail. If at any time the
 2796 investment committee determines that an investment adviser does
 2797 not meet the requirements of this section, the investment
 2798 committee must recommend a replacement investment adviser to the
 2799 board.

2800 (e) At least once each calendar year, or sooner if a
 2801 substantial financial obligation of the association becomes
 2802 known to the board, the association must provide the investment
 2803 adviser with the association's investment policy statement, the
 2804 most recent reserve study report, the association's structural
 2805 integrity report, and the financial reports prepared pursuant to
 2806 subsection (13). If there is no recent reserve study report, the
 2807 association must provide the investment adviser with a good
 2808 faith estimate disclosing the annual amount of reserve funds
 2809 necessary for the association to fund reserves fully for the
 2810 life of each reserve component and each component's
 2811 redundancies. The investment adviser shall annually review these
 2812 documents and provide the association with a portfolio
 2813 allocation model that is suitably structured and prudently

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2814 designed to match projected annual reserve fund requirements and
 2815 liability, assets, and liquidity requirements. The investment
 2816 adviser shall prepare a funding projection for each reserve
 2817 component, including any of the component's redundancies. The
 2818 association shall have available at all times a minimum of 24
 2819 months of projected reserves in cash or cash equivalents.

2820 (f) Portfolios managed by the investment adviser may
 2821 contain any type of investment necessary to meet the objectives
 2822 in the investment policy statement; however, portfolios may not
 2823 contain stocks, securities, or other obligations that the State
 2824 Board of Administration is prohibited from investing in under s.
 2825 215.471, s. 215.4725, or s. 215.473 or that state agencies are
 2826 prohibited from investing in under s. 215.472, as determined by
 2827 the investment adviser. Any funds invested by the investment
 2828 adviser must be held in third-party custodial accounts that are
 2829 subject to insurance coverage by the Securities Investor
 2830 Protection Corporation in an amount equal to or greater than the
 2831 invested amount. The investment adviser may withdraw investment
 2832 fees, expenses, and commissions from invested funds.

2833 (g) The investment adviser shall:

2834 1. Annually provide the association with a written
 2835 certification of compliance with this section and a list of
 2836 stocks, securities, and other obligations that are prohibited
 2837 from being in association portfolios under paragraph (f); and

2838 2. Submit monthly, quarterly, and annual reports to the
 2839 association which are prepared in accordance with established
 2840 financial industry standards and in accordance with chapter 517.

2841 (h) Any principal, earnings, or interest managed under this
 2842 subsection must be available at no cost or charge to the

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association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments may be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds which exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 12. Paragraphs (j) and (k) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(j) *Annual budget.*—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance

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expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$25,000 ~~\$10,000~~. The amount to be reserved must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or

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reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, a unit-owner-controlled association that must have a structural reserve study may secure a line of credit in lieu of maintaining

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reserves for all or a portion of the reserves required under this paragraph and paragraph (f) upon a majority vote of the total voting interests of the association. The line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association.

f. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority

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of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph (k). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

(k) *Structural integrity reserve study.*—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

- a. Roof.
- b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.
- c. Fireproofing and fire protection systems.
- d. Plumbing.
- e. Electrical systems.
- f. Waterproofing and exterior painting.

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g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless

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such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a. 3- At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each

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budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

5.4- This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.5- Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

7.6- Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December

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31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

~~8.7-~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

~~10.8-~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

~~11.9-~~ Within 45 days after receiving the structural

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integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

~~12.10-~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 13. Subsection (3) of section 719.501, Florida Statutes, is amended, paragraph (c) is added to subsection (2) of that section, and subsection (1) of that section is reenacted, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

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(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units; complaints related to the procedural completion of the structural integrity reserve studies under s. 719.106(1)(k); and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any

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books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on

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behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the

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division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

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(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit

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owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the

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investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division. Board members shall maintain accurate contact information on file with the division. The division shall adopt rules to implement this paragraph.

(3) On or before October 1, 2025, all cooperative associations shall provide information as specified by the division in an electronic format determined by the division. The

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information in paragraphs (a), (b), and (c) must be updated within 15 days after any change. The information that must be provided to the division includes, but is not limited to:

(a) The contact information for the association that includes all of the following:

1. The name of the association.

2. The mailing address and county of the association.

3. The e-mail address and telephone number for the association.

4. The name, board title, and e-mail address for each member of the association's board.

5. The name and contact information of the association's community association manager or community association management firm, if applicable.

6. The name and contact information of every individual or community association management company responsible for remitting any payment to the division.

7. The hyperlink or website address of the association's website, if applicable.

(b) The total number of buildings and for each building in the association:

1. The physical address of the association.

2. The total number of stories of each building, including both habitable and uninhabitable stories.

3. The total number of units.

4. The age of each building based on the certificate of occupancy.

5. Any construction commenced on the common elements within the previous calendar year.

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3365 (c) The association's assessments, including the:
 3366 1. Amount of assessment or special assessment by unit type,
 3367 including reserves.
 3368 2. Purpose of the assessment or special assessment.
 3369 3. Name of the financial institution or institutions with
 3370 which the association maintains accounts.
 3371 (d) A copy of any structural integrity reserve study and
 3372 any associated materials requested by the department. The
 3373 association must provide such materials within 5 business days
 3374 after such request, in a manner prescribed by the department.
 3375 ~~(a) On or before January 1, 2023, cooperative associations~~
 3376 ~~existing on or before July 1, 2022, must provide the following~~
 3377 ~~information to the division in writing, by e-mail, United States~~
 3378 ~~Postal Service, commercial delivery service, or hand delivery,~~
 3379 ~~at a physical address or e-mail address provided by the division~~
 3380 ~~and on a form posted on the division's website:~~
 3381 ~~1. The number of buildings on the cooperative property that~~
 3382 ~~are three stories or higher in height.~~
 3383 ~~2. The total number of units in all such buildings.~~
 3384 ~~3. The addresses of all such buildings.~~
 3385 ~~4. The counties in which all such buildings are located.~~
 3386 ~~(b) The division must compile a list of the number of~~
 3387 ~~buildings on cooperative property that are three stories or~~
 3388 ~~higher in height, which is searchable by county, and must post~~
 3389 ~~the list on the division's website. This list must include all~~
 3390 ~~of the following information:~~
 3391 ~~1. The name of each association with buildings on the~~
 3392 ~~cooperative property that are three stories or higher in height.~~
 3393 ~~2. The number of such buildings on each association's~~

