

Agenda Order

Tab 1	SB 936 by Davis; Identical to H 00827 Statewide Study on Automation and Workforce Impact					
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Tab 2	CS/SB 1264 by CM, Collins; Compare to H 00753 Rural and Urban Business Enterprises					
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435260	A	S	LRCS	ATD, Collins	Delete L.550 - 600.	04/16 03:50 PM
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Tab 3	CS/SB 1348 by TR, Trumbull; Similar to CS/CS/H 00961 Department of Highway Safety and Motor Vehicles					
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433154	A	S	RCS	ATD, Trumbull	Before L.41:	04/16 03:47 PM
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539458	A	S	RCS	ATD, Ingoglia	Before L.41:	04/16 03:47 PM
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388348	A	S	RCS	ATD, Collins	Delete L.140 - 162:	04/16 03:47 PM
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Tab 4	CS/SB 1524 by GO, Grall; Similar to CS/H 01011 Department of State					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS COMMITTEE ON TRANSPORTATION,
TOURISM, AND ECONOMIC DEVELOPMENT
Senator DiCeglie, Chair
Senator Polsky, Vice Chair

MEETING DATE: Tuesday, April 15, 2025
TIME: 8:30 a.m.—12:00 noon
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator DiCeglie, Chair; Senator Polsky, Vice Chair; Senators Arrington, Avila, Bernard, Collins, Grall, Ingoglia, Leek, Martin, McClain, Sharief, Smith, Truenow, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 936 Davis (Identical H 827)	Statewide Study on Automation and Workforce Impact; Requiring the Bureau of Workforce Statistics and Economic Research of the Department of Commerce to study the economic impact of automation, artificial intelligence, and robotics on employment in the state; authorizing the bureau to consult with specified entities to complete the study; requiring the bureau to submit to the Governor and Legislature a report by a specified date, etc. CM 03/31/2025 Favorable ATD 04/15/2025 Favorable FP	Favorable Yeas 15 Nays 0
2	CS/SB 1264 Commerce and Tourism / Collins (Compare H 753, H 1125, H 1185, S 896, S 1532, S 1694)	Rural and Urban Business Enterprises; Revising the purpose of the Department of Commerce; requiring that the statewide emergency shelter plan identify the general location and square footage of special needs shelters by regional planning council regions, as such regions existed on a specified date, during the next 5 years; deleting the definition of the term “minority business enterprise”; establishing the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department of Commerce; requiring the department to authorize the Department of Revenue to issue tax credits to a qualifying private fund if certain requirements are met; requiring the department to issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue, etc. CM 03/31/2025 Fav/CS ATD 04/15/2025 Fav/CS RC	Fav/CS Yeas 13 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Transportation, Tourism, and Economic Development
Tuesday, April 15, 2025, 8:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 1348 Transportation / Trumbull (Similar CS/H 961)	Department of Highway Safety and Motor Vehicles; Authorizing tax collectors to deliver by mail or make available at the tax collector's office certificates of title; authorizing the department and tax collectors, as agents of the department, to deliver certain documents, including duplicate registration certificates, in person or by mail; revising the year by which the Legislature intends that the transition of certain services to certain tax collectors be completed; authorizing the issuance of a Class E driver license to certain persons, if eligible, etc. TR 04/01/2025 Fav/CS ATD 04/15/2025 Fav/CS AP	Fav/CS Yeas 15 Nays 0
4	CS/SB 1524 Governmental Oversight and Accountability / Grall (Similar CS/H 1011, Compare S 1414)	Department of State; Repealing a provision relating to a fee for commissions issued by the Governor; prohibiting commissions from being issued by the Governor, attested to by the Secretary of State, or bearing the seal of the state until the oath of office is filed as required; revising duties of the State Library Council; requiring the Secretary of State to identify whether construction grant funds meet certain criteria and are used for certain purposes; revising the membership of the Florida Council on Arts and Culture, etc. GO 04/01/2025 Fav/CS ATD 04/15/2025 Temporarily Postponed RC	Temporarily Postponed

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 Transportation, Tourism, and Economic Development

BILL: SB 936

INTRODUCER: Senator Davis

SUBJECT: Statewide Study on Automation and Workforce Impact

DATE: April 15, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dike</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
2.	<u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 936 requires the Bureau of Workforce Statistics and Economic Research (bureau) at the Department of Commerce (department) to perform a statewide study on the effects of automation, robotics, and AI on the state’s workforce. The study must analyze specified information and impacts and must be conducted every three years so the bureau can update its policy recommendations.

The bill does not appear to have a fiscal impact to the department. **See Section V. Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Automation, Robotics, and AI in the Workforce

Since the Industrial Revolution, the issue of machines replacing humans in the workplace has become increasingly concerning to the workforce.¹ There is increasing evidence that automation of lower skill occupations has contributed to wage inequality.² Although the use of robotics is lower in the U.S. than other countries, the estimates of one study on automation in the workforce “imply that each additional robot per thousand workers reduces the local employment-to-population ratio by 0.39 percentage points and wages by about 0.77 percent.”³ Other researchers

¹ Sara Brown, MIT, *A New Study Measures the Actual Impact of Robots on Jobs. It’s Significant.*, available at <https://mitsloan.mit.edu/ideas-made-to-matter/a-new-study-measures-actual-impact-robots-jobs-its-significant> (last visited Mar. 28, 2025).

² Daron Acemoglu and Pascual Restrepo, *Robots and Jobs: Evidence from US Labor Markets*, 128:6 J. POL. ECON. 2188, 2189, available at <https://www.journals.uchicago.edu/toc/jpe/2020/128/6> (last visited Mar. 28, 2025).

³ *Id.* at 2241.

“found that for every robot added per 1,000 workers in the U.S., wages decline by 0.42 percent and the employment-to-population ratio goes down by 0.2 percentage points — to date, this means the loss of about 400,000 jobs.”⁴

Regarding Florida specifically, rapid advances in technology may threaten the availability of jobs. One study “estimates that the Miami metropolitan statistical area (MSA), which includes Miami-Dade, Broward, and Palm Beach counties, will likely see about 23 percent of its total workforce displaced by automation by 2030 — or 761,000 South Florida jobs.”⁵ Another study found that “43.4 percent of jobs across Florida had a high risk of automation in 2023.”⁶ Further, a survey by the Florida Chamber Foundation shows that 77 percent of industry leaders “anticipate changes in core technologies, workforce generational shifts, or artificial intelligence will disrupt their business.”⁷

Meanwhile, proponents of AI argue that it can make businesses work more efficiently by automating routine operations and letting workers focus on more important tasks.⁸ Businesses can use AI to communicate with even more clients and customers than possible with just human efforts.⁹ Moreover, some research on laborers who work alongside automation shows that those workers have higher wages than those workers that do not have the same computer literacy skills.¹⁰

III. Effect of Proposed Changes:

Definitions

The bill defines the term “artificial intelligence” to mean a machine-based learning system that can, for a given set of human-defined objectives make predictions, recommendations, or decisions influencing real or virtual environments. An artificial intelligence system uses machine and human-based inputs to:

- Perceive real and virtual environments.
- Abstract perceptions into models through analysis in an automated manner.
- Model inferences to formulate options for information or action.

⁴ Brown, *supra* note 1.

⁵ Rob Wile, MIAMI HERALD, *Nearly 1 million South Florida workers face automation. Here’s who will survive.*, available at <https://www.miamiherald.com/news/business/article232600937.html> (last visited Mar. 28, 2025).

⁶ Melanie Schmees and John Shannon, Issue Brief: Automation in Southwest Florida, available at <https://www.fgcu.edu/cob/eri/news/reports/issue-brief-automation-in-southwest-florida> (last visited Mar. 28, 2025).

⁷ FLORIDA CHAMBER FOUND., *Florida Workforce 2030*, available at https://www.flchamber.com/wp-content/uploads/2020/02/Florida-Workforce-2030-Report_FINAL_web.pdf (last visited Mar. 28, 2025).

⁸ Tyler Weitzman, FORBES, *Understanding The Benefits And Risks Of Using AI In Business*, available at <https://www.forbes.com/councils/forbesbusinesscouncil/2023/03/01/understanding-the-benefits-and-risks-of-using-ai-in-business/> (last visited Mar. 28, 2025).

⁹ *Id.*

¹⁰ Ashley Nunes, HARV. BUS. REV., *Automation Doesn’t Just Create or Destroy Jobs—It Transforms Them*, available at <https://hbr.org/2021/11/automation-doesnt-just-create-or-destroy-jobs-it-transforms-them> (last visited Mar. 28, 2025).

Statewide Study on Automation

Under the bill, the bureau must study the economic impact of automation, AI, and robotics on employment in the state, focusing on job losses and gains due to AI and automation.

By December 1, 2025, and every three years after that, the bureau must submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bureau must conduct the study every three years to update its policy recommendations.

The study must analyze:

- Industries most affected and projected job displacement over the next ten years due to the use of AI.
- Geographic regions within this state most vulnerable to job loss or displacement.
- Demographics of workers that are most at risk.
- Impact on wages and job quality in key job sectors.
- Economic benefits, including productivity growth and job creation.
- Workforce training programs addressing job loss or displacement.
- Policy recommendations for workforce resilience, including education and retraining investments.
- The rate and scale of job loss or displacement caused specifically by AI compared to other forms of automation.

When executing this study, the bureau may consult with:

- Business and industry representatives.
- Academic institutions with labor economics expertise.
- Local economic councils and chambers of commerce.
- Any groups the bureau deems necessary to complete the study.

Effective Date

The bill sets out 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The study will marginally increase the workload of the bureau; however, the costs of which can likely be absorbed by the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Appropriations Committee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: March 31, 2025

I respectfully request that **Senate Bill # 936**, relating to a Statewide Study on Automation and Workforce Impact, be placed on the:

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

Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read "Tracie Davis", written over a horizontal line.

Senator Tracie Davis
Florida Senate, District 5

By Senator Davis

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A bill to be entitled

An act relating to a statewide study on automation and workforce impact; defining the term "artificial intelligence"; requiring the Bureau of Workforce Statistics and Economic Research of the Department of Commerce to study the economic impact of automation, artificial intelligence, and robotics on employment in the state; specifying contents of the study; authorizing the bureau to consult with specified entities to complete the study; requiring the bureau to submit to the Governor and Legislature a report by a specified date; requiring the bureau to conduct the study at specified intervals of time; providing an effective date.

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

Section 1. Statewide Study on Automation and Workforce Impact.

(1) As used in this section, the term "artificial intelligence" or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. An artificial intelligence system uses machine and human-based inputs to:

(a) Perceive real and virtual environments.

(b) Abstract perceptions into models through analysis in an automated manner.

(c) Model inferences to formulate options for information

Page 1 of 3

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or action.

(2) The Bureau of Workforce Statistics and Economic Research of the Department of Commerce shall study the economic impact of automation, AI, and robotics on employment in the state, with a specific focus on job losses and gains due to AI and automation.

(3) The study shall analyze:

(a) Industries most affected and projected job displacement over the next 10 years, particularly due to use of AI.

(b) Geographic regions within this state most vulnerable to job loss or displacement.

(c) Demographics of workers that are most at risk.

(d) Impact on wages and job quality in key job sectors.

(e) Economic benefits, including productivity growth and job creation.

(f) Workforce training programs addressing job loss or displacement.

(g) Policy recommendations for workforce resilience, including education and retraining investments.

(h) The rate and scale of job loss or displacement caused specifically by AI compared to other forms of automation.

(4) The bureau may consult with:

(a) Business and industry representatives.

(b) Academic institutions with labor economics expertise.

(c) Local economic councils and chambers of commerce.

(d) Any groups the bureau deems necessary to complete the study.

(5) The bureau must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a

Page 2 of 3

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59 report of its findings and recommendations by December 1, 2025,
60 and every 3 years thereafter pursuant to subsection (6).

61 (6) The bureau must conduct the study every 3 years to
62 assess automation's impact on the workforce and to update its
63 policy recommendations.

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

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 Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 1264

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development, Commerce and Tourism Committee and Senator Collins

SUBJECT: Rural and Urban Business Enterprises

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Nortelus</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1264 makes several changes relating to business enterprises. Specifically, the bill:

- Repeals and replaces statutory references to minority business enterprises with “certified rural or urban business enterprises,” which are defined as businesses located in a defined geographic area where either the per capita income in the area is less than 80 percent of Florida’s per capita income or the unemployment rate in the area is greater than the unemployment rate for Florida by more than 1 percent over the previous 24 months.
- Repeals regional planning councils and allows local governments to enter into agreements to form regional planning entities.
- Includes business development in rural or urban areas as one of the programs the Department of Commerce (department) must implement.
- Revises the department’s Division of Economic Development’s (division) responsibilities to require the division to establish the Office of Secure Florida, which is responsible for administering and enforcing E-Verify, employment authorization compliance, and the prohibition against the purchase and registration of real property in Florida by foreign principals.
- Revises the information required in the department’s annual incentives report to include a description of trends relating to business interest in and usage of the various incentives and the number of small businesses and businesses in rural or urban areas receiving incentives.
- Creates the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the department to increase venture capital investment in Florida.

- Revises the eligibility requirements for the Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers by removing the requirement that the officer maintain continuous full-time employment or at least two years from the date on which certification was obtained, extends the break in service from 15 calendar days to 180 days, and specifies that any break in service will not count toward satisfying the 2-year full-time employment requirement. The bill also deletes the expiration date of the program.
- Repeals the expiration of the sales tax exemption for certain data centers on June 30, 2027.
- Provides an exemption from land being reverted to the Board of Trustees if land conveyances are at less than the appraised value for federal government agencies, including the Department of Defense, the Army, the Navy, the Air Force, and the U.S. Coast Guard, if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.
- Renames the Office of Supplier Diversity to the Office of Supplier Development under the Department of Management Services (DMS).
- Renames the Florida Advisory Council on Small and Minority Business Development to the Florida Advisory Council on Small, Rural, and Urban Business Development under the DMS.
- Specifies that Space Florida is not an agency under s. 287.055, F.S., for purposes of its ability to bid and contract in professional or construction services, or both, under an arrangement with a person under certain circumstances.
- Revises the definition of “managerial employees” to include those who have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion, which has the effect of classifying such employees as Selected Exempt Service.

The bill has an indeterminate significant fiscal impact on state revenues and expenditures and local government. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Disadvantaged, Small, and Minority Business Enterprises

Present Situation

Chapters 287 and 288, F.S., sets forth Florida’s statutory scheme for small and minority owned business assistance. A “small business” is defined as an independently owned and operated business that employs 200 or fewer permanent full-time employees, has a net worth of not more than \$5 million. A “minority business enterprise” (MBE) is defined as a “small business” which is domiciled in Florida and is at least 51% owned by minority persons. A “minority person” means a lawful, permanent resident of Florida who is an African American, a Hispanic American, an Asian American, a Native American, or an American woman.¹ An “ombudsman” is an office or individual whose responsibilities include coordinating with the Office of Supplier

¹ Section 288.703, F.S.

Diversity for the interests of and providing assistance to small and minority business enterprises in dealing with governmental agencies.²

Florida Minority Business Loan Mobilization Program

The Florida Minority Business Loan Mobilization Program, created in s. 288.706, F.S., promotes the development of minority business enterprises, increases their ability to compete for state contracts, and sustains their economic growth in this state. The program aims to assist minority business enterprises by facilitating working capital loans to minority business enterprises that are vendors on state agency contracts. The Department of Management Services administers the program.

Black Business Loan Program

The Black Business Loan Program is established by s. 288.7102, F.S., under the department, which must annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector. The program received \$2.25 million in Fiscal Year 2024 from the State Economic Enhancement and Development Trust Fund.³

Office of Supplier Diversity

The Office of Supplier Diversity, now renamed as the Office of Supplier Development (Office),⁴ operates within the DMS. The Office assists Florida small businesses, including MBEs and women—and veteran-owned businesses, in becoming suppliers of commodities, services, and construction to the state government.⁵ In addition to other statutory powers and functions, the Office has the duty to adopt rules to determine what constitutes a “good faith effort” to meet minority business enterprise procurement goals, create a certification program for MBEs, and monitor agencies’ compliance with procurement goals.⁶

One of the duties of the Office is to develop procedures that an agency can use to identify commodities, contractual services, architectural and engineering services, and construction contracts that minority business enterprises could provide. Each agency is encouraged to spend 21 percent of the money on construction contracts, 25 percent on architectural and engineering contracts, 24 percent on commodities, and 50.5 percent on contractual services during the previous fiscal year. In the event of budget reductions, base amounts may be adjusted as follows:⁷

² Section 288.703(5), F.S.

³ HB 5001 General Appropriations Act (2024), Line 2335, available at https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=CRA_.pdf&DocumentType=Amendments&BillNumber=5001&Session=2024 (last visited March 28, 2025).

⁴ See Department of Management Services, *Office of Supplier Development*, available at https://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd (last visited Mar. 28, 2025).

⁵ 8 FLA. PRAC., CONSTR. LAW MANUAL s. 5:22 *Minority and disadvantaged business enterprise requirements* (2023-2024 ed.). For powers and duties of the Office, see s. 287.09451, F.S.

⁶ Section 287.09451(4), F.S.

⁷ Section 287.09451(4)(n), F.S.

- Construction contracts – 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.
- Architectural and engineering contracts – 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.
- Commodities – 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for Native Americans, and 17 percent for American women.
- Contractual services- 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for Native Americans, and 36 percent for American women.

These spending goals were challenged in court as gender and racial classifications that impermissibly violated the Equal Protection Clause of the U.S. Constitution. A U.S. District Court found that s. 287.09451, F.S., et seq., were not narrowly tailored to serve a compelling governmental interest, violated the Equal Protection Clause of the Fourteenth Amendment, and were unconstitutional.⁸

Florida Advisory Council on Small and Minority Business Development

The Florida Advisory Council on Small and Minority Business Development assists the Secretary of Department of Management Services with minority businesses and economic and business development.⁹ The council's powers and duties include, but are not limited to, studying the ability of financial markets and institutions to meet small business credit needs, determining the impact of government demands on credit for small businesses, and requiring a state economic development comprehensive plan as it relates to small minority businesses.¹⁰

Effect of Proposed Changes

The bill repeals or amends the following statutes related to minority business enterprises:

Section 1 repeals s. 24.113, F.S., relating to minority participation in the sale of lottery tickets.

Section 15 repeals s. 287.0931, F.S., relating to participation in bond underwriting for minority business enterprises.

Section 16 repeals s. 288.12266, F.S., relating to the Targeted Marketing Assistance Program.

Section 17 repeals s. 288.124, F.S., relating to VISIT Florida's convention grants program, and

Section 18 repeals s.288.706, F.S., relating to the Florida Minority Business Loan Mobilization Program.

Section 19 repeals s. 288.7094, F.S., relating to Black business investment corporations.

⁸ *Florida A.G.C. Council v. Florida*, 303 F. Supp. 2d 1307, 1316 (N.D. Fla. 2004).

⁹ Section 287.0947(1), F.S.

¹⁰ Section 287.0947(5), F.S.

Section 20 repeals s. 288.7102, F.S., relating to the Black Business Loan Program.

Section 21 repeals s. 288.71025, F.S., relating to prohibited acts and penalties under the Small and Minority Business Assistance Act.

Section 22 repeals s. 288.7103, F.S., relating to the eligibility requirements for loans, loan guarantees, or investments under the Small and Minority Business Assistance Act.

Section 23 repeals s. 288.714, F.S., which applies to the quarterly and annual reports required under the Black Business Loan Program.

Section 24 repeals s. 331.351, F.S., relating to participation by women, minorities, and socially and economically disadvantaged business enterprises.

Section 28 amends s. 287.012, F.S., relating to procurement of personal property and services definitions, to delete the definition of a minority business enterprise.

Section 30 amends s. 287.09451, F.S., to rename the Office of Supplier Diversity the Office of Supplier Development. The bill specifies that the office's purpose and duties are to assist rural or urban business enterprises rather than minority ones. It also removes the provision encouraging agencies to spend certain percentages of contract money with specific minority business enterprises.

Section 31 amends s. 287.0947, F.S., to rename the Florida Advisory Council on Small and Minority Business Development the Florida Advisory Council on Small, Rural, and Urban Business Development. The bill revises the council's powers and duties to assess the implementation of requiring a state economic development comprehensive plan as it relates to small and certified rural or urban business enterprises.

Section 38 amends s. 288.703, F.S., to delete definitions relating to certified minority business enterprises and minority business enterprises. The bill revises the definition of an ombudsman to change the Office of Supplier Diversity to the Office of Supplier Development and provide that the office coordinate with individuals in assisting rural or urban business enterprises rather than minority business enterprises.

The bill defines a "certified rural or urban business enterprise" as a business located in a defined geographic area within Florida where one of the following conditions has been documented in the most recent census conducted by the Bureau of the Census of the U.S. Department of Commerce:

- Per capita income in the area is less than 80 percent of Florida's per capita income.
- The unemployment rate in the area has been greater than the unemployment rate for Florida by more than 1 percent over the previous 24 months from the time the comparison is made.

Section 76 amends s. 288.0001, F.S., relating to Economic Development Programs Evaluations, to remove the grants program from the evaluation schedule.

Sections 29, 32, 34-37, 39, 40, 42, 48, 66, 68, 69, 72-74, 77, 79, 94, 106, 133, 135-137 amend ss. 17.11, 212.096, 287.042, 287.09431, 288.001, 288.1167, 288.1229, 288.7015, 288.702, 288.705, 288.776, 290.0056, 255.101, 255.102, 287.055, 287.057, 287.0943, 288.7031, 290.004, 376.3072, 381.986, 473.3065, 625.3255, 657.042, and 658.67, F.S, respectively, to make conforming and technical changes relating to the repeal of the terms “minority business enterprises” and “minority persons” and replacing those terms with “rural or urban business enterprises.”

Florida Regional Planning Councils

Present Situation:

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.¹¹ The Legislature found that “the problems of growth and development often transcend the boundaries of individual units of local general-purpose government”¹² and that “there is a need for regional planning agencies to assist local governments to resolve their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an areawide basis.”¹³

The state has 10 regional planning councils (RPCs), each functioning as an association of that district’s constituent local governments: West Florida, Apalachee, North Central, Northeast, East Central, Central, Tampa Bay, Southwest, Treasure Coast, and South.¹⁴

Current responsibilities of RPCs include, but are not limited to, the following:

- Comprehensive Regional Planning
 - Strategic Regional Policy Plans: develop long-term plans addressing transportation, housing, emergency response, economic development, and environmental protection.¹⁵
 - Growth Management: Review and coordinate local government comprehensive plans to ensure consistency with regional and state objectives.¹⁶
- Economic Development
 - Assist local governments with activities designed to promote and facilitate economic development.¹⁷
- Transportation Planning
 - Coordinate regional transportation systems and land development policies.¹⁸
 - Serve as partners with Metropolitan Planning Organizations to improve regional mobility.¹⁹
- Emergency Preparedness and Disaster Resilience

¹¹ Sections 186.501-186.513, F.S.

¹² Section 186.502(a), F.S.

¹³ Section 186.502(b), F.S.

¹⁴ Section 186.512, F.S.

¹⁵ Section 186.507, F.S.

¹⁶ See chapter 163, F.S.

¹⁷ Section 186.502(5), F.S.

¹⁸ Section 339.155(4), F.S.

¹⁹ Section 339.175(6), F.S.

- Develop and implement emergency response plans with the Florida Division of Emergency Management.²⁰

Effect of Proposed Changes

Sections 2-14 repeal ss. 186.501 through 186.515, F.S., respectively, relating to the Regional Planning Councils.

Section 47 allows local governments to enter into agreements to create regional planning entities pursuant to ch. 163, F.S.

Sections 49-65, 67, 70, 71, 78, 80-93, 95-105, 107-132, 134, 138, and 145 amend ss. 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 218.32, 258.501, 260.0142, 288.975, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 366.93, 369.303, 369.307, 373.309, 373.415, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.23, 380.507, 403.031, 403.0752, 403.503, 403.50663, 403.507, 403.509, 403.5115, 403.5175, 403.518, 403.522, 403.5251, 403.526, 403.5271, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 501.171, and 1013.30, F.S., respectively, to make conforming and technical changes necessary to implement the bill relating to the repeal of regional planning councils.

Present Situation

Department of Commerce

The department is Florida's lead agency for working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians.²¹ The department is also the state's chief agency for business recruitment and expansion.²² The department must also promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.²³

The head of the department is the Secretary of Commerce, who is appointed by the Governor and confirmed by the Senate.²⁴ The secretary may create offices within the Office of the Secretary and within the divisions to promote efficient and effective operation of the department.²⁵ The department must also ensure that the state's goals and policies relating to economic development, workforce development and community planning and development are fully integrated with appropriate implementation strategies.²⁶

²⁰ Section 252.385(2), F.S.

²¹ Section 20.60(4), F.S.

²² *Id.*

²³ Section 20.60(4)(c), F.S.

²⁴ Section 20.60(2), F.S.

²⁵ Section 20.60(3)(b), F.S.

²⁶ Section 20.60(3), F.S.

To achieve these goals, the Legislature established seven divisions and offices within the department:

- Economic Development
- Community Development
- Workforce Services
- Finance and Administration
- Information Technology
- Office of the Secretary
- Office of Economic Accountability and Transparency²⁷

The agency is charged with managing the activities of public-private partnerships and state agencies to avoid duplication and promote coordinated and consistent implementation of programs, including defense, space, and aerospace development and rural community development.²⁸

E-Verify & Prohibition against Purchases of Real Property

It is unlawful for any person to knowingly employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment, an alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security.²⁹ If the department finds or is notified by a specified entity that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility, the department must enter an order making such determination and require repayment of any economic incentive.³⁰

The department must place the employer on probation for a 1-year period and require that the employer report quarterly to the department to demonstrate compliance if there was a violation. Any violation that takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to ch. 120, F.S.³¹

Section 448.095, F.S., requires an employer to verify each new employee's employment eligibility within 3 business days after the first day that the employee begins working for pay. A public agency, or private agency with 25 or more employees, must use the E-Verify system to verify employment eligibility. Each employer required to use the E-Verify system must certify compliance to the Department of Revenue each year when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.³²

²⁷ *Id.*

²⁸ Section 20.60(4)(e), F.S.

²⁹ Section 448.09(1), F.S.

³⁰ Section 448.09(2), F.S.; Section 288.061(6), F.S., prohibits the Secretary of Commerce from approving an economic development incentive application unless the application includes proof to the department that the applicant business is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees. Upon a final determination of noncompliance, the awardee must repay all moneys received as an economic development incentive to the department within 30 days after the final determination.

³¹ Section 488.09(4), F.S.

³² Section 448.095(2), F.S.

Foreign principals are prohibited from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state.³³ A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of a military installation or critical infrastructure facility in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in the state. Additionally, foreign principals must register with the department.³⁴

Similarly, the following persons or entities are prohibited from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property in the state:³⁵

- The People’s Republic of China, the Chinese Communist Party, or any official or member of the People’s Republic of China or the Chinese Communist Party.
- Any other political party or member of a political party or a subdivision of a political party in the People’s Republic of China.
- A partnership, an association, a corporation, an organization, or any other combination of persons organized under the laws of or having its principal place of business in the People’s Republic of China, or a subsidiary of such entity.
- Any person who is domiciled in the People’s Republic of China and who is not a citizen or lawful permanent resident of the U.S.

Any person or entity described above that owns or acquires real property in the state before July 1, 2023, must register with the department.³⁶

Annual Incentives Report

The department must provide the Governor and Legislature with a detailed incentives report by December 30 of each year quantifying the economic benefits for all of the economic development incentive programs administered by the department and its public-private partnerships.³⁷

Effect of Proposed Changes

Section 25 amends s. 20.60, F.S., to include business development in rural or urban areas as one of the programs the department implements.

The bill also requires the Division of Economic Development's (division) to establish the Office of Secure Florida, which is responsible for administering and enforcing E-Verify and employment authorization compliance under ss. 448.09 and 448.095, F.S., and the prohibition against the purchase and registration of real property in Florida by foreign principals under ss. 692.203 and 692.204, F.S.

³³ Section 692.203, F.S.

³⁴ Section 692.203(3)(a), F.S.

³⁵ Section 692.204(1), F.S.

³⁶ Section 692.204(4), F.S.

³⁷ Section 288.0065, F.S.

Section 33 amends s. 288.0065, F.S., to revise the information required in the department's annual incentives report to include a description of trends relating to business interest in and usage of the various incentives and the number of small businesses and businesses in rural or urban areas receiving incentives.

Present Situation

Law Enforcement Recruitment Bonus Payment

The Law Enforcement Recruitment Bonus Payment Program (Bonus Program), within the department, administers one-time bonus payments of up to \$5,000 to newly employed officers³⁸ in Florida.³⁹ Bonus payments must be prorated based on the funds the Legislature appropriates for the Bonus Program. The department must develop an annual plan for administering the Bonus Program and distributing bonus payments to eligible officers. At a minimum, the annual plan must include:⁴⁰

- The method for determining the estimated number of newly employed officers to gain or be appointed to full-time employment during the applicable fiscal year.
- The minimum eligibility requirements a newly employed officer must meet to receive and retain a bonus payment, which must include:
 - Obtaining certification as a law enforcement officer.
 - Gaining full-time employment with a Florida criminal justice agency.
 - Maintaining continuous full-time employment with one or more Florida criminal justice agencies for at least two years from the date on which the officer obtained a certification, provided that an officer employed by more than one criminal justice agency may not have a break in service longer than 15 days when transitioning between employers.
- The method that will be used to determine the bonus payment amount to be distributed to each newly employed officer.
- The method that will be used to distribute bonus payments to employing law enforcement agencies for distribution to eligible officers.
- The estimated cost to the department associated with developing and administering the program and distributing bonus payment funds.
- The method by which an officer must reimburse the state if he or she received a bonus payment but failed to maintain continuous employment for the required two-year period. An officer is not required to reimburse the state if he or she is discharged from employment with a law enforcement agency for any reason other than this misconduct.

The Bonus Program expires July 1, 2025.⁴¹

Effect of Proposed Changes

Section 45 amends s. 445.08, F.S., to revise the eligibility requirements for the Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers by

³⁸ A newly employed officer is a person who gains or is appointed to full-time employment as a certified law enforcement officer with a Florida criminal justice employing agency on or after July 1, 2022, and who has never before been employed as a law enforcement officer in Florida. Section 445.08(1)(d), F.S.

³⁹ Section 445.08(2), F.S.

⁴⁰ Section 445.08(4), F.S.

⁴¹ Section 445.08(9), F.S.

removing the requirement that the officer maintain continuous full-time employment with a Florida criminal justice agency for at least two years from the date on which certification was obtained. Furthermore, the bill extends the break in service from 15 calendar days to 180 days. However, the law enforcement officer must provide documentation to the department justifying the break in service. The department must establish acceptable circumstances for any such break in service. Any break in service will not count toward satisfying the 2-year full-time employment requirement.