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3394 ~~property.~~
 3395 ~~3. The addresses of all such buildings.~~
 3396 ~~4. The counties in which all such buildings are located.~~
 3397 ~~(e) An association must provide an update in writing to the~~
 3398 ~~division if there are any changes to the information in the list~~
 3399 ~~under paragraph (b) within 6 months after the change.~~
 3400 Section 14. Paragraph (d) of subsection (1) and paragraphs
 3401 (c) and (d) of subsection (2) of section 719.503, Florida
 3402 Statutes, are amended, to read:
 3403 719.503 Disclosure prior to sale.—
 3404 (1) DEVELOPER DISCLOSURE.—
 3405 (d) Milestone inspection, turnover inspection report, or
 3406 structural integrity reserve study.—If the association is
 3407 required to have completed a milestone inspection as described
 3408 in s. 553.899, a turnover inspection report for a turnover
 3409 inspection performed on or after July 1, 2023, or a structural
 3410 integrity reserve study, and the association has not completed
 3411 the milestone inspection, the turnover inspection report, or the
 3412 structural integrity reserve study, each contract entered into
 3413 after December 31, 2024, for the sale of a residential unit
 3414 shall contain in conspicuous type a statement indicating that
 3415 the association is required to have a milestone inspection, a
 3416 turnover inspection report, or a structural integrity reserve
 3417 study and has not completed such inspection, report, or study,
 3418 as appropriate. If the association is not required to have a
 3419 milestone inspection as described in s. 553.899 or a structural
 3420 integrity reserve study, each contract entered into after
 3421 December 31, 2024, for the sale of a residential unit shall
 3422 contain in conspicuous type a statement indicating that the

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association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

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RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY

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BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association

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is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED

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3539 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 3540 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 3541 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 3542 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 3543 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
 3544 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 3545 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 3546 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 3547 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 3548 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 3549 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 3550 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 3551 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),
 3552 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 3553 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 3554 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN
 3555 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 3556 CLOSING.

3557
 3558 A contract that does not conform to the requirements of this
 3559 paragraph is voidable at the option of the purchaser before
 3560 ~~prior to~~ closing.

3561 Section 15. Subsection (3) of section 914.21, Florida
 3562 Statutes, is amended to read:

3563 914.21 Definitions.—As used in ss. 914.22-914.24, the term:

3564 (3) "Official investigation" means any investigation
 3565 instituted by a law enforcement agency or prosecuting officer of
 3566 the state or a political subdivision of the state or the
 3567 Commission on Ethics or the Division of Florida Condominiums,

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3568 Timeshares, and Mobile Homes of the Department of Business and
 3569 Professional Regulation.

3570 Section 16. For the 2025-2026 fiscal year, the recurring
 3571 sum of \$150,000 and nonrecurring sum of \$100,000 is appropriated
 3572 from the Professional Regulation Trust Fund to the Florida
 3573 Building Commission to contract with the University of Florida
 3574 to implement s. 553.899(3)(f), Florida Statutes, as amended by
 3575 this act. The unexpended balance of nonrecurring funds provided
 3576 by this section shall revert and is appropriated for the same
 3577 purpose for the 2026-2027 fiscal year.

3578 Section 17. For the purpose of incorporating the amendment
 3579 made by this act to section 718.111, Florida Statutes, in a
 3580 reference thereto, paragraph (e) of subsection (3) of section
 3581 721.13, Florida Statutes, is reenacted to read:

3582 721.13 Management.—

3583 (3) The duties of the managing entity include, but are not
 3584 limited to:

3585 (e) Arranging for an annual audit of the financial
 3586 statements of the timeshare plan by a certified public
 3587 accountant licensed by the Board of Accountancy of the
 3588 Department of Business and Professional Regulation, in
 3589 accordance with generally accepted auditing standards as defined
 3590 by the rules of the Board of Accountancy of the Department of
 3591 Business and Professional Regulation. The financial statements
 3592 required by this section must be prepared on an accrual basis
 3593 using fund accounting, and must be presented in accordance with
 3594 generally accepted accounting principles. A copy of the audited
 3595 financial statements must be filed with the division for review
 3596 and forwarded to the board of directors and officers of the

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owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 18. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of

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the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or

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indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used facilities.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.

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- i. Other expenses.
 - j. Operating capital.
 - k. Reserves for all applicable items referenced in s. 718.112(2)(g).
 1. Fees payable to the division.
 2. Expenses for a unit owner:
 - a. Rent for the unit, if subject to a lease.
 - b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.
- Section 19. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:
- 718.618 Converter reserve accounts; warranties.—
- (1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:
- (d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein.

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The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations arising under this section.

Section 20. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk

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buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT
REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD
BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT
AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH
EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 21. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and

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3771 replacement of the cooperative property performed as required
 3772 under s. 719.106(1)(k).

3773 Section 22. For the purpose of incorporating the amendment
 3774 made by this act to section 719.106, Florida Statutes, in
 3775 references thereto, paragraph (a) of subsection (7) and
 3776 paragraph (c) of subsection (20) of section 719.504, Florida
 3777 Statutes, are reenacted to read:

3778 719.504 Prospectus or offering circular.—Every developer of
 3779 a residential cooperative which contains more than 20
 3780 residential units, or which is part of a group of residential
 3781 cooperatives which will be served by property to be used in
 3782 common by unit owners of more than 20 residential units, shall
 3783 prepare a prospectus or offering circular and file it with the
 3784 Division of Florida Condominiums, Timeshares, and Mobile Homes
 3785 prior to entering into an enforceable contract of purchase and
 3786 sale of any unit or lease of a unit for more than 5 years and
 3787 shall furnish a copy of the prospectus or offering circular to
 3788 each buyer. In addition to the prospectus or offering circular,
 3789 each buyer shall be furnished a separate page entitled
 3790 "Frequently Asked Questions and Answers," which must be in
 3791 accordance with a format approved by the division. This page
 3792 must, in readable language: inform prospective purchasers
 3793 regarding their voting rights and unit use restrictions,
 3794 including restrictions on the leasing of a unit; indicate
 3795 whether and in what amount the unit owners or the association is
 3796 obligated to pay rent or land use fees for recreational or other
 3797 commonly used facilities; contain a statement identifying that
 3798 amount of assessment which, pursuant to the budget, would be
 3799 levied upon each unit type, exclusive of any special

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

580-02868-25

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3800 assessments, and which identifies the basis upon which
 3801 assessments are levied, whether monthly, quarterly, or
 3802 otherwise; state and identify any court cases in which the
 3803 association is currently a party of record in which the
 3804 association may face liability in excess of \$100,000; and state
 3805 whether membership in a recreational facilities association is
 3806 mandatory and, if so, identify the fees currently charged per
 3807 unit type. The division shall by rule require such other
 3808 disclosure as in its judgment will assist prospective
 3809 purchasers. The prospectus or offering circular may include more
 3810 than one cooperative, although not all such units are being
 3811 offered for sale as of the date of the prospectus or offering
 3812 circular. The prospectus or offering circular must contain the
 3813 following information:

3814 (7) A description of the recreational and other facilities
 3815 that will be used in common with other cooperatives, community
 3816 associations, or planned developments which require the payment
 3817 of the maintenance and expenses of such facilities, directly or
 3818 indirectly, by the unit owners. The description shall include,
 3819 but not be limited to, the following:

3820 (a) Each building and facility committed to be built and a
 3821 summary description of the structural integrity of each building
 3822 for which reserves are required pursuant to s. 719.106(1)(k).

3823 Descriptions shall include location, areas, capacities, numbers,
 3824 volumes, or sizes and may be stated as approximations or
 3825 minimums.

3827 (20) An estimated operating budget for the cooperative and
 3828 the association, and a schedule of the unit owner's expenses

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3829 shall be attached as an exhibit and shall contain the following
3830 information:

3831 (c) The estimated items of expenses of the cooperative and
3832 the association, except as excluded under paragraph (b),
3833 including, but not limited to, the following items, which shall
3834 be stated as an association expense collectible by assessments
3835 or as unit owners' expenses payable to persons other than the
3836 association:

- 3837 1. Expenses for the association and cooperative:
 - 3838 a. Administration of the association.
 - 3839 b. Management fees.
 - 3840 c. Maintenance.
 - 3841 d. Rent for recreational and other commonly used areas.
 - 3842 e. Taxes upon association property.
 - 3843 f. Taxes upon leased areas.
 - 3844 g. Insurance.
 - 3845 h. Security provisions.
 - 3846 i. Other expenses.
 - 3847 j. Operating capital.
 - 3848 k. Reserves for all applicable items referenced in s.
- 3849 719.106(1)(k).
 - 3850 1. Fee payable to the division.
 - 3851 2. Expenses for a unit owner:
 - 3852 a. Rent for the unit, if subject to a lease.
 - 3853 b. Rent payable by the unit owner directly to the lessor or
3854 agent under any recreational lease or lease for the use of
3855 commonly used areas, which use and payment are a mandatory
3856 condition of ownership and are not included in the common
3857 expense or assessments for common maintenance paid by the unit

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3858 owners to the association.

3859 Section 23. Except as otherwise provided in this act, this
3860 act shall take effect July 1, 2025.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

March 31, 2025

Senator Jason Brodeur, Chair
Senate Appropriations Committee on Agriculture, Environment, and General Government
416 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Brodeur:

I respectfully request that CS/SB 1742 be placed on the committee's agenda at your earliest convenience. This bill relates to condominium and cooperative associations.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Giovanni Betta, Staff Director
Julie Brass, Committee Administrative Assistant

REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

4/15/25

Meeting Date

1742

Bill Number or Topic

Ag, Enviro, Gen Govt

Committee

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

660470

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020

Street

Email travis@moore-relations.com

St. Petersburg FL

City

State

33731

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Community Associations Institute (CAI)

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1760

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government and Senator Grall

SUBJECT: Public Officers and Employees

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Favorable
2.	Davis	Betta	AEG	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1760 places additional citizenship and residency requirements on state executive branch officers and defines the term “office” for purposes of the constitutional prohibition on dual office-holding.

This bill is not expected to affect state or local government revenues or expenditures. See section V., Fiscal Impact Statement.

This bill takes effect July 1, 2025.

II. Present Situation:

Residency Requirements

A residency requirement is a mandate that certain public officers – elected and, in some cases, appointed—be residents of the area they serve or the area in which they work. Current law places specific residency requirements on the following public officers in Florida:

- Governor.¹
- Lieutenant Governor.²

¹ The Governor must be a state resident for seven years and an elector before being elected. FLA. CONST. art. IV, s. 5(b).

² The Lieutenant Governor must be a state resident for seven years and an elector before being elected. *Id.*

- Cabinet members (Attorney General, Chief Financial Officer, and Commissioner of Agriculture).³
- State legislators.⁴
- State attorneys.⁵
- Public defenders.⁶
- County commissioners.⁷
- School board members.⁸
- Judges (supreme court justices, district court of appeal judges, and circuit court judges).⁹

All candidates for state and county public office, except candidates for judicial office, must subscribe to an oath affirming they are qualified electors of their county at the time of qualifying for public office.¹⁰ In order to be a qualified elector, one must be a U.S. citizen and a resident of the state as well as the county in which he or she registers to vote.¹¹ The Division of Elections within the Department of State has opined that, unless otherwise provided by the State Constitution, statute, or court ruling, the qualifications one must possess for public office, including residency, are determined as of the commencement of the term of office.¹² Accordingly, county constitutional officers¹³ must be residents of the jurisdiction they serve at the time of assuming office.

Commissions

For purposes of ch. 20, F.S., a “commission” is “a body created by specific statutory enactment within a department,^[14] the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head

³ Cabinet members must be state residents for seven years and an elector before being elected. *Id.*

⁴ State legislators must be residents of the district from which they are elected, be an elector in the district from which they were elected, and have resided in Florida for at least two years prior to being elected. FLA. CONST. art. III, s. 15(c).

⁵ State attorneys must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. FLA. CONST. art. V, s. 17; *see also* Florida Division of Elections, *FAQ—Candidates*, <https://dos.fl.gov/elections/contacts/frequently-asked-questions/faq-candidates/> (last visited Mar. 23, 2025).

⁶ Public defenders must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. FLA. CONST. art. V, s. 18; *see also* Florida Division of Elections, *FAQ—Candidates*, <https://dos.fl.gov/elections/contacts/frequently-asked-questions/faq-candidates/> (last visited Mar. 27, 2025).

⁷ County commissioners must be residents of the district from which they are elected at the time of election. FLA. CONST. art. VIII, s. 1(e); *see also* Florida Division of Elections Opinion 94-04; *State v. Grassi*, 532 So.2d 1055 (Fla. 1988).

⁸ A school board member must be a resident of the district school board member residence area and be an elector in the district in which he or she serves at the time of qualifying. Sections 1001.34 and 1001.36, F.S.; *see also* Florida Division of Elections Opinion 94-04.

⁹ Judges must reside in the territorial jurisdiction of the court they serve and be an elector of the state at the time of assuming office. FLA. CONST. art. V, s. 8; *see also Advisory Opinion to the Governor*, 192 So. 2d 757 (Fla. 1966).

¹⁰ Section 99.021(1)(a)1., F.S. Note candidates for municipal office are not explicitly required by this statute to reside within the municipality in which they are running for office. Instead, residency requirements for municipal offices are typically established on a local level. *See Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Marina v. Leahy*, 578 So.2d 382 (Fla. 3rd DCA 1991); Florida Division of Elections Opinion 94-04.

¹¹ Section 97.041(1)(a), F.S.

¹² Florida Division of Elections Opinion 94-04.

¹³ The term “county constitutional officers” includes sheriffs, tax collectors, property appraisers, supervisors of elections, and clerks of circuit courts. FLA. CONST. art. VIII, s. 1(d).

¹⁴ “Department” means the principal administrative unit within the executive branch of state government. Section 20.03(8), F.S.

of the department or the Governor.”¹⁵ Commissions play an essential role, serving as regulatory oversight bodies across various policy areas. These entities are typically responsible for rulemaking, licensing, adjudicating disputes, or enforcing regulations.