The bill also deletes the July 1, 2025, expiration date of the program.

Sales and Use Tax Exemptions for Data Centers

Present Situation

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,⁴² admissions,⁴³ transient rentals,⁴⁴ and a limited number of services, and a 4.5 percent sales and use tax on the rental of commercial real estate.⁴⁵ Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sale and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁴⁶

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.⁴⁷ A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202."⁴⁸ The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered.

Certain data center property⁴⁹ is exempt from the sales and use tax.⁵⁰ To be eligible for the exemption, the data center's owners and tenants must make a cumulative capital investment of \$150 million or more. The data center must also have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. To receive the exemption, the person seeking the exemption must apply to the Department of Revenue for a temporary tax exemption certificate.⁵¹ However, the

⁴² Section 212.05(1)(a)1.a., F.S.

⁴³ Section 212.04(1)(b), F.S.

⁴⁴ Section 212.03(1)(a), F.S.

⁴⁵ Section 212.031, F.S.

⁴⁶ Section 212.07(2), F.S.

⁴⁷ Section 212.055, F.S.

⁴⁸ Section 212.054(2)(a), F.S.

⁴⁹ Data center property is property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software. Section 212.08(5)(r)1.c.(IV), F.S.

⁵⁰ Section 212.08(5)(r), F.S.

⁵¹ Section 212.08(5)(r)1.c.(IV)(d)3., F.S.

Department of Revenue is prohibited from issuing a temporary sales and use tax exemption for those properties after June 30, 2027.⁵²

Effect of Proposed Changes

Section 26 amends s. 212.08, F.S., to repeal the expiration of the data center sales tax exemption on June 30, 2027.

Military Base Protection

Present Situation

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.⁵³ The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. This body may acquire, sell, transfer, and administer state lands in the manner consistent with chs. 253 and 259, F.S.⁵⁴ The Department of Environmental Protection (DEP), through its Division of State Lands (DSL), performs all staff duties and functions related to the acquisition, administration, and disposition of state lands.⁵⁵

“Conservation lands” are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands.⁵⁶

The Board of Trustees may acquire nonconservation lands from the department's annual list through the Military Base Protection Program to buffer a military installation against encroachment.⁵⁷ A conveyance at less than appraised value must state that the land will revert to the Board of Trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes.⁵⁸

Effect of Proposed Changes

Section 27 amends s. 253.025, F.S., to provide an exemption from land being reverted to the Board of Trustees if land conveyances are at less than the appraised value. The exemption applies to federal government agencies, including the Department of Defense, the Army, the Navy, the Air Force, and the U.S. Coast Guard, if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.

⁵² Section 212.08(5)(r)1.c.(IV)(e), F.S.

⁵³ Section 253.001, F.S.

⁵⁴ Section 253.02(1), F.S.

⁵⁵ Section 253.002(1), F.S.

⁵⁶ Section 253.034(2)(c), F.S.

⁵⁷ Section 253.025(21)(a), F.S.

⁵⁸ Section 253.025(21)(d), F.S.

Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program

Effect of Proposed Changes

Section 41 creates s. 288.9628, F.S., relating to the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the department to increase venture capital investment in Florida. The department must coordinate with the Florida Opportunity Fund and the State Board of Administration in reviewing and approving applications for tax credits under this section.

Application: An applicant must apply to the department for authorization to claim RISE tax credits. The department must review and approve or deny a complete application within 60 calendar days after the complete application has been submitted. An applicant must demonstrate to the department's satisfaction within 12 months after the complete application has been submitted that the qualifying private fund⁵⁹ has received at least the total capital commitment contained in its application. The application must include specified names of investors, number of qualifying instruments, and total capital commitment.

Tax credits and revocation: To receive tax credits, a qualifying private fund must provide documentation that demonstrates to the department's reasonable satisfaction that the qualifying investment meets requirements. A qualifying private fund must make at least one qualified investment in at least one qualifying portfolio project to be eligible to receive tax credits under this section. Each submission by a qualifying private fund to receive tax credits for a qualifying investment in a qualifying portfolio company must include, at a minimum: the amount of cash deployed in a qualifying portfolio company, the total number of employees employed by the qualifying portfolio company, and the total number of Florida-based, full-time equivalent employees employed by the qualifying portfolio company.

A qualifying private fund may receive tax credits equivalent to 25 percent of a qualifying investment in a qualifying portfolio company. Upon a determination by the department that the qualifying investment meets the requirements, the department must authorize the Department of Revenue to issue tax credits to the qualifying private fund. The Department of Revenue may not issue more than one-fifth of the tax credits authorized for a qualifying investment in a qualifying portfolio company in a fiscal year. Credits received pursuant to this section may be applied against the qualifying private fund's corporate income tax liability. A qualifying private fund may elect to sell or transfer, in whole or in part, any tax credit issued under this section. An election to sell or transfer any tax credit received pursuant to this section must be made no later than 5 years after the date the credit is received by the qualifying private fund, after which the credit expires and may not be used. A qualifying private fund may not sell or transfer credits that have been authorized by the department but not yet issued by the Department of Revenue.

⁵⁹ By reference to s. 517.12(22), F.S., a "qualifying private fund" means: a private fund that meets the definition of the term "qualifying private fund" in Securities and Exchange Commission Rule 203(m)-1, 17 C.F.R. s. 275.203(m)-1; a private fund that meets the definition of the term "venture capital fund" in Securities and Exchange Commission Rule 203(l)-1, 17 C.F.R. s. 275.203(l)-1; or a "venture capital operating company" as defined in 29 C.F.R. s. 2510.3-101(d) adopted by the United States Department of Labor under the Employee Retirement Income Security Act of 1974. The definition also includes an "angel investor group," defined by s. 517.021, F.S., as a group of accredited investors who hold regular meetings and have defined processes and procedures for making investment decisions, individually or among the membership of the group, and who are not associated persons, affiliates, or agents of a dealer or investment adviser.

The department may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the qualifying private fund submitted any false statement, representation, or certification in any application filed in an attempt to receive tax credits under this section, or if the information in a previously completed application materially changes. The department must immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the qualifying private fund must notify the Department of Revenue of any change in its tax credit claimed.

Compliance: A qualifying private fund must annually report to the department for each qualifying investment for 5 years after authorization to receive credits. Failure to do so will result in the qualifying private fund's tax credit being revoked. To receive a tax credit, a qualifying fund must submit the following to the department: certification that there have been no material changes to the information contained in the application or, a disclosure containing all material changes, if any; documentation supporting the total number of full-time equivalent employees employed by the qualifying portfolio company; documentation supporting the total number of full-time equivalent employees employed in this state by the qualifying portfolio company; and documentation supporting that the qualifying private fund has not exited its position from the qualifying portfolio company through acquisition by a company not based in this state. For purposes of this section and part III of chapter 692, committed capital invested in a qualifying portfolio company by a venture capital fund may not be construed as having ownership of the qualifying portfolio company.

Sanctions: The department must revoke and recapture the tax credits from the qualifying private fund and the Department of Revenue if a qualifying investment does not report to the department annually for five years after authorization to receive the tax credits. In such instances, the qualifying private fund must repay to the department an amount equal to 50% of the tax credits claimed by a qualifying portfolio company for the qualifying investment. Recaptured funds must be deposited into the General Revenue Fund. The department must also revoke and recapture the approval of tax credits for submitting a false statement, representation, or certification in an application by a qualifying private fund. In such instances, the qualifying private fund must repay the department an amount equal to 100% of the tax credits authorized by the department. Recaptured funds must be deposited into the General Revenue Fund.

Priority of tax credits: Fifty percent of the tax credits must be made available from July 1 to December 31 each year to provide tax credits for qualifying investments in qualifying portfolio companies located in rural communities defined in s. 288.065(2), F.S. All remaining tax credits must be made available from January 1 to June 30 of each year on a first-come, first-served basis, subject to the eligibility of the qualifying investment.

Reporting and rulemaking: Beginning December 30, 2026, the department must include the amounts of tax credits authorized and received, the total number of jobs created, and the total number of jobs created in this state in its annual incentives report required in s. 288.0065, F.S. The department is authorized to adopt rules to implement this section.

Space Florida

Present Situation

Space Florida is an independent special district⁶⁰ created to promote aerospace business development by facilitating business and infrastructure financing, spaceport operations, research and development, workforce development, and innovative education programs.⁶¹ Space Florida acts as the single point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector.⁶² Space Florida may purchase or construct facilities; set rates, fees, and charges for the use of facilities, and undertake joint financing with municipalities or private sector entities for any project.⁶³

Space Florida is not an agency for the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets⁶⁴ or for the procurement of personal property and services.⁶⁵

Agency Procurement Requirements

Section 287.055, F.S., the Consultants Competitive Negotiation Act, specifies the competitive selection process to be followed by an agency when procuring professional services, which include architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.⁶⁶ Section 255.20, F.S., specifies the procurement process to be followed for local bids and contracts for public construction projects.

Effect of Proposed Changes

Section 44 amends s. 331.302, F.S., to provide that Space Florida is not an agency under s. 287.055, F.S., for purposes of its ability to bid and contract in professional or construction services, or both, under an arrangement with a person when:

- The person offering personal or construction goods or services is not subject to the requirements of s. 287.055, F.S.;
- Space Florida and the person execute a contract with terms acceptable to Space Florida; and

⁶⁰ A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate with a limited geographic boundary. *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019). Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. *See* ss. 189.02(1), 189.031(3), and 190.005(1), F.S. *See generally* s. 189.012(6), F.S. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county. A “dependent special district” is a special district subject to significant control by the governing body of a single county or municipality. Section 189.012(2), F.S. An “independent special district” is any district that is not a dependent special district. Section 189.012(3), F.S.

⁶¹ Section 331.302, F.S.

⁶² Section 331.3011, F.S.

⁶³ Section 331.305, F.S.

⁶⁴ *See* s. 216.011(1)(ww), F.S.

⁶⁵ *See* s. 287.012(1), F.S.

⁶⁶ Section 287.055(2)(a), F.S.

- The person provides to Space Florida via contract an unqualified representation and warranty that the payments by the person to Space Florida in return for the possession and use of the project by the person will not be derived, directly or indirectly, from state or local government funds.

The bill specifies monies received by the person contracted to provide goods produced and services provided from government entities in the ordinary course of its operation of the project are not state or local government funds.

Managerial Employees

Present Situation

Section 110.205, F.S., specifies the state employees who are classified as career service, and designates the positions that are exempt from career service. Pursuant to s. 110.205(2)(w), F.S., managerial employees, as defined in s. 447.203(4), F.S., are exempt from career service. Pursuant to s. 110.603, F.S., the DMS must adopt a classification plan and a pay plan consisting of pay bands appropriate to the positions included in the Selected Exempt Service and which provides for salary increases based on performance. Such pay bands must be designed to attract and retain qualified personnel for the Selected Exempt Service. The pay plan and benefit package for the Selected Exempt Service must provide for greater pay and benefits overall than are provided for the Career Service and less pay and benefits overall than are provided for the Senior Management Service.

Effect of Proposed Changes

Section 46 amends s. 447.203, F.S., to revise the definition of “managerial employees” to include those who have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion.

This has the effect of classifying such employees as Selected Exempt Service, pursuant to use of that definition in s. 110.205(2)(w), F.S.

Miscellaneous Provisions

Sections 139 - 147 reenact ss. 110.205, 163.3162, 373.129, 339.2819, 380.0552, 403.5064, 403.5251, 403.5271, 403.9421, F.S., for the purpose of incorporating the amendments made under this bill.

Section 148 provides an effective date of July 1, 2025.

III. 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:

Single Subject

Article III, Section 6 of the State Constitution requires every law to “embrace but one subject and matter properly connected therewith.” The purpose of this single subject prohibition is to prohibit logrolling, in which multiple unrelated measures are combined in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.⁶⁷ An act may be as broad as the Legislature chooses, provided the matters included in the act have a natural or logical connection.⁶⁸ The requirement is violated if a law is written to accomplish separate and disassociated objects of legislative intent.⁶⁹ The Florida Supreme Court has opined that the single subject clause contains three requirements. First, each law shall embrace only one subject. Second, the law may include any matter that is properly connected with the subject. The third requirement, related to the first, is that the subject shall be briefly expressed in the title.⁷⁰

The bill is entitled “An act relating to rural and urban business enterprises.” Section 29 of the bill relates to the acquisition of state lands for purposes of buffering military installations, and section 51 relates to the Law Enforcement Recruitment Bonus Payment Program.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill may have a positive fiscal impact on local governments that have data centers due to the extension of the existing sales and use tax exemption certain data centers receive because the exemption could lead to additional economic growth.⁷¹ However, the bill is likely to have a negative fiscal impact on general revenue.

⁶⁷ Santos v. State, 380 So.2d 1284 (Fla. 1980).

⁶⁸ Chenoweth v. Kemp, 396 So.2d 1122 (Fla. 1981).

⁶⁹ State *ex rel.* Landis v. Thompson, 163 So. 270 (Fla. 1935).

⁷⁰ Franklin v. State, 887 So.2d 1063, 1072 (Fla. 2004).

⁷¹ Department of Commerce analysis for SB 1264 (2025). On file with the Senate Commerce and Tourism Committee.

The bill allocates \$100 million in tax credits under the RISE tax credit program. However, the credits are issued in one-fifth increments over five years and must be matched with new capital and revenue production.

The Revenue Estimating Conference adopted the following proposed estimate on April 4, 2025.

B. Private Sector Impact:

Employers may benefit from utilizing the Office of Secure Florida's resources to verify employment eligibility through E-Verify.

Businesses participating in the RISE investment tax credit program may see an increase in high-paying jobs in high-tech, manufacturing, and research and development sectors.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2025-26	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2026-27	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2027-28	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2028-29	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2029-30	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)

C. Government Sector Impact:

The bill may have a negative fiscal impact on the department due to the creation of the Office of Secure Florida. However, the department’s legislative budget request includes additional staff for the Office.⁷²

The bill could impact state expenditures by deleting the expiration date of the Law Enforcement Recruitment Bonus Payment Program, if the program is funded.

V. Technical Deficiencies:

None.

VI. Related Issues:

Section 26 of the bill repeals the data center sales tax exemption's expiration date of June 30, 2027. It does not provide a future expiration date, thus allowing certain data centers to enjoy an indefinite exemption.

Section 45 of the bill extends the break in service from 15 calendar days to 180 days for newly employed officers participating in the Law Enforcement Recruitment Bonus Payment Program. The bill also provides that any break in service will not count toward satisfying the 2-year full-

⁷² *Id.*

time employment requirement under the program. It is unclear if an officer must start the 2-year commitment over after the break in service.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.60, 212.08, 253.025, 287.012, 287.042, 287.09451, 287.0947, 288.001, 288.0065, 288.1167, 288.1229, 288.7015, 288.702, 288.703, 288.705, 288.776, 290.0056, 290.0057, 331.302, 331.351, 445.08, 447.203, 17.11, 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142, 287.057, 287.0943, 287.09431, 288.001, 287.055, 288.7031, 288.975, 290.004, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 366.93, 369.303, 369.307, 373.309, 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.23, 380.507, 381.986, 403.031, 403.0752, 403.503, 403.50663, 403.507, 403.509, 403.5115, 403.5175, 403.518, 403.522, 403.526, 403.5271, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 473.3065, 501.171, 625.3255, 657.042, 658.67, 1013.30, 215.971, 257.193, 288.0655, 627.6699, 288.0001, 110.205, 163.3162, 373.129, 339.2819, 380.0552, 403.5064, and 403.9421.

This bill creates section 288.9628 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 24.113, 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931, 288.12266, 288.124, 288.706, 288.7094, 288.7102, 288.71025, 288.7103, and 288.714.