Board of Trustees

For purposes of ch. 20, F.S., a “board of trustees” is a “board created by specific statutory enactment and appointed to function adjunctively to a department, the Governor, or the Executive Office of the Governor to administer public property or a public program.”¹⁶ While these entities may function within an executive department or under the Governor’s authority, they often operate with a degree of autonomy, making policy decisions and managing public programs in alignment with statutory mandates. Florida college boards of trustees are required to reside in the service delivery area of the college,¹⁷ while university boards of trustees do not have to reside in the state.¹⁸

The Board of Governors

The State University System of Florida consists of 12 public universities,¹⁹ each governed by an individual board of trustees.²⁰ The Board of Governors (BOG) is responsible for overseeing, regulating, and managing the entire State University System.²¹ Through its authority, the BOG ensures affordable access to higher education, promotes articulation with other educational institutions, and upholds fiscal responsibility and accountability across Florida’s public universities.²² The BOG consists of 17 members, 14 of which are “citizens” appointed by the Governor, subject to Senate confirmation.²³ The commissioner of education, the chair of the advisory council of faculty senates, and the president of the Florida student association are also members.²⁴

Licensing Boards

For purposes of ch. 20, F.S., a “licensing board” is “a board authorized to grant and revoke licenses to engage in regulated occupations.”²⁵ The boards are typically established to oversee and enforce standards within various professions, ensuring that practitioners meet the requisite qualifications and that those practitioners adhere to established ethical and professional guidelines. The boards are commonly composed of professionals licensed in the respective fields and members of the public who represent consumer interests.

¹⁵ Section 20.03(4), F.S.

¹⁶ Section 20.03(2), F.S. The definition specifically exempts boards created under ch. 253, F.S., relating to public lands and property.

¹⁷ FLA. CONST. art. IX, s. 8(c).

¹⁸ Section 1001.71(1), F.S.

¹⁹ Section 1000.21(9), F.S.; see State University System, *Universities*, <https://www.flbog.edu/universities/> (last visited Mar. 23, 2025).

²⁰ FLA. CONST. art. IX, s. 7(b), FLA. CONST.; s. 1001.71, F.S.

²¹ See FLA. CONST. art. IX, s. 7(d).

²² Section 20.155(4)(b), F.S.

²³ FLA. CONST. art. IX, s. 7(d); see s. 1001.70, F.S.

²⁴ FLA. CONST. art. IX, s. 7(d).

²⁵ Section 20.03(9), F.S.

Quasi-public Entities

Throughout the Florida Statutes, entities have been established that are neither entirely governmental in nature nor entirely private but possess traits from both the public and private sectors. These entities are often referred to as quasi-public entities (QPEs). The reasons for their establishment in law vary from entity to entity. Some are independent entities created to advance certain policy goals. For example, the Florida Housing Finance Corporation was created to finance or refinance housing and related facilities.²⁶ Others, like the Florida Healthy Kids Corporation²⁷ and Citizens Property Insurance Corporation,²⁸ are created to administer government programs or to achieve a particular outcome in the state or in a community.

Just as the purposes of these QPEs vary, so too do their structures. For example, some are nonprofit corporations established completely independent of government and others are for-profit corporations funded through methods that allow the entity to be entirely self-sufficient. The governing bodies of QPEs, usually a board of directors or board of trustees, vary, too. The membership of these boards ranges from government officials and political appointees to private sector representatives and board-elected members.

Executive Departments

Florida's executive branch structure is set forth in the State Constitution and further refined by statute. The State Constitution provides that "[a]ll functions of the executive branch of state government [must] be allotted to among not more than twenty-five departments," excluding those explicitly created or authorized by the Constitution.²⁹ A "department" is the principal administrative unit within the executive branch of state government.³⁰ Each department is headed by a secretary³¹ appointed by the Governor or an executive director³² appointed by the Governor and Cabinet or a board.³³ Additionally, some departments house subunits that function independently of their parent department.³⁴ These department heads and administrative officers play a critical role in policy implementation, program administration, and regulatory enforcement.

²⁶ Section 420.504(1), F.S.

²⁷ Florida Healthy Kids Corporation aims to improve children's health by providing comprehensive and affordable health insurance coverage. Section 624.91(2)(a), F.S.

²⁸ Citizens Property Insurance Corporation was created to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market. Section 627.351(6)(a)1., F.S.

²⁹ FLA. CONST. art. IV, s. 6.

³⁰ Section 20.03(8), F.S.

³¹ See s. 20.03(12), F.S.

³² See s. 20.03(10), F.S.

³³ For example, the executive director of the State Board of Administration is appointed by a majority vote of the Board of Trustees comprised of the Governor, the Chief Financial Officer, and the Attorney General. The Governor must vote on the prevailing side. Section 215.441, F.S.

³⁴ For example, the Division of Administrative Hearings is housed with the Department of Management Services but is not subject to the department's control, supervision, or direction. Section 120.65(1), F.S.

Dual Office-holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.³⁵ The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.³⁶ Neither the State Constitution nor the Legislature has defined the term “office,” leaving the court to establish its meaning through case law. Florida courts have interpreted the term “office” in opposition to the term “employment,” with the latter not being subject to prohibition on dual office-holding. An “office,” the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.³⁷ The term “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”³⁸ Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.³⁹

Despite the general prohibition, Florida courts have recognized an ex officio exception that allows an individual to perform additional official duties if those duties are assigned by legislative designation to the office itself rather than to the individual holding it, provided that the additional duties are consistent with those already exercised.⁴⁰ For example, county commissioners and school board members may also serve ex officio on a property appraisal adjustment board if the law assigns this responsibility to their office rather than to the individual, as their additional duties are consistent with their existing responsibilities. Additionally, the State Constitution explicitly exempts certain roles, such as notaries public, military officers, and members of advisory bodies from the dual office-holding prohibition.⁴¹

III. Effect of Proposed Changes:

Section 1 creates s. 20.71, F.S., effective October 1, 2025, to establish requirements of “U.S. citizenship” and “state residency” for individuals serving as:

- A member of a commission;
- A member of a licensing board;
- The chair of a governing board, or the chief executive of a statewide entity statutorily created for a public purpose or to carry out a government program, and that is not under the direct control of a governmental entity; or
- An appointee to state office.

³⁵ FLA. CONST. art. II, s. 5(a).

³⁶ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

³⁷ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

³⁸ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

³⁹ See Office of the Attorney General, *Dual Office-holding*,

<https://www.myfloridalegal.com/files/pdf/page/4FF72ECF62927EEA85256CC6007B4517/DualOfficeHoldingPamplet.pdf> (last visited Mar. 23, 2025).

⁴⁰ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981).

⁴¹ Members of a constitutional revision commission and taxation and budget reform commission are also exempt. FLA. CONST. art. II, s. 5(a).