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 Transportation, Tourism, and Economic Development on April 15, 2025:

The committee substitute:

- Removes a provision requiring the Division of Emergency Management to give funding priority to projects for the Hurricane Loss Mitigation Program in regional planning council regions as such regions existed on January 1, 2025.
- Removes a provision requiring the Department of Emergency Management's statewide emergency shelter plan to identify the general location and square footage of special needs shelters annually through 2030 and requiring that state funds be maximized and targeted to regional planning councils as such regions existed on January 1, 2025.

CS by Commerce and Tourism on March 31, 2025:

The CS:

- Removes provisions relating to the Rural Economic Development Initiative and the Rural Accelerator Program.

- Removes sections making conforming changes related to the Rural Economic Development Initiative.
- Retains the current statutory definition for a “minority person” in s. 288.703, F.S.

Relating to the RISE Investment Tax Credit Program, the CS:

- Requires the Department of Commerce (department) to revoke and recapture to the qualifying private fund and the Department of Revenue if a qualifying investment does not annually report to the department for five years after authorization to receive the credits. In such instances, the qualifying private fund must repay to the department an amount equal to 50 percent of the tax credits authorized.
- Requires the department to revoke and recapture the approval of tax credits for submitting a false statement, representation, or certification in any application by a qualifying private fund. In such instances, the qualifying private fund must repay the department an amount equal to 100 percent of the tax credits authorized by the department.
- Requires 50 percent of tax credits be made available from July 1 to December 31 of each year. All remaining tax credits must be made available from January 1 to June 30 of each year on a first-come, first-served basis.
- Authorizes the department to adopt rules to implement the program.

B. Amendments:

None.



435260

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Transportation, Tourism, and Economic Development (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 550 - 600.

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

And the title is amended as follows:

Delete lines 36 - 48

and insert:

specified date; amending s. 253.025, F.S.; providing

The Florida Senate

APPEARANCE RECORD

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4/15/25
Meeting Date

1264
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lindsay Pierce

Phone 334-268-8282

Address 113 College
Street

Email lpierce@spaceflorida.gov

TLH
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:
Space Florida

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

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

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S-001 (08/10/2021)

April 15, 2025

The Florida Senate APPEARANCE RECORD

1264

Meeting Date

TTED Approps

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Cissy Proctor

Phone 850-294-1099

Address 1400 Village Square Blvd, Suite 3-168

Email cproctor@lsnpartners.com

Street

Tallahassee

Florida

32312

City

State

Zip

Reset Form

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:

Leonardo Helicopters

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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4/15/25
Meeting Date

SB 1204
Bill Number or Topic

TED Appropriations
Committee

Amendment Barcode (if applicable)

Name STEPHEN MARANTE Phone (954) 296-3366

Address 107 E MADISON STREET Email STEPHEN.MARANTE@
Street COMMERCIAL.FL.GOV

TALLAHASSEE 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:

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

FLORIDA COMMERCE

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

The Florida Senate
APPEARANCE RECORD

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SB 1264

Bill Number or Topic

4/15/25

Meeting Date

STED

Committee

Amendment Barcode (if applicable)

Name

JD White

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:

ARK Innovation

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

1264

Meeting Date

Bill Number or Topic

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S Approp-Sub TTED

Committee

Amendment Barcode (if applicable)

Name Chris Doolin

Phone 850-508-5492

Address 1018 THOMASVILLE Rd. 102B

Email cdoolin@doolinandassoc.com

Street

Tall.

Fl.

32303

City

State

Zip

oppse repeal of Regional Planning Councils

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:

SMALL COUNTY Coalition

Request Amendment at some point - maintain RPC's

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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4/15/25 Meeting Date

SB 1264 Bill Number or Topic

App. Transportation + Tourism Committee

Amendment Barcode (if applicable)

Name Kristin Dozier Phone 850-509-2907

Address 2507 Callaway Dr. Email Kdozier@arpc.org

Tallahassee FL 32303 City State Zip

Speaking: [] For [X] 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:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida Regional Planners 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.pdf (flsenate.gov)

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APPEARANCE RECORD

CS/SB 1264

04/15/2025

Meeting Date

Approps Committee on Transportation, Tourism & Economic Development

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name **Darryl Register**

Phone **904-226-4780**

Address **20 E Macclenny Ave**

Email **dregister@bakerchamberfl.com**

Street

Macclenny

FL

32063

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

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4.15

Meeting Date

1264

Bill Number or Topic

TTED

Committee

Amendment Barcode (if applicable)

Name

Rana Brown

Phone

858 224 3427

Address

104 W Jefferson

Email

RANA@RLBOOKPA.COM

Street

T2H FL 32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Regional Planning Councils

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

1264

Bill Number or Topic

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TIED

Committee

Amendment Barcode (if applicable)

Name

Colton Madill

Phone

766 7983

Address

136 S Bronough St

Email

Street

Tallahassee

32304

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Chamber of Commerce

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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SB1204

Bill Number or Topic

4/15/24

Meeting Date

Tourism, E. Dev

Committee

Amendment Barcode (if applicable)

Name

Chadwick Leonard

Phone

407 984 0605

Address

308 N. Monroe

Street

Email

leonard@1000f.org

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:

1000 Friends of Florida

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

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Appropriations Committee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: April 3, 2025

I respectfully request that **Senate Bill #1264**, relating to Rural and Urban Business Enterprises, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

By the Committee on Commerce and Tourism; and Senator Collins

577-03064-25

20251264c1

1 A bill to be entitled
 2 An act relating to rural and urban business
 3 enterprises; repealing ss. 24.113, 186.501, 186.502,
 4 186.503, 186.504, 186.505, 186.506, 186.507, 186.508,
 5 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931,
 6 288.12266, 288.124, 288.706, 288.7094, 288.7102,
 7 288.71025, 288.7103, and 288.714, F.S., relating to
 8 minority participation; a short title; legislative
 9 findings and public purpose; definitions relating to
 10 the Florida Regional Planning Council Act; regional
 11 planning councils, creation, and membership; regional
 12 planning councils, powers and duties; the Executive
 13 Office of the Governor, powers and duties; strategic
 14 regional policy plans; strategic regional policy plan
 15 adoption, consistency with state comprehensive plan;
 16 dispute resolution process; evaluation of strategic
 17 regional policy plan, changes in plan; designation of
 18 regional planning councils; reports; creation of
 19 regional planning councils under ch. 163, F.S.;
 20 minority business enterprises; the Targeted Marketing
 21 Assistance Program; convention grants program; the
 22 Florida Minority Business Loan Mobilization Program;
 23 black business investment corporations; the Black
 24 Business Loan Program; prohibited acts and penalties;
 25 eligibility for a loan, loan guarantee, or investment;
 26 and quarterly and annual reports, respectively;
 27 amending s. 20.60, F.S.; revising the purpose of the
 28 Department of Commerce; revising the responsibilities
 29 of the Division of Economic Development within the

Page 1 of 177

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577-03064-25

20251264c1

30 department; assigning responsibility to the division
 31 for the Office of Secure Florida within the
 32 department; specifying the responsibilities of the
 33 office; amending s. 212.08, F.S.; deleting a
 34 prohibition that the Department of Revenue may not
 35 issue temporary tax exemption certificates after a
 36 specified date; amending s. 215.559, F.S.; requiring
 37 the Division of Emergency Management to give funding
 38 priority to projects for the Hurricane Loss Mitigation
 39 Program in regional planning council regions as such
 40 regions existed on a specified date; amending s.
 41 252.385, F.S.; requiring that the statewide emergency
 42 shelter plan identify the general location and square
 43 footage of special needs shelters by regional planning
 44 council regions, as such regions existed on a
 45 specified date, during the next 5 years; requiring
 46 that state funds be maximized and targeted to regional
 47 planning council regions as such regions existed on a
 48 specified date; amending s. 253.025, F.S.; providing
 49 an exemption for Federal Government agencies regarding
 50 land being reverted to the Board of Trustees of the
 51 Internal Improvement Trust Fund if land conveyances
 52 are at less than the appraised value; amending s.
 53 287.012, F.S.; deleting the definition of the term
 54 "minority business enterprise"; amending s. 287.042,
 55 F.S.; conforming provisions to changes made by the
 56 act; amending s. 287.09451, F.S.; revising legislative
 57 findings; renaming the Office of Supplier Diversity as
 58 the Office of Supplier Development; specifying that

Page 2 of 177

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577-03064-25

20251264c1

59 the purpose and duties of the office are to assist
 60 rural or urban business enterprises, rather than
 61 minority business enterprises; conforming a provision
 62 to changes made by the act; making technical changes;
 63 amending s. 287.0947, F.S.; renaming the Florida
 64 Advisory Council on Small and Minority Business
 65 Development as the Florida Advisory Council on Small,
 66 Rural, and Urban Business Development; revising the
 67 composition of the council's membership; revising the
 68 council's powers and duties; conforming a cross-
 69 reference; amending s. 288.001, F.S.; revising the
 70 criteria for membership of the statewide advisory
 71 board of the Florida Small Business Development Center
 72 Network; amending s. 288.0065, F.S.; revising the list
 73 of information that must be included in the
 74 department's annual incentives report; amending s.
 75 288.1167, F.S.; revising the sports franchise contract
 76 provisions for food and beverage concession and
 77 contract awards; amending s. 288.1229, F.S.; revising
 78 the representational criteria for the board of
 79 directors of the Florida Sports Foundation; amending
 80 s. 288.7015, F.S.; revising the duties of the state's
 81 rules ombudsman; amending s. 288.702, F.S.; renaming
 82 the Florida Small and Minority Business Assistance Act
 83 as the Florida Small Business Act; conforming a cross-
 84 reference; amending s. 288.703, F.S.; defining,
 85 deleting, and revising terms; amending s. 288.705,
 86 F.S.; requiring the Small Business Development Center,
 87 in coordination with Minority Business Development

Page 3 of 177

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577-03064-25

20251264c1

88 Centers, to compile and distribute certain information
 89 to small businesses and businesses located in rural or
 90 urban areas, rather than to minority businesses;
 91 revising the list of information that must be included
 92 by the Small Business Development Center in its annual
 93 report to the Department of Commerce; amending s.
 94 288.776, F.S.; deleting a membership requirement of
 95 the board of directors of the Florida Export Finance
 96 Corporation; creating s. 288.9628, F.S.; providing
 97 legislative findings; establishing the Research,
 98 Innovation, Science, and Engineering (RISE) Investment
 99 Tax Credit Program within the Department of Commerce;
 100 providing the purpose for the program; requiring the
 101 department to coordinate with the Florida Opportunity
 102 Fund and the State Board of Administration for a
 103 specified purpose; defining terms; requiring an
 104 applicant to apply to the department for authorization
 105 to claim tax credits; requiring the department to
 106 review and act upon such application within a
 107 specified timeframe; requiring the applicant to
 108 provide certain information required by the
 109 department; specifying the information that must be
 110 included in the application; requiring an applicant to
 111 update its application if there has been a material
 112 change; prohibiting tax credits from exceeding a
 113 specified amount in a fiscal year; prohibiting the
 114 department from issuing a tax credit to a qualifying
 115 private fund until the private fund demonstrates it
 116 has received its total capital commitment; prohibiting

Page 4 of 177

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577-03064-25

20251264c1

117 the department from authorizing more than a specified
 118 amount of tax credits to a qualifying private fund in
 119 a fiscal year; requiring a qualifying private fund to
 120 provide documentation to show that the qualifying
 121 investment meets the department's requirements to
 122 issue a tax credit; providing that follow-on or add-on
 123 capital commitments may only be considered after the
 124 follow-on or add-on investment has been deployed;
 125 requiring a qualifying private fund to make a
 126 specified number of qualified investments in a
 127 specified number of qualifying portfolio projects to
 128 be eligible for a tax credit; specifying the
 129 information that must be included in the submission by
 130 a qualifying private fund; authorizing a qualifying
 131 private fund to receive tax credits equivalent to a
 132 certain percentage of a qualifying investment in a
 133 qualifying portfolio company; requiring the department
 134 to authorize the Department of Revenue to issue tax
 135 credits to a qualifying private fund if certain
 136 requirements are met; prohibiting the Department of
 137 Revenue from issuing more than a specified fraction of
 138 the tax credits authorized for a qualifying investment
 139 in a qualifying portfolio company in a fiscal year;
 140 authorizing credits received to be applied against the
 141 qualifying private fund's corporate income tax
 142 liability; authorizing a qualifying private fund to
 143 transfer or sell any portion of its tax credit;
 144 requiring such transfer or sale to take place within a
 145 specified timeframe, after which the credit expires;

Page 5 of 177

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577-03064-25

20251264c1

146 prohibiting such transfer or sale if the department
 147 authorizes the credit but the Department of Revenue
 148 has not yet issued such credit; authorizing the
 149 department to revoke or modify its previous decisions
 150 if it is discovered that the qualifying private fund
 151 submitted any false statement, representation, or
 152 certification in its application or if information in
 153 a previous application materially changes; requiring
 154 the department to notify the Department of Revenue of
 155 any such revocation or modification affecting
 156 previously granted tax credits; requiring the
 157 qualifying private fund to notify the Department of
 158 Revenue of any change in its tax credit claimed;
 159 requiring that a qualifying private fund annually
 160 report to the department for each investment within a
 161 specified timeframe in order to remain eligible to
 162 receive tax credits; providing that failure to do so
 163 will result in the qualifying private fund's tax
 164 credit being revoked; requiring a qualifying private
 165 fund to submit specified information to the department
 166 in order to receive a tax credit; requiring the
 167 department to revoke its approval of tax credits for
 168 the qualifying investment if it fails to meet certain
 169 requirements; requiring the department to issue a
 170 notice of revocation and recapture to the qualifying
 171 private fund and the Department of Revenue; requiring
 172 such qualifying private fund to repay to the
 173 department an amount equal to a certain percent of the
 174 tax credits authorized by the department and claimed

Page 6 of 177

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577-03064-25

20251264c1

175 by a qualifying portfolio company for the qualifying
 176 investment; requiring that such funds be deposited
 177 into the General Revenue Fund; providing construction;
 178 requiring the department to include specified
 179 information in its annual incentives report beginning
 180 on a specified date and annually thereafter; requiring
 181 that a certain percentage of tax credits be made
 182 available during a specified period of time for a
 183 specified purpose; requiring that all remaining tax
 184 credits be made available during a specified period of
 185 time on a first-come, first-served basis, subject to
 186 eligibility of the qualifying investment; authorizing
 187 the department to adopt rules; amending s. 290.0056,
 188 F.S.; conforming provisions to changes made by the
 189 act; amending s. 290.0057, F.S.; revising enterprise
 190 zone development plan requirements to include business
 191 investment corporations in rural or urban areas;
 192 amending s. 331.302, F.S.; providing that Space
 193 Florida is not an agency for purposes of its ability
 194 to bid and contract for certain professional and
 195 construction services under certain circumstances, and
 196 is therefore exempt from certain requirements;
 197 providing that monies received by the person under
 198 contract with Space Florida to provide certain goods
 199 and services are not state or local government funds;
 200 amending s. 331.351, F.S.; revising legislative intent
 201 that rural or urban business enterprises, rather than
 202 women, minorities, and socially and economically
 203 disadvantaged business enterprises, be encouraged to

Page 7 of 177

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577-03064-25

20251264c1

204 participate fully in specified development; amending
 205 s. 445.08, F.S.; revising the minimum eligibility
 206 requirements for the Florida Law Enforcement
 207 Recruitment Bonus Payment Program for newly employed
 208 law enforcement officers; deleting an expiration date;
 209 amending s. 447.203, F.S.; revising the definition of
 210 the term "managerial employees"; authorizing local
 211 governments to enter into agreements to create
 212 regional planning entities; amending ss. 17.11,
 213 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177,
 214 163.3178, 163.3184, 163.3245, 163.568, 164.1031,
 215 186.003, 186.006, 186.007, 186.008, 186.803, 187.201,
 216 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142,
 217 287.042, 287.055, 287.057, 287.0943, 287.09431,
 218 288.0001, 288.7031, 288.975, 290.004, 320.08058,
 219 335.188, 339.155, 339.175, 339.285, 339.63, 339.64,
 220 341.041, 343.54, 366.93, 369.303, 369.307, 373.309,
 221 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045,
 222 380.05, 380.055, 380.06, 380.061, 380.07, 380.23,
 223 380.507, 381.986, 403.031, 403.0752, 403.503,
 224 403.50663, 403.507, 403.509, 403.5115, 403.5175,
 225 403.518, 403.522, 403.526, 403.5271, 403.5272,
 226 403.5363, 403.5365, 403.537, 403.704, 403.7225,
 227 403.7226, 403.723, 403.9403, 403.941, 403.9422,
 228 403.973, 408.033, 420.609, 473.3065, 501.171,
 229 625.3255, 657.042, 658.67, and 1013.30, F.S.;
 230 conforming provisions to changes made by the act;
 231 revising and conforming cross-references; making
 232 technical changes; reenacting s. 110.205(2)(w), F.S.,

Page 8 of 177

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577-03064-25

20251264c1

233 relating to career service exemptions, to incorporate
 234 the amendment made to s. 447.203, F.S., in references
 235 thereto; reenacting ss. 163.3162(2)(d) and 373.129(8),
 236 F.S., relating to agricultural lands and practices and
 237 maintenance of actions, respectively, to incorporate
 238 the amendment made to s. 164.1031, F.S., in references
 239 thereto; reenacting s. 339.2819(1) and (3), F.S.,
 240 relating to the Transportation Regional Incentive
 241 Program, to incorporate the amendment made to s.
 242 339.155, F.S., in references thereto; reenacting s.
 243 380.0552(5) and (6), F.S., relating to the Florida
 244 Keys Area, to incorporate the amendments made to ss.
 245 380.045 and 380.05, F.S., in references thereto;
 246 reenacting s. 403.5064(1)(a), F.S., relating to
 247 application schedules, to incorporate the amendment
 248 made to s. 403.507, F.S., in a reference thereto;
 249 reenacting ss. 403.5251(1)(a) and 403.5271(1)(d) and
 250 (f), F.S., relating to application and schedules and
 251 alternate corridors, respectively, to incorporate the
 252 amendment made to s. 403.526, F.S., in references
 253 thereto; reenacting s. 403.9421(5)(c), F.S., relating
 254 to fees and disposition, to incorporate the amendment
 255 made to s. 403.941, F.S., in a reference thereto;
 256 providing an effective date.

257
 258 Be It Enacted by the Legislature of the State of Florida:

- 259
 260 Section 1. Section 24.113, Florida Statutes, is repealed.
 261 Section 2. Section 186.501, Florida Statutes, is repealed.

Page 9 of 177

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577-03064-25

20251264c1

- 262 Section 3. Section 186.502, Florida Statutes, is repealed.
 263 Section 4. Section 186.503, Florida Statutes, is repealed.
 264 Section 5. Section 186.504, Florida Statutes, is repealed.
 265 Section 6. Section 186.505, Florida Statutes, is repealed.
 266 Section 7. Section 186.506, Florida Statutes, is repealed.
 267 Section 8. Section 186.507, Florida Statutes, is repealed.
 268 Section 9. Section 186.508, Florida Statutes, is repealed.
 269 Section 10. Section 186.509, Florida Statutes, is repealed.
 270 Section 11. Section 186.511, Florida Statutes, is repealed.
 271 Section 12. Section 186.512, Florida Statutes, is repealed.
 272 Section 13. Section 186.513, Florida Statutes, is repealed.
 273 Section 14. Section 186.515, Florida Statutes, is repealed.
 274 Section 15. Section 287.0931, Florida Statutes, is
 275 repealed.
 276 Section 16. Section 288.12266, Florida Statutes, is
 277 repealed.
 278 Section 17. Section 288.124, Florida Statutes, is repealed.
 279 Section 18. Section 288.706, Florida Statutes, is repealed.
 280 Section 19. Section 288.7094, Florida Statutes, is
 281 repealed.
 282 Section 20. Section 288.7102, Florida Statutes, is
 283 repealed.
 284 Section 21. Section 288.71025, Florida Statutes, is
 285 repealed.
 286 Section 22. Section 288.7103, Florida Statutes, is
 287 repealed.
 288 Section 23. Section 288.714, Florida Statutes, is repealed.
 289 Section 24. Section 331.351, Florida Statutes, is repealed.
 290 Section 25. Paragraphs (e) and (k) of subsection (4) and

Page 10 of 177

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577-03064-25

20251264c1

291 paragraph (a) of subsection (5) of section 20.60, Florida
292 Statutes, are amended to read:

293 20.60 Department of Commerce; creation; powers and duties.—

294 (4) The purpose of the department is to assist the Governor
295 in working with the Legislature, state agencies, business
296 leaders, and economic development professionals to formulate and
297 implement coherent and consistent policies and strategies
298 designed to promote economic opportunities for all Floridians.
299 The department is the state's chief agency for business
300 recruitment and expansion and economic development. To
301 accomplish such purposes, the department shall:

302 (e) Manage the activities of public-private partnerships
303 and state agencies in order to avoid duplication and promote
304 coordinated and consistent implementation of programs in areas
305 including, but not limited to, tourism; international trade and
306 investment; business recruitment, creation, retention, and
307 expansion; ~~minority and~~ small business development; business
308 development in rural or urban areas; defense, space, and
309 aerospace development; rural community development; and the
310 development and promotion of professional and amateur sporting
311 events.

312 (k) Assist, promote, and enhance economic opportunities for
313 this state's ~~minority-owned~~ businesses and rural or ~~and~~ urban
314 communities.

315 (5) The divisions within the department have specific
316 responsibilities to achieve the duties, responsibilities, and
317 goals of the department. Specifically:

318 (a) The Division of Economic Development shall:

319 1. Analyze and evaluate business prospects identified by

Page 11 of 177

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577-03064-25

20251264c1

320 the Governor and the secretary.

321 2. Administer certain tax refund, tax credit, and grant
322 programs created in law. Notwithstanding any other provision of
323 law, the department may expend interest earned from the
324 investment of program funds deposited in the Grants and
325 Donations Trust Fund to contract for the administration of those
326 programs, or portions of the programs, assigned to the
327 department by law, by the appropriations process, or by the
328 Governor. Such expenditures are ~~shall be~~ subject to review under
329 chapter 216.

330 3. Develop measurement protocols for the state incentive
331 programs and for the contracted entities which will be used to
332 determine their performance and competitive value to the state.
333 Performance measures, benchmarks, and sanctions must be
334 developed in consultation with the legislative appropriations
335 committees and the appropriate substantive committees, and are
336 subject to the review and approval process provided in s.
337 216.177. The approved performance measures, standards, and
338 sanctions must ~~shall~~ be included and made a part of the
339 strategic plan for contracts entered into for delivery of
340 programs authorized by this section.

341 4. Develop a 5-year statewide strategic plan. The strategic
342 plan must include, but need not be limited to:

343 a. Strategies for the promotion of business formation,
344 expansion, recruitment, and retention through aggressive
345 marketing, attraction of venture capital and finance
346 development, domestic trade, international development, and
347 export assistance, which lead to more and better jobs and higher
348 wages for all geographic regions, ~~disadvantaged communities,~~ and

Page 12 of 177

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577-03064-25

20251264c1

349 populations of the state, including rural areas, ~~minority~~
350 ~~businesses,~~ and urban core areas.

351 b. The development of realistic policies and programs to
352 further the economic diversity of the state, its regions, and
353 their associated industrial clusters.

354 c. Specific provisions for the stimulation of economic
355 development and job creation in rural areas and midsize cities
356 and counties of the state, including strategies for rural
357 marketing and the development of infrastructure in rural areas.

358 d. Provisions for the promotion of the successful long-term
359 economic development of the state with increased emphasis in
360 market research and information.

361 e. Plans for the generation of foreign investment in the
362 state which create jobs paying above-average wages and which
363 result in reverse investment in the state, including programs
364 that establish viable overseas markets, assist in meeting the
365 financing requirements of export-ready firms, broaden
366 opportunities for international joint venture relationships, use
367 the resources of academic and other institutions, coordinate
368 trade assistance and facilitation services, and facilitate
369 availability of and access to education and training programs
370 that assure requisite skills and competencies necessary to
371 compete successfully in the global marketplace.

372 f. The identification of business sectors that are of
373 current or future importance to the state's economy and to the
374 state's global business image, and development of specific
375 strategies to promote the development of such sectors.

376 g. Strategies for talent development necessary in the state
377 to encourage economic development growth, taking into account

Page 13 of 177

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577-03064-25

20251264c1

378 factors such as the state's talent supply chain, education and
379 training opportunities, and available workforce.

380 h. Strategies and plans to support this state's defense,
381 space, and aerospace industries and the emerging complementary
382 business activities and industries that support the development
383 and growth of defense, space, and aerospace in this state.

384 5. Update the strategic plan every 5 years.

385 6. Involve CareerSource Florida, Inc.; direct-support
386 organizations of the department; local governments; the general
387 public; local and regional economic development organizations;
388 other local, state, and federal economic, international, and
389 workforce development entities; the business community; and
390 educational institutions to assist with the strategic plan.

391 7. Coordinate with the Florida Tourism Industry Marketing
392 Corporation in the development of the 4-year marketing plan
393 pursuant to s. 288.1226(13).

394 8. Administer and manage relationships, as appropriate,
395 with the entities and programs created pursuant to the Florida
396 Capital Formation Act, ss. 288.9621-288.96255.

397 9. Establish the Office of Secure Florida. The office is
398 responsible for administering and enforcing:

399 a. E-Verify and employment authorization compliance, as set
400 forth in ss. 448.09 and 448.095.

401 b. The prohibition against the purchase and registration of
402 real property in this state by foreign principals, as set forth
403 in ss. 692.203 and 692.204.

404 Section 26. Paragraph (r) of subsection (5) of section
405 212.08, Florida Statutes, is amended to read:

406 212.08 Sales, rental, use, consumption, distribution, and

Page 14 of 177

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577-03064-25 20251264c1

407 storage tax; specified exemptions.—The sale at retail, the
 408 rental, the use, the consumption, the distribution, and the
 409 storage to be used or consumed in this state of the following
 410 are hereby specifically exempt from the tax imposed by this
 411 chapter.

412 (5) EXEMPTIONS; ACCOUNT OF USE.—

413 (r) *Data center property*.—

414 1. As used in this paragraph, the term:

415 a. “Critical IT load” means that portion of electric power
 416 capacity, expressed in terms of megawatts, which is reserved
 417 solely for owners or tenants of a data center to operate their
 418 computer server equipment. The term does not include any
 419 ancillary load for cooling, lighting, common areas, or other
 420 equipment.

421 b. “Cumulative capital investment” means the combined total
 422 of all expenses incurred by the owners or tenants of a data
 423 center after July 1, 2017, in connection with acquiring,
 424 constructing, installing, equipping, or expanding the data
 425 center. However, the term does not include any expenses incurred
 426 in the acquisition of improved real property operating as a data
 427 center at the time of acquisition or within 6 months before the
 428 acquisition.

429 c. “Data center” means a facility that:

430 (I) Consists of one or more contiguous parcels in this
 431 state, along with the buildings, substations and other
 432 infrastructure, fixtures, and personal property located on the
 433 parcels;

434 (II) Is used exclusively to house and operate equipment
 435 that receives, stores, aggregates, manages, processes,

577-03064-25 20251264c1

436 transforms, retrieves, researches, or transmits data; or that is
 437 necessary for the proper operation of equipment that receives,
 438 stores, aggregates, manages, processes, transforms, retrieves,
 439 researches, or transmits data;

440 (III) Has a critical IT load of 15 megawatts or higher, and
 441 a critical IT load of 1 megawatt or higher dedicated to each
 442 individual owner or tenant within the data center; and

443 (IV) Is constructed on or after July 1, 2017.

444 d. “Data center property” means property used exclusively
 445 at a data center to construct, outfit, operate, support, power,
 446 cool, dehumidify, secure, or protect a data center and any
 447 contiguous dedicated substations. The term includes, but is not
 448 limited to, construction materials, component parts, machinery,
 449 equipment, computers, servers, installations, redundancies, and
 450 operating or enabling software, including any replacements,
 451 updates and new versions, and upgrades to or for such property,
 452 regardless of whether the property is a fixture or is otherwise
 453 affixed to or incorporated into real property. The term also
 454 includes electricity used exclusively at a data center.

455 2. Data center property is exempt from the tax imposed by
 456 this chapter, except for the tax imposed by s. 212.031. To be
 457 eligible for the exemption provided by this paragraph, the data
 458 center’s owners and tenants must make a cumulative capital
 459 investment of \$150 million or more for the data center and the
 460 data center must have a critical IT load of 15 megawatts or
 461 higher and a critical IT load of 1 megawatt or higher dedicated
 462 to each individual owner or tenant within the data center. Each
 463 of these requirements must be satisfied no later than 5 years
 464 after the commencement of construction of the data center.

577-03064-25

20251264c1

465 3.a. To receive the exemption provided by this paragraph,
 466 the person seeking the exemption must apply to the department
 467 for a temporary tax exemption certificate. The application must
 468 state that a qualifying data center designation is being sought
 469 and provide information that the requirements of subparagraph 2.
 470 will be met. Upon a tentative determination by the department
 471 that the data center will meet the requirements of subparagraph
 472 2., the department must issue the certificate.

473 b.(I) The certificateholder shall maintain all necessary
 474 books and records to support the exemption provided by this
 475 paragraph. Upon satisfaction of all requirements of subparagraph
 476 2., the certificateholder must deliver the temporary tax
 477 certificate to the department together with documentation
 478 sufficient to show the satisfaction of the requirements. Such
 479 documentation must include written declarations, pursuant to s.
 480 92.525, from:

481 (A) A professional engineer, licensed pursuant to chapter
 482 471, certifying that the critical IT load requirement set forth
 483 in subparagraph 2. has been satisfied at the data center; and

484 (B) A Florida certified public accountant, as defined in s.
 485 473.302, certifying that the cumulative capital investment
 486 requirement set forth in subparagraph 2. has been satisfied for
 487 the data center.

488
 489 The professional engineer and the Florida certified public
 490 accountant may not be professionally related with the data
 491 center's owners, tenants, or contractors, except that they may
 492 be retained by a data center owner to certify that the
 493 requirements of subparagraph 2. have been met.

Page 17 of 177

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577-03064-25

20251264c1

494 (II) If the department determines that the subparagraph 2.
 495 requirements have been satisfied, the department must issue a
 496 permanent tax exemption certificate.

497 (III) Notwithstanding s. 212.084(4), the permanent tax
 498 exemption certificate remains valid and effective for as long as
 499 the data center described in the exemption application continues
 500 to operate as a data center as defined in subparagraph 1., with
 501 review by the department every 5 years to ensure compliance. As
 502 part of the review, the certificateholder shall, within 3 months
 503 before the end of any 5-year period, submit a written
 504 declaration, pursuant to s. 92.525, certifying that the critical
 505 IT load of 15 megawatts or higher and the critical IT load of 1
 506 megawatt or higher dedicated to each individual owner or tenant
 507 within the data center required by subparagraph 2. continues to
 508 be met. All owners, tenants, contractors, and others purchasing
 509 exempt data center property shall maintain all necessary books
 510 and records to support the exemption as to those purchases.