Additionally, effective October 1, 2025, the bill requires the following individuals to be U.S. citizens, Florida residents, and reside in the same county as their respective department headquarters or within 75 miles of the department headquarters:

- A secretary of an executive branch department (this includes most executive branch secretaries, except the departments of Legal Affairs; Financial Services; Agriculture and Consumer Services; and those departments noted below).
- The executive director of a department (this includes the executive directors of the departments of Revenue; Law Enforcement; Highway Safety and Motor Vehicles; Veterans' Affairs; Elderly Affairs; and Citrus; the executive director of the State Board of Administration; the Commissioner of Education; and the Adjutant General of the Department of Military Affairs).
- The chief administrative officer of any unit of state government housed under an executive branch department for administrative purposes but is not subject to control, supervision, or direction of such department (this includes, but is not limited to, the executive directors of the Florida Gaming Control Commission; Florida Transportation Commission; Fish and Wildlife Conservation Commission; the director of the Agency for Persons with Disabilities; the Commissioner of Insurance Regulation; and the Commissioner of Financial Regulation, the Chief Judge of the Division of Administrative Hearings, the executive director of the Human Relations Commission, and the chair of the Public Employees Relations Commission).

Effective January 6, 2027, the bill requires:

- A member of a state university board of trustees to be a U.S. citizen and either a Florida resident or a graduate of the state university, the administration of which is overseen by such board of trustees.
- A member of the Board of Governors to be a U.S. citizen and either a Florida resident or a graduate of a [Florida] state university.

The office of an individual that does not meet the applicable residency and citizenship requirements under the bill is automatically deemed vacant.

Section 2 creates s. 112.31251, F.S., to define the term “office” for purposes of the constitutional restriction on dual office-holding in Florida. The term “office” is defined to mean any position in state, county, or municipal government that:

- Delegates to the individual holding the position a portion of sovereign power of the government;
- Requires the exercise of independent governmental authority performed in an official capacity rather than solely based upon a contractual or employment relationship;
- Has a prescribed tenure; and
- Exists independently of the individual holding the position.

The following offices are enumerated as positions that meet the definition of “office”:

- Governor, Lieutenant Governor, Cabinet officers;
- State senator and state representative;
- County commissioner, sheriff, tax collector, property appraiser, supervisor of elections, and clerk of circuit court;

- Member of the Board of Governors of the State University System;
- Member of a board of trustees for a state university;
- Member of a district school board;
- Member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature;
- Member of the Board of Governors for the Citizens Property Insurance Corporation;
- Member of the board of directors for the Florida Housing Finance Corporation;
- Member of the board of directors for the Florida Healthy Kids Corporation, other than the member nominated by the Florida Association of Counties and appointed by the Chief Financial Officer;
- Administrator or manager of a county, a municipality, corporation or the director of a county or municipal emergency management agency who exercises in his or her own right any sovereign power or any prescribed independent authority of a government nature;
- State, county, or municipal law enforcement officer with the authority to arrest without a warrant; and
- Any position that meets all criteria enumerated in s. 112.312519(1)(a), F.S.

The bill also exempts ex officio⁴² designations and employment positions from the definition of “office.” The bill defines “employment” to mean a relationship with a state, county, or municipal government where an individual does not exercise in his or her own right any sovereign power or any prescribed individual authority of a governmental nature.

Section 3 amends s. 1001.71, F.S., to delete a provision relating to university board of trustees state residency requirements which conforms to changes in the bill.

Section 4 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴² A person serving in an ex officio capacity serves “by virtue or because of an office.” Blacks Law Dictionary (12th ed. 2024).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Art. IX, section 7(d) of the State Constitution provides that the Board of Governors of the State University System will be comprised of fourteen *citizen members dedicated to the purposes of the state university system*. Similarly, Art. IX, section 7(c) of the State Constitution provides that each board of trustees of a state university will be comprised of six *citizen* members appointed by the governor and five *citizen* members appointed by the Board of Governors.

Art. II, section 5(b) of the State Constitution requires each state and county officer to affirm:

I do solemnly affirm that I will support, protect, and defend the Constitution and Government of the United States and 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 *the office on* which I am not about to enter. So help me God.⁴³

Since the State Constitution explicitly places citizenship, dedication to the purposes of the state university system, and senate confirmation requirements on these appointees, it is unclear whether the legislature may add other qualifications (i.e., residency) that must be met for the officer.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill is not expected to affect state or local government revenues or expenditures.

VI. Technical Deficiencies:

None identified.

⁴³ Article II, s. 5(b), Fla. Const. (emphasis added).

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 1001.71 of the Florida Statutes.

This bill creates sections 20.71 and 112.31251 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 Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:

The committee substitute:

- Specifies effective dates for the bill’s citizenship and residency requirements.
- As part of the citizenship and residency requirements:
 - Permits a secretary and executive director of a department, or the chief administrative officer of any unit of state government housed under a department for administrative purposes to reside within 75 miles of the department headquarters.
 - Allows a member of the State University System board of trustees to either be a graduate of the state university he or she oversees or a Florida resident.
 - Allows a member of the Board of Governors to either be a graduate of a state university or a Florida resident.
- Modifies the residency requirement for quasi-public entities to make them applicable only to the chairperson of the governing board or the chief executive officer.
- Removes local government attorneys from the dual-officeholding prohibition.

B. Amendments:

None.



484070

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 20.71, Florida Statutes, is created to
read:

20.71 Residency requirements.—Notwithstanding any other
law:

(1)(a) Effective October 1, 2025, each of the following
persons must be a United States citizen and a resident of this



484070

state:

1. A member of a commission.

2. A member of a licensing board.

3. The chair of the governing board, or the chief executive, of a statewide entity that is explicitly created or established by statute, regardless of its legal form, for a public purpose or to carry out a government program and that is not under the direct control of a governmental entity.

4. Any other person appointed to hold state office.

(b) If a person listed in subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not meet the requirements of paragraph (a), the office of such person is automatically deemed vacant.

(2)(a) Effective October 1, 2025, each of the following persons must be a United States citizen, must be a resident of this state, and must reside in the same county as his or her respective department headquarters or within 75 miles of the department headquarters:

1. The secretary of a department.

2. The executive director of a department.

3. The chief administrative officer of any unit of state government which is housed under a department for administrative purposes, but is not subject to the control, supervision, or direction of such department.

(b) If a person listed in subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not meet the requirements of paragraph (a), the office of such person is automatically deemed vacant.

(3) Effective January 6, 2027, each member of a state



484070

university board of trustees must be a United States citizen and either a resident of this state or a graduate of the state university, the administration of which is overseen by such board of trustees.

(4) Effective January 6, 2027, each member of the Board of Governors must be a United States citizen and either a resident of this state or a graduate of a state university as defined in s. 1000.21. If any member of the Board of Governors does not meet the requirements of this subsection, such member's office is automatically deemed vacant.

Section 2. Section 112.31251, Florida Statutes, is created to read:

112.31251 Definition of the term "office."—

(1)(a) For purposes of s. 5(a), Art. II of the State Constitution, the term "office," when referring to an office in this state, means any position in state, county, or municipal government which all of the following apply:

1. Delegates to the individual holding such position a portion of the sovereign power of the government.

2. Requires the exercise of independent governmental authority, which is performed in an official capacity and is not based solely on a contractual or employment relationship.