511 (IV) Notwithstanding s. 213.053, the department may share
 512 information concerning a temporary or permanent data center
 513 exemption certificate among all owners, tenants, contractors,
 514 and others purchasing exempt data center property pursuant to
 515 such certificate.

516 c. If, in an audit conducted by the department, it is
 517 determined that the certificateholder or any owners, tenants,
 518 contractors, or others purchasing, renting, or leasing data
 519 center property do not meet the criteria of this paragraph, the
 520 amount of taxes exempted at the time of purchase, rental, or
 521 lease is immediately due and payable to the department from the
 522 purchaser, renter, or lessee of those particular items, together

Page 18 of 177

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577-03064-25 20251264c1

523 with the appropriate interest and penalty computed from the date
524 of purchase in the manner prescribed by this chapter.

525 Notwithstanding s. 95.091(3)(a), any tax due as provided in this
526 sub-subparagraph may be assessed by the department within 6
527 years after the date the data center property was purchased.

528 d. Purchasers, lessees, and renters of data center property
529 who qualify for the exemption provided by this paragraph shall
530 obtain from the data center a copy of the tax exemption
531 certificate issued pursuant to sub-subparagraph a. or sub-
532 subparagraph b. Before or at the time of purchase of the item or
533 items eligible for exemption, the purchaser, lessee, or renter
534 shall provide to the seller a copy of the tax exemption
535 certificate and a signed certificate of entitlement. Purchasers,
536 lessees, and renters with self-accrual authority shall maintain
537 all documentation necessary to prove the exempt status of
538 purchases.

539 e. For any purchase, lease, or rental of property that is
540 exempt pursuant to this paragraph, the possession of a copy of a
541 tax exemption certificate issued pursuant to sub-subparagraph a.
542 or sub-subparagraph b. and a signed certificate of entitlement
543 relieves the seller of the responsibility of collecting the tax
544 on the sale, lease, or rental of such property, and the
545 department must look solely to the purchaser, renter, or lessee
546 for recovery of the tax if it determines that the purchase,
547 rental, or lease was not entitled to the exemption.

548 ~~4. After June 30, 2027, the department may not issue a~~
549 ~~temporary tax exemption certificate pursuant to this paragraph.~~

550 Section 27. Paragraph (b) of subsection (1) of section
551 215.559, Florida Statutes, is amended to read:

Page 19 of 177

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577-03064-25 20251264c1

552 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
553 Mitigation Program is established in the Division of Emergency
554 Management.

555 (1) The Legislature shall annually appropriate \$10 million
556 of the moneys authorized for appropriation under s.
557 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
558 division for the purposes set forth in this section. Of the
559 amount:

560 (b) Three million dollars in funds shall be used to
561 construct or retrofit facilities used as public hurricane
562 shelters. Each year the division shall prioritize the use of
563 these funds for projects included in the annual report of the
564 Shelter Development Report prepared in accordance with s.
565 252.385(3). The division must give funding priority to projects
566 in regional planning council regions, as such regions existed on
567 January 1, 2025, that have shelter deficits and to projects that
568 maximize the use of state funds.

569 Section 28. Paragraph (b) of subsection (2) and subsection
570 (3) of section 252.385, Florida Statutes, are amended to read:

571 252.385 Public shelter space; public records exemption.—

572 (2)

573 (b) By January 31 of each even-numbered year, the division
574 shall prepare and submit a statewide emergency shelter plan to
575 the Governor and Cabinet for approval, subject to the
576 requirements for approval in s. 1013.37(2). The emergency
577 shelter plan must project, for each of the next 5 years, the
578 hurricane shelter needs of the state, including periods of time
579 during which a concurrent public health emergency may
580 necessitate more space for each individual to accommodate

Page 20 of 177

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577-03064-25

20251264c1

581 physical distancing. In addition to information on the general
 582 shelter needs throughout this state, the plan must identify the
 583 general location and square footage of special needs shelters
 584 annually through 2030, by regional planning council region. The
 585 plan must also include information on the availability of
 586 shelters that accept pets. The Department of Health shall assist
 587 the division in determining the estimated need for special needs
 588 shelter space and the adequacy of facilities to meet the needs
 589 of persons with special needs based on information from the
 590 registries of persons with special needs and other information.

591 (3) The division shall annually provide to the President of
 592 the Senate, the Speaker of the House of Representatives, and the
 593 Governor a list of facilities recommended to be retrofitted
 594 using state funds. State funds must ~~should~~ be maximized and
 595 targeted to regional planning council regions, as such regions
 596 existed on January 1, 2025, with hurricane evacuation shelter
 597 deficits. The owner or lessee of a public hurricane evacuation
 598 shelter that is included on the list of facilities recommended
 599 for retrofitting is not required to perform any recommended
 600 improvements.

601 Section 29. Paragraph (d) of subsection (21) of section
 602 253.025, Florida Statutes, is amended to read:

603 253.025 Acquisition of state lands.—

604 (21)

605 (d) A conveyance at less than appraised value must state
 606 that the land will revert to the board of trustees if the land
 607 is not used for its intended purposes as a military installation
 608 buffer or if the military installation closes. Federal
 609 Government agencies, including the Department of Defense and its

Page 21 of 177

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577-03064-25

20251264c1

610 subordinate Departments of the Army, Navy, and Air Force, and
 611 the Department of Homeland Security's United States Coast Guard,
 612 are exempt from this paragraph if the primary purpose of
 613 remaining as a military installation buffer continues, even
 614 though the specific military purpose, mission, and function on
 615 the conveyed land is modified or changes from that which was
 616 present or proposed at the time of the conveyance.

617 Section 30. Subsection (18) of section 287.012, Florida
 618 Statutes, is amended to read:

619 287.012 Definitions.—As used in this part, the term:

620 ~~(18) "Minority business enterprise" has the same meaning as~~
 621 ~~provided in s. 288.703.~~

622 Section 31. Paragraph (a) of subsection (2) and paragraph
 623 (b) of subsection (3) of section 287.042, Florida Statutes, are
 624 amended to read:

625 287.042 Powers, duties, and functions.—The department shall
 626 have the following powers, duties, and functions:

627 (2) (a) To establish purchasing agreements and procure state
 628 term contracts for commodities and contractual services,
 629 pursuant to s. 287.057, under which state agencies shall, and
 630 eligible users may, make purchases pursuant to s. 287.056. The
 631 department may restrict purchases from some term contracts to
 632 state agencies only for those term contracts where the inclusion
 633 of other governmental entities will have an adverse effect on
 634 competition or to those federal facilities located in this
 635 state. In such planning or purchasing the Office of Supplier
 636 Development Diversity may monitor to ensure that opportunities
 637 are afforded for contracting with rural or urban minority
 638 business enterprises. The department, for state term contracts,

Page 22 of 177

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577-03064-25

20251264c1

639 and all agencies, for multiyear contractual services or term
 640 contracts, shall explore reasonable and economical means to
 641 utilize certified rural or urban minority business enterprises.
 642 Purchases by any county, municipality, private nonprofit
 643 community transportation coordinator designated pursuant to
 644 chapter 427, while conducting business related solely to the
 645 Commission for the Transportation Disadvantaged, or other local
 646 public agency under the provisions in the state purchasing
 647 contracts, and purchases, from the corporation operating the
 648 correctional work programs, of products or services that are
 649 subject to paragraph (1)(f), are exempt from the competitive
 650 solicitation requirements otherwise applying to their purchases.

651 (3) To establish a system of coordinated, uniform
 652 procurement policies, procedures, and practices to be used by
 653 agencies in acquiring commodities and contractual services,
 654 which shall include, but not be limited to:

655 (b)1. Development of procedures for advertising
 656 solicitations. These procedures must provide for electronic
 657 posting of solicitations for at least 10 days before the date
 658 set for receipt of bids, proposals, or replies, unless the
 659 department or other agency determines in writing that a shorter
 660 period of time is necessary to avoid harming the interests of
 661 the state. The Office of Supplier Development Diversity may
 662 consult with the department regarding the development of
 663 solicitation distribution procedures to ensure that maximum
 664 distribution is afforded to certified rural or urban minority
 665 business enterprises as defined in s. 288.703.

666 2. Development of procedures for electronic posting. The
 667 department shall designate a centralized website on the Internet

Page 23 of 177

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577-03064-25

20251264c1

668 for the department and other agencies to electronically post
 669 solicitations, decisions or intended decisions, and other
 670 matters relating to procurement.

671 Section 32. Section 287.09451, Florida Statutes, is amended
 672 to read:

673 287.09451 Office of Supplier Development Diversity; powers,
 674 duties, and functions.—

675 (1) The Legislature finds that there is evidence of a
 676 systematic pattern of past and continuing ~~racial~~ discrimination
 677 against rural or urban minority business enterprises and a
 678 disparity in the availability and use of such rural or urban
 679 minority business enterprises in the state procurement system.
 680 It is determined to be a compelling state interest to rectify
 681 such discrimination and disparity. Based upon statistical data
 682 profiling this discrimination, the Legislature has enacted ~~race-~~
 683 ~~conscious and gender-conscious~~ remedial programs to ensure rural
 684 or urban minority participation in the economic life of the
 685 state, in state contracts for the purchase of commodities and
 686 services, and in construction contracts. The purpose and intent
 687 of this section is to increase participation by minority
 688 business enterprises in rural or urban areas, accomplished by
 689 encouraging the use of such rural or urban minority business
 690 enterprises and the entry of new and diversified rural or urban
 691 minority business enterprises into the marketplace.

692 (2) The Office of Supplier Development Diversity is
 693 established within the Department of Management Services to
 694 assist minority business enterprises located in rural or urban
 695 areas in becoming suppliers of commodities, services, and
 696 construction to state government.

Page 24 of 177

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577-03064-25

20251264c1

697 (3) The secretary shall appoint an executive director for
698 the Office of Supplier Development Diversity, who shall serve at
699 the pleasure of the secretary.

700 (4) The Office of Supplier Development ~~has Diversity shall~~
701 ~~have~~ the following powers, duties, and functions:

702 (a) To adopt rules to determine what constitutes a "good
703 faith effort" for purposes of state agency compliance with the
704 rural or urban minority business enterprise procurement goals
705 set forth in s. 287.042. Factors which ~~must shall~~ be considered
706 ~~by the Minority Business Enterprise Assistance Office~~ in
707 determining good faith effort ~~must shall~~ include, but are not ~~be~~
708 limited to:

709 1. Whether the agency scheduled presolicitation or prebid
710 meetings for the purpose of informing rural or urban minority
711 business enterprises of contracting and subcontracting
712 opportunities.

713 2. Whether the contractor advertised in general
714 circulation, trade association, or rural-focused or urban-
715 focused minority-focus ~~media~~ concerning the subcontracting
716 opportunities.

717 3. Whether the agency effectively used services and
718 resources of available rural or urban minority community
719 organizations; ~~minority~~ contractors' groups located in rural or
720 urban areas; local, state, and federal ~~minority business~~
721 assistance offices urban businesses located in rural or urban
722 areas; and other organizations that provide assistance in the
723 recruitment and placement of rural or urban minority business
724 enterprises ~~or minority persons~~.

725 4. Whether the agency provided written notice to a

Page 25 of 177

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577-03064-25

20251264c1

726 reasonable number of rural or urban minority business
727 enterprises that their interest in contracting with the agency
728 was being solicited in sufficient time to allow the rural or
729 urban minority business enterprises to participate effectively.

730 (b) To adopt rules to determine what constitutes a "good
731 faith effort" for purposes of contractor compliance with
732 contractual requirements relating to the use of services or
733 commodities of a rural or urban minority business enterprise
734 under s. 287.094(2). Factors which ~~must shall~~ be considered by
735 the Office of Supplier Development Diversity in determining
736 whether a contractor has made good faith efforts ~~must shall~~
737 include, but are not ~~be~~ limited to:

738 1. Whether the contractor attended any presolicitation or
739 prebid meetings that were scheduled by the agency to inform
740 rural or urban minority business enterprises of contracting and
741 subcontracting opportunities.

742 2. Whether the contractor advertised in general
743 circulation, trade association, or rural-focused or urban-
744 focused minority-focus ~~media~~ concerning the subcontracting
745 opportunities.

746 3. Whether the contractor provided written notice to a
747 reasonable number of specific rural or urban minority business
748 enterprises that their interest in the contract was being
749 solicited in sufficient time to allow the rural or urban
750 minority business enterprises to participate effectively.

751 4. Whether the contractor followed up initial solicitations
752 of interest by contacting rural or urban minority business
753 enterprises ~~or minority persons~~ to determine with certainty
754 whether the rural or urban minority business enterprises ~~or~~

Page 26 of 177

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577-03064-25

20251264c1

755 ~~minority persons~~ were interested.

756 5. Whether the contractor selected portions of the work to
757 be performed by rural or urban minority business enterprises in
758 order to increase the likelihood of meeting the rural or urban
759 ~~minority~~ business enterprise procurement goals, including, where
760 appropriate, breaking down contracts into economically feasible
761 units to facilitate rural or urban minority business enterprise
762 participation.

763 6. Whether the contractor provided interested rural or
764 urban minority business enterprises ~~or minority persons~~ with
765 adequate information about the plans, specifications, and
766 requirements of the contract or the availability of jobs.

767 7. Whether the contractor negotiated in good faith with
768 interested rural or urban minority business enterprises ~~or~~
769 ~~minority persons~~, not rejecting rural or urban minority business
770 enterprises ~~or minority persons~~ as unqualified without sound
771 reasons based on a thorough investigation of their capabilities.

772 8. Whether the contractor effectively used the services of
773 available rural or urban minority community organizations; rural
774 or urban minority contractors' groups; local, state, and federal
775 rural or urban minority business assistance offices; and other
776 organizations that provide assistance in the recruitment and
777 placement of rural or urban minority business enterprises ~~or~~
778 ~~minority persons~~.

779 (c) To adopt rules and do all things necessary or
780 convenient to guide all state agencies toward making
781 expenditures for commodities, contractual services,
782 construction, and architectural and engineering services with
783 certified rural or urban minority business enterprises in

Page 27 of 177

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577-03064-25

20251264c1

784 accordance with the rural or urban minority business enterprise
785 procurement goals set forth in s. 287.042.

786 (d) To monitor the degree to which agencies procure
787 services, commodities, and construction from rural or urban
788 ~~minority~~ business enterprises in conjunction with the Department
789 of Financial Services as specified in s. 17.11.

790 (e) To receive and disseminate information relative to
791 procurement opportunities, availability of rural or urban
792 ~~minority~~ business enterprises, and technical assistance.

793 (f) To advise agencies on methods and techniques for
794 achieving procurement objectives.

795 (g) To provide a central rural or urban minority business
796 enterprise certification process which includes independent
797 verification of status as a rural or urban minority business
798 enterprise.

799 (h) To develop procedures to investigate complaints against
800 rural or urban minority business enterprises or contractors
801 alleged to violate any provision related to this section or s.
802 287.0943, that may include visits to worksites or business
803 premises, and to refer all information on businesses suspected
804 of misrepresenting its rural or urban minority status to the
805 Department of Management Services for investigation. When an
806 investigation is completed and there is reason to believe that a
807 violation has occurred, the matter shall be referred to the
808 office of the Attorney General, Department of Legal Affairs, for
809 prosecution.

810 (i) To maintain a directory of all rural or urban minority
811 business enterprises which have been certified and provide this
812 information to any agency or business requesting it.

Page 28 of 177

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577-03064-25

20251264c1

813 (j) To encourage all firms which do more than \$1 million in
814 business with the state within a 12-month period to develop,
815 implement, and submit to this office a rural or urban minority
816 business development plan.

817 (k) To communicate on a monthly basis with the Small and
818 Minority Business Advisory Council to keep the council informed
819 on issues relating to rural or urban minority enterprise
820 procurement.

821 (l) To serve as an advocate for rural or urban minority
822 business enterprises, and coordinate with the small, rural and
823 minority business ombudsman, as defined in s. 288.703, which
824 duties shall include:

825 1. Ensuring that agencies supported by state funding
826 effectively target the delivery of services and resources, as
827 related to rural or urban minority business enterprises.

828 2. Establishing standards within each industry with which
829 the state government contracts on how agencies and contractors
830 may provide the maximum practicable opportunity for rural or
831 urban minority business enterprises.

832 3. Assisting agencies and contractors by providing outreach
833 to rural or urban minority businesses, by specifying and
834 monitoring technical and managerial competence for rural or
835 urban minority business enterprises, and by consulting in
836 planning of agency procurement to determine how best to provide
837 opportunities for rural or urban minority business enterprises.

838 4. Integrating technical and managerial assistance for
839 rural or urban minority business enterprises with government
840 contracting opportunities.

841 (m) To certify rural or urban minority business

577-03064-25

20251264c1

842 enterprises, as defined in s. 288.703, and as specified in ss.
843 287.0943 and 287.09431, and shall recertify such rural or urban
844 minority businesses at least once every 2 years. Rural or urban
845 Minority business enterprises must be recertified at least once
846 every 2 years. Such certifications may include an electronic
847 signature.

848 (n)1. To develop procedures to be used by an agency in
849 identifying commodities, contractual services, architectural and
850 engineering services, and construction contracts, except those
851 architectural, engineering, construction, or other related
852 services or contracts subject to the provisions of chapter 339,
853 that could be provided by rural or urban minority business
854 enterprises. Each agency is encouraged to spend 21 percent of
855 the moneys actually expended for construction contracts, 25
856 percent of the moneys actually expended for architectural and
857 engineering contracts, 24 percent of the moneys actually
858 expended for commodities, and 50.5 percent of the moneys
859 actually expended for contractual services during the previous
860 fiscal year, except for the state university construction
861 program which ~~are shall be~~ based upon public education capital
862 outlay projections for the subsequent fiscal year, and reported
863 to the Legislature pursuant to s. 216.023, for the purpose of
864 entering into contracts with certified rural or urban minority
865 business enterprises as defined in s. 288.703, or approved joint
866 ventures. However, in the event of budget reductions pursuant to
867 s. 216.221, the base amounts may be adjusted to reflect such
868 reductions. ~~The overall spending goal for each industry category~~
869 ~~shall be subdivided as follows:~~

870 a. ~~For construction contracts: 4 percent for black~~

577-03064-25

20251264c1

871 ~~Americans, 6 percent for Hispanic Americans, and 11 percent for~~
 872 ~~American women.~~

873 ~~b. For architectural and engineering contracts: 9 percent~~
 874 ~~for Hispanic Americans, 1 percent for Asian Americans, and 15~~
 875 ~~percent for American women.~~

876 ~~c. For commodities: 2 percent for black Americans, 4~~
 877 ~~percent for Hispanic Americans, 0.5 percent for Asian Americans,~~
 878 ~~0.5 percent for Native Americans, and 17 percent for American~~
 879 ~~women.~~

880 ~~d. For contractual services: 6 percent for black Americans,~~
 881 ~~7 percent for Hispanic Americans, 1 percent for Asian Americans,~~
 882 ~~0.5 percent for Native Americans, and 36 percent for American~~
 883 ~~women.~~

884 2. For the purposes of commodities contracts for the
 885 purchase of equipment to be used in the construction and
 886 maintenance of state transportation facilities involving the
 887 Department of Transportation, the ~~term terms~~ "certified rural or
 888 urban minority business enterprise" ~~has the same meaning as and~~
 889 ~~"minority person" have the same meanings as provided in s.~~
 890 288.703. In order to ensure that the goals established under
 891 this paragraph for contracting with certified rural or urban
 892 minority business enterprises are met, the department, with the
 893 assistance of the Office of Supplier Development Diversity,
 894 shall make recommendations to the Legislature on revisions to
 895 the goals, based on an updated statistical analysis, at least
 896 once every 5 years. Such recommendations ~~must shall~~ be based on
 897 statistical data indicating the availability of and disparity in
 898 the use of rural or urban minority businesses contracting with
 899 the state.

Page 31 of 177

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577-03064-25

20251264c1

900 3. In determining the base amounts for assessing compliance
 901 with this paragraph, the Office of Supplier Development
 902 Diversity may develop, by rule, guidelines for all agencies to
 903 use in establishing such base amounts. These rules must include,
 904 but are not limited to, guidelines for calculation of base
 905 amounts, a deadline for the agencies to submit base amounts, a
 906 deadline for approval of the base amounts by the Office of
 907 Supplier Development Diversity, and procedures for adjusting the
 908 base amounts as a result of budget reductions made pursuant to
 909 s. 216.221.

910 4. To determine guidelines for the use of price
 911 preferences, weighted preference formulas, or other preferences,
 912 as appropriate to the particular industry or trade, to increase
 913 the participation of rural or urban minority businesses in state
 914 contracting. These guidelines ~~must shall~~ include consideration
 915 of:

916 a. Size and complexity of the project.

917 b. The concentration of transactions with rural or urban
 918 minority business enterprises for the commodity or contractual
 919 services in question in prior agency contracting.

920 c. The specificity and definition of work allocated to
 921 participating rural or urban minority business enterprises.

922 d. The capacity of participating rural or urban minority
 923 business enterprises to complete the tasks identified in the
 924 project.

925 e. The available pool of rural or urban minority business
 926 enterprises as prime contractors, either alone or as partners in
 927 an approved joint venture that serves as the prime contractor.

928 5. To determine guidelines for use of joint ventures to

Page 32 of 177

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577-03064-25

20251264c1

929 meet rural or urban minority business enterprises spending
 930 goals. For purposes of this section, the term "joint venture"
 931 means any association of two or more business concerns to carry
 932 out a single business enterprise for profit, for which purpose
 933 they combine their property, capital, efforts, skills, and
 934 knowledge. The guidelines ~~must shall~~ allow transactions with
 935 joint ventures to be eligible for credit against the rural or
 936 urban minority business enterprise goals of an agency when the
 937 contracting joint venture demonstrates that at least one partner
 938 to the joint venture is a certified rural or urban minority
 939 business enterprise as defined in s. 288.703, and that such
 940 partner is responsible for a clearly defined portion of the work
 941 to be performed, and shares in the ownership, control,
 942 management, responsibilities, risks, and profits of the joint
 943 venture. Such demonstration ~~must shall~~ be by verifiable
 944 documents and sworn statements and may be reviewed by the Office
 945 of Supplier Development ~~Diversity~~ at or before the time a
 946 contract bid, proposal, or reply is submitted. An agency may
 947 count toward its rural or urban minority business enterprise
 948 goals a portion of the total dollar amount of a contract equal
 949 to the percentage of the ownership and control held by the
 950 qualifying certified rural or urban minority business partners
 951 in the contracting joint venture, so long as the joint venture
 952 meets the guidelines adopted by the office.

953 (o)1. To establish a system to record and measure the use
 954 of certified rural or urban minority business enterprises in
 955 state contracting. This system ~~must shall~~ maintain information
 956 and statistics on certified rural or urban minority business
 957 enterprise participation, awards, dollar volume of expenditures

Page 33 of 177

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577-03064-25

20251264c1

958 and agency goals, and other appropriate types of information to
 959 analyze progress in the access of certified rural or urban
 960 ~~minority~~ business enterprises to state contracts and to monitor
 961 agency compliance with this section. Such reporting must
 962 include, but is not limited to, the identification of all
 963 subcontracts in state contracting by dollar amount and by number
 964 of subcontracts and the identification of the utilization of
 965 certified rural or urban minority business enterprises as prime
 966 contractors and subcontractors by dollar amounts of contracts
 967 and subcontracts, number of contracts and subcontracts, ~~minority~~
 968 ~~status~~, industry, and any conditions or circumstances that
 969 significantly affected the performance of subcontractors.
 970 Agencies shall report their compliance with the requirements of
 971 this reporting system at least annually and at the request of
 972 the office. All agencies shall cooperate with the office in
 973 establishing this reporting system. Except in construction
 974 contracting, all agencies shall review contracts costing in
 975 excess of CATEGORY FOUR as defined in s. 287.017 to determine
 976 whether if such contracts could be divided into smaller
 977 contracts to be separately solicited and awarded, and shall,
 978 when economical, offer such smaller contracts to encourage rural
 979 or urban minority participation.

980 2. To report agency compliance with ~~the provisions of~~
 981 subparagraph 1. for the preceding fiscal year to the Governor
 982 ~~and Cabinet~~, the President of the Senate, and the Speaker of the
 983 House of Representatives on or before February 1 of each year.
 984 The report must contain, at a minimum, the following:
 985 a. Total expenditures of each agency by industry.
 986 b. The dollar amount and percentage of contracts awarded to

Page 34 of 177

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577-03064-25 20251264c1

987 certified rural or urban ~~minority~~ business enterprises by each
988 state agency.

989 c. The dollar amount and percentage of contracts awarded
990 indirectly to certified rural or urban ~~minority~~ business
991 enterprises as subcontractors by each state agency.

992 d. The total dollar amount and percentage of contracts
993 awarded to certified rural or urban ~~minority~~ business
994 enterprises, whether directly or indirectly, as subcontractors.

995 e. A statement and assessment of good faith efforts taken
996 by each state agency.

997 f. A status report of agency compliance with subsection
998 (6), as determined by the Rural or Urban ~~Minority~~ Business
999 Enterprise Office.

1000 (5) (a) Each agency shall, at the time the specifications or
1001 designs are developed or contract sizing is determined for any
1002 proposed procurement costing in excess of CATEGORY FOUR, as
1003 defined in s. 287.017, forward a notice to the Office of
1004 Supplier Development Diversity of the proposed procurement and
1005 any determination on the designs of specifications of the
1006 proposed procurement that impose requirements on prospective
1007 vendors, no later than 30 days before ~~prior~~ to the issuance of a
1008 solicitation, except that this provision does ~~shall~~ not apply to
1009 emergency acquisitions. The 30-day notice period does ~~shall~~ not
1010 toll the time for any other procedural requirements.

1011 (b) If the Office of Supplier Development Diversity
1012 determines that the proposed procurement will not likely allow
1013 opportunities for rural or urban ~~minority~~ business enterprises,
1014 the office may, within 20 days after it receives the information
1015 specified in paragraph (a), propose the implementation of rural

Page 35 of 177

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577-03064-25 20251264c1

1016 or urban ~~minority~~ business enterprise utilization provisions or
1017 submit alternative procurement methods that would significantly
1018 increase rural or urban ~~minority~~ business enterprise contracting
1019 opportunities.

1020 (c) Whenever the agency and the Office of Supplier
1021 Development Diversity disagree, the matter must ~~shall~~ be
1022 submitted for determination to the head of the agency or the
1023 senior-level official designated pursuant to this section as
1024 liaison for rural or urban ~~minority~~ business enterprise issues.

1025 (d) If the proposed procurement proceeds to competitive
1026 solicitation, the office is hereby granted standing to protest,
1027 pursuant to this section, in a timely manner, any contract award
1028 during competitive solicitation for contractual services and
1029 construction contracts that fail to include rural or urban
1030 ~~minority~~ business enterprise participation, if any responsible
1031 and responsive vendor has demonstrated the ability to achieve
1032 any level of participation, or, any contract award for
1033 commodities where, a reasonable and economical opportunity to
1034 reserve a contract, statewide or district level, for rural or
1035 urban ~~minority~~ participation was not executed or, an agency
1036 failed to adopt an applicable preference for rural or urban
1037 ~~minority~~ participation. The bond requirement is ~~shall be~~ waived
1038 for the office purposes of this subsection.

1039 (e) An agency may presume that a vendor offering no rural
1040 or urban ~~minority~~ participation has not made a good faith effort
1041 when other vendors offer rural or urban ~~minority~~ participation
1042 of firms listed as relevant to the agency's purchasing needs in
1043 the pertinent locality or statewide to complete the project.

1044 (f) Paragraph (a) will not apply when the Office of

Page 36 of 177

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577-03064-25

20251264c1

1045 Supplier ~~Development Diversity~~ determines that an agency has
 1046 established a work plan to allow advance consultation and
 1047 planning with rural or urban minority business enterprises and
 1048 where such plan clearly demonstrates:

- 1049 1. A high level of advance planning by the agency with
 1050 rural or urban minority business enterprises.
 - 1051 2. A high level of accessibility, knowledge, and experience
 1052 by rural or urban minority business enterprises in the agency's
 1053 contract decisionmaking process.
 - 1054 3. A high quality of agency monitoring and enforcement of
 1055 internal implementation of rural or urban minority business
 1056 utilization provisions.
 - 1057 4. A high quality of agency monitoring and enforcement of
 1058 contractor utilization of rural or urban minority business
 1059 enterprises, especially tracking subcontractor data, and
 1060 ensuring the integrity of subcontractor reporting.
 - 1061 5. A high quality of agency outreach, agency networking of
 1062 major vendors with rural or urban minority vendors, and
 1063 innovation in techniques to improve utilization of rural or
 1064 urban minority business enterprises.
 - 1065 6. Substantial commitment, sensitivity, and proactive
 1066 attitude by the agency head and among the agency rural or urban
 1067 minority business staff.
- 1068 (6) Each state agency shall coordinate its rural or urban
 1069 minority business enterprise procurement activities with the
 1070 Office of Supplier ~~Development Diversity~~. At a minimum, each
 1071 agency shall:
- 1072 (a) Adopt a rural or urban minority business enterprise
 1073 utilization plan for review and approval by the Office of

Page 37 of 177

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577-03064-25

20251264c1

1074 Supplier ~~Development Diversity~~ which should require meaningful
 1075 and useful methods to attain the legislative intent in assisting
 1076 rural or urban minority business enterprises.

1077 (b) Designate a senior-level employee in the agency as a
 1078 rural or urban minority enterprise assistance officer,
 1079 responsible for overseeing the agency's rural or urban minority
 1080 business utilization activities, and who is not also charged
 1081 with purchasing responsibility. A senior-level agency employee
 1082 and agency purchasing officials ~~is shall be~~ accountable to the
 1083 agency head for the agency's rural or urban minority business
 1084 utilization performance. The Office of Supplier ~~Development~~
 1085 ~~Diversity~~ shall advise each agency on compliance performance.

1086 (c) If an agency deviates significantly from its
 1087 utilization plan in 2 consecutive or 3 out of 5 total fiscal
 1088 years, the Office of Supplier ~~Development Diversity~~ may review
 1089 any and all solicitations and contract awards of the agency as
 1090 deemed necessary until such time as the agency meets its
 1091 utilization plan.