3. Has a prescribed tenure.

4. Exists independently of the individual holding such position.

(b) The term "office" includes, but is not limited to, each of the following positions:

1. The Governor.

2. The Lieutenant Governor.



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3. A member of the Cabinet.
4. A state senator.
5. A state representative.
6. A county commissioner.
7. A sheriff.
8. A tax collector.
9. A property appraiser.
10. A supervisor of elections.
11. A clerk of the circuit court.
12. A member of the Board of Governors of the State University System.
13. A member of a board of trustees for a state university.
14. A member of a district school board.
15. A member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature.
16. A member of the Board of Governors for the Citizens Property Insurance Corporation established under s. 627.351(6).
17. A member of the board of directors for the Florida Housing Finance Corporation established under s. 420.504.
18. A member of the board of directors for the Florida Healthy Kids Corporation established under s. 624.91, other than the member appointed pursuant to s. 624.91(6)(a)9.
19. An administrator or a manager of a county, a municipality, or a corporation established under s. 420.504, s. 624.91, or s. 627.351(6) who exercises in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.
20. The director of a county or municipal emergency



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management agency who exercises in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

21. A state, county, or municipal law enforcement officer with the authority to arrest without a warrant.

22. Any position that meets all the criteria enumerated in paragraph (a).

(2) The term "office" does not include either of the following:

(a) A legislative designation of an officer to perform ex officio the functions of another office; or

(b) The position of an individual whose relationship with a state, county, or municipal government is considered employment. For purposes of this paragraph, the term "employment" means a relationship with a state, county, or municipal government where an individual does not exercise in his or her own right any sovereign power or any prescribed independent authority of a governmental nature.

Section 3. Subsection (1) of section 1001.71, Florida Statutes, is amended to read:

1001.71 University boards of trustees; membership.—

(1) Pursuant to s. 7(c), Art. IX of the State Constitution, each local constituent university shall be administered by a university board of trustees comprised of 13 members as follows: 6 citizen members appointed by the Governor subject to confirmation by the Senate; 5 citizen members appointed by the Board of Governors subject to confirmation by the Senate; the chair of the faculty senate or the equivalent; and the president of the student body of the university. The appointed members



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shall serve staggered 5-year terms. In order to achieve staggered terms, beginning July 1, 2003, of the initial appointments by the Governor, 2 members shall serve 2-year terms, 3 members shall serve 3-year terms, and 1 member shall serve a 5-year term and of the initial appointments by the Board of Governors, 2 members shall serve 2-year terms, 2 members shall serve 3-year terms, and 1 member shall serve a 5-year term. ~~There shall be no state residency requirement~~ For university board members, ~~but~~ the Governor and the Board of Governors shall consider diversity and regional representation. Beginning July 2, 2020, for purposes of this subsection, regional representation shall include the chair of a campus board established pursuant to s. 1004.341.

Section 4. This act shall take effect July 1, 2025.

===== 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 public officers and employees;
creating s. 20.71, F.S.; requiring that, beginning on
a specified date, members of commissions and licensing
boards, chairs of governing boards or certain chief
executives, or any persons appointed to hold state
office be United States citizens and residents of this
state; requiring that, beginning on a specified date,
secretaries and executive directors of departments and
certain chief administrative officers be United States



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citizens and be residents of, and reside in, specified areas; requiring that, beginning on a specified date, members of the board of trustees for state universities be United States citizens and residents of this state or graduates of the state university that the board oversees; requiring that, beginning on a specified date, members of the Board of Governors of the State University System be United States citizens and residents of this state or have graduated from a state university; providing that if any such requirements are not met, the office is deemed vacant; creating s. 112.31251, F.S.; defining the term "office" for purposes of s. 5(a), Art. II of the State Constitution; defining the term "employment"; amending s. 1001.71, F.S.; conforming a provision to changes made by the act; providing an effective date.

By Senator Grall

29-01046A-25

20251760

1 A bill to be entitled
 2 An act relating to public officers and employees;
 3 creating s. 20.70, F.S.; requiring certain public
 4 officers and employees to be United States citizens
 5 and residents of this state, and, for specified public
 6 officers and employees, to reside in a certain county;
 7 creating s. 112.31251, F.S.; defining the term
 8 "office" for purposes of s. 5(a), Art. II of the State
 9 Constitution; defining the term "employment";
 10 providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Section 20.70, Florida Statutes, is created to
 15 read:
 16 20.70 Residency requirements.—Notwithstanding any other
 17 law:
 18 (1) All of the following persons must be United States
 19 citizens and residents of this state:
 20 (a) A member of a commission.
 21 (b) A member of a board of trustees.
 22 (c) A member of the Board of Governors.
 23 (d) A member of a licensing board.
 24 (e) A member of a governing board or the chief executive of
 25 a statewide entity that is explicitly created or established by
 26 statute, regardless of its legal form, for a public purpose or
 27 to effectuate a government program and which is not under the
 28 direct control of a governmental entity.
 29 (f) Any other person appointed to hold state office.

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

29-01046A-25

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30 (2) All of the following persons must be United States
 31 citizens, be residents of this state, and reside in the same
 32 county as their respective departments' headquarters:
 33 (a) The secretary of a department.
 34 (b) The executive director of a department of the executive
 35 branch.
 36 (c) The chief administrative officer of any unit of state
 37 government that is housed under a department for administrative
 38 purposes but is not subject to the control, supervision, or
 39 direction of such department.
 40 Section 2. Section 112.31251, Florida Statutes, is created
 41 to read:
 42 112.31251 Definition of the term "office."—
 43 (1) (a) For purposes of s. 5(a), Art. II of the State
 44 Constitution, the term "office," when referring to an office in
 45 this state, means any position in state, county, or municipal
 46 government that:
 47 1. Delegates to the individual holding such position a
 48 portion of the sovereign power of the government.
 49 2. Requires the exercise of independent governmental
 50 authority, which is performed in an official capacity and is not
 51 based solely on a contractual or employment relationship.
 52 3. Has a prescribed tenure.
 53 4. Exists independently of the individual holding such
 54 position.
 55 (b) The term includes, but is not limited to, all of the
 56 following positions:
 57 1. The Governor.
 58 2. The Lieutenant Governor.

Page 2 of 4

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

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- 59 3. A member of the Cabinet.
 60 4. A state senator.
 61 5. A state representative.
 62 6. A county commissioner.
 63 7. A sheriff.
 64 8. A tax collector.
 65 9. A property appraiser.
 66 10. A supervisor of elections.
 67 11. A clerk of the circuit court.
 68 12. A member of the Board of Governors of the State
 69 University System.
 70 13. A member of a board of trustees for a state university.
 71 14. A member of a district school board.
 72 15. A county or municipal administrator.
 73 16. A county or municipal attorney.
 74 17. The director of a county or municipal emergency
 75 management agency.
 76 18. A member of a state, county, or municipal board or
 77 commission that exercises governmental authority and is not
 78 purely advisory in nature.
 79 19. A member of the board of the Citizens Property
 80 Insurance Corporation established under s. 627.351(6).
 81 20. A member of the board of the Florida Housing Finance
 82 Corporation established under s. 420.504.
 83 21. A member of the board of the Florida Healthy Kids
 84 Corporation established under s. 624.91.
 85 (2) The term "office" does not include either of the
 86 following:
 87 (a) A legislative designation of an officer to perform ex

Page 3 of 4

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

29-01046A-25

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- 88 officio the functions of another office; or
 89 (b) The position of an individual whose relationship with a
 90 state, county, or municipal government is considered employment.
 91 For purposes of this subsection, the term "employment" means a
 92 relationship with a state, county, or municipal government where
 93 an individual does not exercise in his or her own right any
 94 sovereign power or any prescribed independent authority of a
 95 governmental nature.
 96 Section 3. This act shall take effect July 1, 2025.

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



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: March 25, 2025

I respectfully request that **Senate Bill #1760**, relating to Public Officers and Employees, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Appropriations Committee on Agriculture, Environment and General Government

Judge:

Started: 4/15/2025 12:31:39 PM

Ends: 4/15/2025 2:15:48 PM

Length: 01:44:10

12:31:42 PM Sen. Brodeur (Chair)
12:32:40 PM S 80
12:32:42 PM Sen. Harrell
12:38:41 PM Sen. Brodeur
12:38:49 PM Chadwick Leonard, Lobbyist, 1000 Friends of Florida
12:39:53 PM Katherine Ross
12:42:10 PM Dylan Lovings
12:44:53 PM Elizabeth Ross (waives in support)
12:44:58 PM Elizabeth Alvi, Lobbyist, Audubon Florida (waives in support)
12:45:04 PM Jacqueline Larson, Lobbyist, Florida Shore and Beach Reservation Association (waives in support)
12:45:08 PM Samantha Kaddis, Lobbyist, The CLEO Institute (waives in support)
12:45:12 PM JP Bell, Lobbyist, Florida Realtors Association (waives in support)
12:45:21 PM Rick Kendust, Lobbyist, Florida Wildlife Federation (waives in support)
12:45:25 PM Alyssa White, Climate Justice Organizer, Florida Student Power
12:46:51 PM Julia Colarossi, Lobbyist, Florida Student Power (waives in support)
12:46:55 PM Emily Herrera
12:49:07 PM Victoria Rivera
12:50:11 PM Sen. Brodeur
12:50:18 PM Sen. Harrell
12:50:52 PM Sen. Brodeur
12:51:24 PM S 200
12:51:29 PM Sen. Berman
12:51:59 PM Sen. Brodeur
12:52:05 PM Keyna Cory, Lobbyist, Florida Chapter of the National Waste and Recycling Association (waives in support)
12:52:11 PM Lance Lozano, Lobbyist, Palm Beach County Solid Waste Authority (waives in support)
12:52:17 PM Jared Grigas, Lobbyist, Florida Association of Counties (waives in support)
12:52:24 PM Jim Magill, Lobbyist, Florida Recyclers Association (waives in support)
12:52:29 PM Sen. Brodeur
12:52:37 PM Sen. Berman
12:52:49 PM Sen. Brodeur
12:53:21 PM S 496
12:53:25 PM Sen. McClain
12:54:09 PM Sen. Brodeur
12:54:14 PM Gary Hunter, Lobbyist, American Resort Development Association (waives in support)
12:54:18 PM Colton Madill, Lobbyist, Florida Chamber of Commerce (waives in support)
12:54:23 PM Cameron Fink, Lobbyist, Associated Industries of Florida (waives in support)
12:54:30 PM Sen. Brodeur
12:54:33 PM Sen. McClain
12:54:36 PM Sen. Brodeur
12:55:07 PM S 1404
12:55:15 PM Sen. Simon
12:55:18 PM Sen. Brodeur
12:55:20 PM Sen. Simon
12:55:21 PM Sen. Brodeur
12:55:22 PM Am. 766556
12:55:27 PM Sen. Simon
12:57:15 PM Sen. Brodeur
12:57:31 PM S 1404 (cont.)
12:57:36 PM Sen. Brodeur
12:57:39 PM Sen. Pizzo
12:58:24 PM Sen. Simon

12:58:47 PM	Sen. Pizzo
12:59:16 PM	Sen. Simon
12:59:55 PM	Sen. Pizzo
1:00:15 PM	Sen. Simon
1:00:36 PM	Sen. Pizzo
1:01:10 PM	Sen. Simon
1:01:17 PM	Sen. Brodeur
1:01:20 PM	Sen. Berman
1:01:30 PM	Sen. Simon
1:02:10 PM	Sen. Berman
1:02:44 PM	Sen. Simon
1:03:11 PM	Sen. Berman
1:03:17 PM	Sen. Simon
1:03:36 PM	Sen. Berman
1:03:45 PM	Sen. Simon
1:04:06 PM	Sen. Berman
1:04:14 PM	Sen. Simon
1:04:21 PM	Sen. Brodeur
1:04:33 PM	Bill Helmich, Lobbyist, VFW American Legion
1:06:42 PM	Frank Roycraft
1:08:42 PM	Stuart Scott, American Legion
1:10:09 PM	Ross Marshman, Acting Executive Director, Florida Gaming Control Commission (waives in support)
1:10:12 PM	Eric King (waives in opposition)
1:10:16 PM	Ralph Haben, Lobbyist, Victory Casino Cruise (waives in support)
1:10:21 PM	Jim Dietrich (waives in opposition)
1:10:26 PM	Donald Westfall (waives in opposition)
1:10:32 PM	Dan Karth (waives in opposition)
1:10:36 PM	Richey Leamer (waive in opposition)
1:10:41 PM	Shelly Jefferson (waives in opposition)
1:10:45 PM	Cynthia Luskuush (waives in opposition)
1:10:57 PM	Jim Magill, Lobbyist, Action Investment Group, LLC
1:11:22 PM	Gale Fontaine (waives in opposition)
1:11:28 PM	Aaron DiPietro, Lobbyist, Florida Family Voice (waives in support)
1:11:34 PM	Sen. Brodeur
1:11:37 PM	Sen. Pizzo
1:12:50 PM	Sen. Brodeur
1:12:53 PM	Sen. Burton
1:13:10 PM	Sen. Brodeur
1:13:13 PM	Sen. Simon
1:13:55 PM	Sen. Brodeur
1:14:29 PM	S 622
1:14:36 PM	Sen. Rodriguez
1:15:12 PM	Sen. Brodeur
1:15:15 PM	Sen. Pizzo
1:15:26 PM	Sen. Rodriguez
1:15:31 PM	Sen. Pizzo
1:15:42 PM	Sen. Rodriguez
1:15:45 PM	Sen. Brodeur
1:15:50 PM	Sen. Rodriguez
1:15:54 PM	Sen. Brodeur
1:16:22 PM	S 712
1:16:29 PM	Sen. Grall
1:16:33 PM	Sen. Brodeur
1:16:36 PM	Am. 398732
1:16:42 PM	Sen. Grall
1:18:16 PM	Sen. Brodeur
1:18:23 PM	Am. 574482
1:18:28 PM	Sen. Grall
1:18:40 PM	Sen. Brodeur
1:18:49 PM	Am. 398732 (cont.)
1:18:57 PM	Sen. Berman
1:19:04 PM	Sen. Grall

1:19:21 PM Sen. Berman
1:19:30 PM Sen. Grall
1:19:49 PM Sen. Brodeur
1:19:59 PM Cameron Fink, Lobbyist, Associated Industries of Florida
1:20:55 PM Trey Price, Lobbyist, National Elevator Industry (waives in support)
1:21:01 PM Dallas Thiesen, Lobbyist, Florida Swimming Pool Association
1:22:37 PM Michael Leonard, REX Lumber
1:25:20 PM Sen. Brodeur
1:25:24 PM Sen. Pizzo
1:25:27 PM M. Leonard
1:25:30 PM Sen. Pizzo
1:25:34 PM M. Leonard
1:25:37 PM Sen. Brodeur
1:25:45 PM Brittany Varn, Florida Forestry Association
1:28:05 PM Doug Bell, Lobbyist, Associated General Contractors (waives in support)
1:28:18 PM Sen. Brodeur
1:28:20 PM Sen. Grall
1:28:22 PM Sen. Brodeur
1:28:24 PM S 712 (cont.)
1:28:34 PM Doug Bell, Lobbyist, Associated General Contractors (waives in support)
1:28:37 PM Jeff Saarekey, Lobbyist, SpaceX (waives in support)
1:28:41 PM Carol Bowen, Lobbyist, Associated Builders and Contractors of Florida (waives in support)
1:28:45 PM Carol Bowen, Lobbyist, Synthetic Turf Council (waives in support)
1:28:51 PM Chris Dawson, Lobbyist, Florida Roofing and Sheet Metal Contractors Association (waives in support)
1:28:55 PM Sen. Brodeur
1:28:58 PM Sen. Grall
1:29:30 PM Sen. Brodeur
1:30:11 PM S 1742
1:30:18 PM Sen. Bradley
1:32:52 PM Sen. Brodeur
1:32:54 PM Am. 660470
1:32:58 PM Sen. Bradley
1:33:28 PM Sen. Brodeur
1:33:33 PM Travis Moore, Lobbyist, Community Associations Institute (waives in support)
1:33:40 PM Sen. Brodeur
1:33:46 PM S 1742 (cont.)
1:33:54 PM Sen. Berman
1:34:28 PM Sen. Bradley
1:36:00 PM Sen. Brodeur
1:36:15 PM Sen. Pizzo
1:36:48 PM Sen. Brodeur
1:36:51 PM Sen. DiCeglie
1:37:22 PM Sen. Brodeur
1:37:25 PM Sen. Rodriguez
1:37:51 PM Sen. Brodeur
1:37:57 PM Sen. Bradley
1:39:00 PM Sen. Brodeur
1:39:31 PM S 1574
1:39:36 PM Sen. DiCeglie
1:40:13 PM Sen. Brodeur
1:40:17 PM Sen. Berman
1:40:33 PM Sen. DiCeglie
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1:42:27 PM Sen. Berman
1:42:36 PM Sen. DiCeglie
1:42:46 PM Sen. Brodeur
1:42:53 PM Colton Madill, Lobbyist, Florida Chamber of Commerce (waives in support)

1:42:58 PM	Cameron Fink, Lobbyist, Associated Industries of Florida (waives in support)
1:43:02 PM	Keyna Cory, Lobbyist, Florida Chapter of the National Waste and Recycling Association (waive in support)
1:43:07 PM	Dale Calhoun, Lobbyist, Florida Natural Gas Association (waives in support)
1:43:12 PM	Sen. Brodeur
1:43:18 PM	Sen. DiCeglie
1:43:21 PM	Sen. Brodeur
1:43:56 PM	S 1580
1:43:58 PM	Sen. Rodriguez
1:44:14 PM	Sen. Brodeur
1:44:23 PM	Sen. Rodriguez
1:44:26 PM	Sen. Brodeur
1:44:53 PM	S 1760
1:44:57 PM	Sen. Grall
1:45:00 PM	Sen. Brodeur
1:45:02 PM	Am. 484070
1:45:07 PM	Sen. Grall
1:45:37 PM	Sen. Brodeur
1:45:42 PM	Sen. Berman
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1:46:58 PM	Sen. Brodeur
1:47:06 PM	Sen. Grall
1:47:08 PM	Sen. Brodeur
1:47:12 PM	S 1760 (cont.)
1:47:24 PM	Sen. Pizzo
1:47:43 PM	Sen. Brodeur
1:47:47 PM	Sen. Grall
1:48:42 PM	Sen. Brodeur
1:49:21 PM	S 820
1:49:23 PM	Sen. Yarborough
1:51:09 PM	Sen. Brodeur
1:51:11 PM	Sen. Burton
1:51:27 PM	Sen. Yarborough
1:51:31 PM	Sen. Burton
1:51:51 PM	Sen. Yarborough
1:52:48 PM	Sen. Burton
1:53:07 PM	Sen. Yarborough
1:53:18 PM	Sen. Burton
1:53:26 PM	Sen. Yarborough
1:53:45 PM	Sen. Brodeur
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1:56:22 PM	Sen. Berman
1:56:38 PM	Sen. Yarborough
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1:57:35 PM	Sen. Yarborough
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1:58:03 PM	Sen. Pizzo
1:58:11 PM	Sen. Yarborough
1:58:32 PM	Sen. Pizzo
1:59:04 PM	Sen. Yarborough
1:59:10 PM	Sen. Pizzo
1:59:24 PM	Sen. Yarborough
1:59:31 PM	Sen. Pizzo

1:59:34 PM	Sen. Yarborough
1:59:39 PM	Sen. Brodeur
1:59:43 PM	John Labriola, Lobbyist, Christian Family Coalition Florida (waives in support)
1:59:48 PM	Aaron DiPietro, Lobbyist, Florida Family Voice
2:01:57 PM	Sen. Brodeur
2:02:04 PM	Sen. Sharief
2:02:37 PM	Sen. Brodeur
2:02:40 PM	Sen. Arrington
2:03:18 PM	Sen. Brodeur
2:03:20 PM	Sen. Pizzo
2:05:02 PM	Sen. Brodeur
2:05:03 PM	Sen. Berman
2:06:06 PM	Sen. Brodeur
2:06:07 PM	Sen. Burton
2:08:03 PM	Sen. Brodeur
2:08:05 PM	Sen. Grall
2:10:50 PM	Sen. Brodeur
2:10:51 PM	Sen. Collins
2:12:32 PM	Sen. Brodeur
2:12:36 PM	Sen. Yarborough
2:14:23 PM	Sen. Brodeur
2:15:01 PM	Sen. Pizzo
2:15:04 PM	Sen. Brodeur
2:15:06 PM	Sen. Collins
2:15:09 PM	Sen. Brodeur
2:15:10 PM	Sen. Burton
2:15:13 PM	Sen. Brodeur