1092 Section 33. Section 287.0947, Florida Statutes, is amended
 1093 to read:

1094 287.0947 Florida Advisory Council on Small, Rural, and
 1095 Urban and Minority Business Development; creation; membership;
 1096 duties.-

1097 (1) The Secretary of Management Services may create the
 1098 Florida Advisory Council on Small, Rural, and Urban and Minority
 1099 Business Development with the purpose of advising and assisting
 1100 the secretary in carrying out the secretary's duties with
 1101 respect to rural or urban minority businesses and economic and
 1102 business development. It is the intent of the Legislature that

Page 38 of 177

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577-03064-25

20251264c1

1103 the membership of such council include practitioners,
 1104 laypersons, financiers, and others with business development
 1105 experience who can provide invaluable insight and expertise for
 1106 this state in the diversification of its markets and networking
 1107 of business opportunities. The council shall initially be
 1108 composed ~~consist~~ of 19 persons, each of whom is or has been
 1109 actively engaged in small, rural, or urban ~~and minority~~ business
 1110 development, either in private industry, in governmental
 1111 service, or as a scholar of recognized achievement in the study
 1112 of such matters. Initially, the council shall be composed
 1113 ~~consist~~ of members representing all regions of this ~~the~~ state
 1114 and shall include at least one member from each group identified
 1115 within the definition of "minority person" in s. 288.703 ~~s-~~
 1116 ~~288.703(4)~~, considering also gender and nationality subgroups,
 1117 and shall be composed ~~consist~~ of the following:

1118 (a) Four members ~~consisting of~~ representatives of local and
 1119 federal small, rural, or urban ~~and minority~~ business assistance
 1120 programs or community development programs.

1121 (b) Eight members representing ~~composed of~~ ~~representatives~~
 1122 ~~of the~~ rural or urban ~~minority~~ private business sectors ~~sector~~,
 1123 including certified rural or urban ~~minority~~ business enterprises
 1124 and rural or urban ~~minority~~ supplier development councils, among
 1125 whom at least two are ~~shall be~~ women and at least four are ~~shall~~
 1126 ~~be~~ minority persons.

1127 (c) Two representatives of local government, one of whom is
 1128 ~~shall be~~ a representative of a large local government, and one
 1129 of whom is ~~shall be~~ a representative of a small local
 1130 government.

1131 (d) Two representatives from the banking and insurance

Page 39 of 177

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577-03064-25

20251264c1

1132 industry.

1133 (e) Two members from the private business sector,
 1134 representing the construction and commodities industries.

1135 (f) The Secretary of Commerce or his or her designee.
 1136

1137 A candidate for appointment may be considered if eligible to be
 1138 certified as an owner of a rural or urban ~~minority~~ business
 1139 enterprise, or if otherwise qualified under the criteria above.
 1140 Vacancies may be filled by appointment of the secretary, in the
 1141 manner of the original appointment.

1142 (2) Each appointed member shall serve for a term of 2 years
 1143 from the date of appointment, except that a vacancy must ~~shall~~
 1144 be filled by appointment for the remainder of the unexpired
 1145 term. The council shall annually elect a chair and a vice chair.
 1146 The council shall adopt internal procedures or bylaws necessary
 1147 for efficient operations. Members of the council shall serve
 1148 without compensation or honorarium but shall be entitled to per
 1149 diem and travel expenses pursuant to s. 112.061 for the
 1150 performance of duties for the council. The executive
 1151 administrator of the commission may remove a council member for
 1152 cause.

1153 (3) Within 30 days after its initial meeting, the council
 1154 shall elect from among its members a chair and a vice chair.

1155 (4) The council shall meet at the call of its chair, at the
 1156 request of a majority of its membership, at the request of the
 1157 commission or its executive administrator, or at such times as
 1158 may be prescribed by rule, but not less than once a year, to
 1159 offer its views on issues related to small, rural, or urban ~~and~~
 1160 ~~minority~~ business development of concern to this state. A

Page 40 of 177

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577-03064-25

20251264c1

1161 majority of the members of the council shall constitute a
1162 quorum.

1163 (5) The powers and duties of the council include, but are
1164 not limited to the following: researching and reviewing the role
1165 of small, rural, or urban ~~and minority~~ businesses in the state's
1166 economy; reviewing issues and emerging topics relating to small,
1167 rural, or urban ~~and minority~~ business economic development;
1168 studying the ability of financial markets and institutions to
1169 meet small business credit needs and determining the impact of
1170 government demands on credit for small, rural, or urban
1171 businesses; assessing the implementation of s. 187.201(21),
1172 requiring a state economic development comprehensive plan, as it
1173 relates to small and certified rural or urban business
1174 enterprises as defined in s. 288.703 ~~minority businesses~~;
1175 assessing the reasonableness and effectiveness of efforts by any
1176 state agency or by all state agencies collectively to assist
1177 rural or urban ~~minority~~ business enterprises; and advising the
1178 Governor, the secretary, and the Legislature on matters relating
1179 to small, rural, or urban ~~and minority~~ business development
1180 which are of importance to the international strategic planning
1181 and activities of this state.

1182 (6) On or before January 1 of each year, the council shall
1183 present an annual report to the secretary that sets forth in
1184 appropriate detail the business transacted by the council during
1185 the year and any recommendations to the secretary, including
1186 those to improve business opportunities for small, rural, or
1187 urban ~~and minority~~ business enterprises.

1188 Section 34. Paragraph (b) of subsection (4) of section
1189 288.001, Florida Statutes, is amended, and paragraph (b) of

Page 41 of 177

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577-03064-25

20251264c1

1190 subsection (3) is reenacted, to read:

1191 288.001 The Florida Small Business Development Center
1192 Network.—

1193 (3) OPERATION; POLICIES AND PROGRAMS.—

1194 (b) The network's statewide director shall consult with the
1195 Board of Governors, the department, and the network's statewide
1196 advisory board to ensure that the network's policies and
1197 programs align with the statewide goals of the State University
1198 System and the statewide strategic economic development plan as
1199 provided under s. 20.60.

1200 (4) STATEWIDE ADVISORY BOARD.—

1201 (b) The statewide advisory board shall be composed ~~consist~~
1202 of 19 members from across the state. At least 12 members must be
1203 representatives of the private sector who are knowledgeable of
1204 the needs and challenges of small businesses. The members must
1205 represent various segments and industries of the economy in this
1206 state and must bring knowledge and skills to the statewide
1207 advisory board which would enhance the board's collective
1208 knowledge of small business assistance needs and challenges.
1209 ~~Minority and gender~~ Representation for this state's rural or
1210 urban areas must be considered when making appointments to the
1211 board. The board must include the following members:

1212 1. Three members appointed from the private sector by the
1213 President of the Senate.

1214 2. Three members appointed from the private sector by the
1215 Speaker of the House of Representatives.

1216 3. Three members appointed from the private sector by the
1217 Governor.

1218 4. Three members appointed from the private sector by the

Page 42 of 177

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577-03064-25

20251264c1

1219 network's statewide director.

1220 5. One member appointed by the host institution.

1221 6. The Secretary of Commerce, l, or his or her designee.

1222 7. The Chief Financial Officer, l, or his or her designee.

1223 8. The President of the Florida Chamber of Commerce, l, or his
1224 or her designee.

1225 9. The Small Business Development Center Project Officer
1226 from the U.S. Small Business Administration at the South Florida
1227 District Office, l, or his or her designee.

1228 10. The executive director of the National Federation of
1229 Independent Businesses, Florida, or his or her designee.

1230 11. The executive director of the Florida United Business
1231 Association, l, or his or her designee.

1232 Section 35. Subsection (8) of section 288.0065, Florida
1233 Statutes, is amended to read:

1234 288.0065 Annual incentives report.—By December 30 of each
1235 year, the department shall provide the Governor, the President
1236 of the Senate, and the Speaker of the House of Representatives a
1237 detailed incentives report quantifying the economic benefits for
1238 all of the economic development incentive programs administered
1239 by the department and its public-private partnerships. The
1240 annual incentives report must include:

1241 (8) A description of the trends relating to business
1242 interest in, and usage of, the various incentives, and the
1243 number of ~~minority-owned or woman-owned~~ small businesses and
1244 businesses in rural or urban areas receiving incentives.

1245 Section 36. Section 288.1167, Florida Statutes, is amended
1246 to read:

1247 288.1167 Sports franchise contract provisions for food and

Page 43 of 177

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577-03064-25

20251264c1

1248 beverage concession and contract awards to ~~minority~~ business
1249 enterprises in rural or urban areas.—Any applicant who receives
1250 funding pursuant to the provisions of s. 212.20 must demonstrate
1251 that:

1252 (1) Funds and facilities with respect to food and beverage
1253 and related concessions shall be awarded to certified rural or
1254 urban small ~~minority~~ business enterprises ~~as defined in s.~~
1255 ~~288.703~~ on the same terms and conditions as the general food and
1256 beverage concessionaire and in accordance with the rural or
1257 urban ~~minority~~ business enterprise procurement goals set forth
1258 in s. 287.09451;

1259 (2) At least 15 percent of a company contracted to manage a
1260 professional sports franchise facility or a spring training
1261 franchise facility is owned by certified rural or urban ~~minority~~
1262 business enterprises ~~or by a minority person as that term is~~
1263 ~~those terms~~ are defined in s. 288.703; or

1264 (3) At least 15 percent of all operational service
1265 contracts with a professional sports franchise facility or a
1266 spring training franchise facility are awarded to certified
1267 rural or urban ~~minority~~ business enterprises as that term is
1268 defined in s. 288.703 or to a ~~minority~~ person located in a rural
1269 or urban area ~~as those terms are defined in s. 288.703~~.

1270 Section 37. Paragraph (b) of subsection (2) of section
1271 288.1229, Florida Statutes, is amended to read:

1272 288.1229 Promotion and development of sports-related
1273 industries and amateur athletics; direct-support organization
1274 established; powers and duties.—

1275 (2) The Florida Sports Foundation must:

1276 (b) Be governed by a board of directors, which must be

Page 44 of 177

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577-03064-25

20251264c1

1277 ~~composed~~ ~~consist~~ of up to 15 members appointed by the Governor.
 1278 In making appointments, the Governor ~~shall~~ ~~must~~ consider a
 1279 potential member's background in community service and sports
 1280 activism in, and financial support of, the sports industry,
 1281 professional sports, or organized amateur athletics. Members
 1282 must be residents of the state and highly knowledgeable about or
 1283 active in professional or organized amateur sports.

1284 1. The board must contain representatives of all
 1285 geographical regions of the state ~~and must represent ethnic and~~
 1286 ~~gender diversity.~~

1287 2. The terms of office of the members shall be 4 years. No
 1288 member may serve more than two consecutive terms. The Governor
 1289 may remove any member for cause and shall fill all vacancies
 1290 that occur.

1291 Section 38. Subsection (2) of section 288.7015, Florida
 1292 Statutes, is amended to read:

1293 288.7015 Appointment of rules ombudsman; duties.—The
 1294 Governor shall appoint a rules ombudsman, as defined in s.
 1295 288.703, in the Executive Office of the Governor, for
 1296 considering the impact of agency rules on the state's citizens
 1297 and businesses. The duties of the rules ombudsman are to:

1298 (2) Review state agency rules that adversely or
 1299 disproportionately impact businesses, particularly those
 1300 relating to small and certified rural or urban business
 1301 enterprise as that term is defined in s. 288.703 minority
 1302 businesses.

1303 Section 39. Section 288.702, Florida Statutes, is amended
 1304 to read:

1305 288.702 Short title.—This section and ss. 288.703-288.705

577-03064-25

20251264c1

1306 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small ~~and~~
 1307 ~~Minority Business Assistance Act."~~

1308 Section 40. Section 288.703, Florida Statutes, is amended
 1309 to read:

1310 288.703 Definitions.—As used in ss. 288.702-288.705 ~~ss.~~
 1311 ~~288.702-288.706~~, the term:

1312 (1) "Certified rural or urban business enterprise" means a
 1313 business located in a defined geographic area within this state
 1314 where one of the following conditions has been documented in the
 1315 most recent census conducted by the Bureau of the Census of the
 1316 United States Department of Commerce:

1317 a. Per capita income in the area is less than 80 percent of
 1318 this state's per capita income.

1319 b. The unemployment rate in the area has been greater than
 1320 the unemployment rate for this state by more than 1 percent over
 1321 the previous 24 months from the time the comparison is made.

1322 ~~"Certified minority business enterprise" means a business~~
 1323 ~~which has been certified by the certifying organization or~~
 1324 ~~jurisdiction in accordance with s. 287.0943(1) and (2).~~

1325 (2) "Financial institution" means any bank, trust company,
 1326 insurance company, savings and loan association, credit union,
 1327 federal lending agency, or foundation.

1328 ~~(3) "Minority business enterprise" means any small business~~
 1329 ~~concern as defined in subsection (6) which is organized to~~
 1330 ~~engage in commercial transactions, which is domiciled in~~
 1331 ~~Florida, and which is at least 51 percent owned by minority~~
 1332 ~~persons who are members of an insular group that is of a~~
 1333 ~~particular racial, ethnic, or gender makeup or national origin,~~
 1334 ~~which has been subjected historically to disparate treatment due~~

577-03064-25

20251264c1

1335 ~~to identification in and with that group resulting in an~~
 1336 ~~underrepresentation of commercial enterprises under the group's~~
 1337 ~~control, and whose management and daily operations are~~
 1338 ~~controlled by such persons. A minority business enterprise may~~
 1339 ~~primarily involve the practice of a profession. Ownership by a~~
 1340 ~~minority person does not include ownership which is the result~~
 1341 ~~of a transfer from a nonminority person to a minority person~~
 1342 ~~within a related immediate family group if the combined total~~
 1343 ~~net asset value of all members of such family group exceeds \$1~~
 1344 ~~million. For purposes of this subsection, the term "related~~
 1345 ~~immediate family group" means one or more children under 16~~
 1346 ~~years of age and a parent of such children or the spouse of such~~
 1347 ~~parent residing in the same house or living unit.~~

1348 ~~(3)(4)~~ "Minority person" means a lawful, permanent resident
 1349 of Florida who is:

1350 (a) An African American, a person having origins in any of
 1351 the black racial groups of the African Diaspora, regardless of
 1352 cultural origin.

1353 (b) A Hispanic American, a person of Spanish or Portuguese
 1354 culture with origins in Spain, Portugal, Mexico, South America,
 1355 Central America, or the Caribbean, regardless of race.

1356 (c) An Asian American, a person having origins in any of
 1357 the original peoples of the Far East, Southeast Asia, the Indian
 1358 Subcontinent, or the Pacific Islands, including the Hawaiian
 1359 Islands before 1778.

1360 (d) A Native American, a person who has origins in any of
 1361 the Indian Tribes of North America before 1835, upon
 1362 presentation of proper documentation thereof as established by
 1363 rule of the Department of Management Services.

577-03064-25

20251264c1

1364 (e) An American woman.

1365 ~~(4)(5)~~ "Ombudsman" means an office or individual whose
 1366 responsibilities include coordinating with the Office of
 1367 Supplier Development Diversity for the interests of and
 1368 providing assistance to rural or urban ~~small and minority~~
 1369 business enterprises in dealing with governmental agencies and
 1370 in developing proposals for changes in state agency rules.

1371 ~~(5)(6)~~ "Small business" means an independently owned and
 1372 operated business concern that employs 200 or fewer permanent
 1373 full-time employees and that, together with its affiliates, has
 1374 a net worth of not more than \$5 million or any firm based in
 1375 this state which has a Small Business Administration 8(a)
 1376 certification. As applicable to sole proprietorships, the \$5
 1377 million net worth requirement includes ~~shall include~~ both
 1378 personal and business investments.

1379 Section 41. Section 288.705, Florida Statutes, is amended
 1380 to read:

1381 288.705 Statewide contracts register.—All state agencies
 1382 shall in a timely manner provide the Florida Small Business
 1383 Development Center Procurement System with all formal
 1384 solicitations for contractual services, supplies, and
 1385 commodities. The Small Business Development Center shall
 1386 coordinate with Minority Business Development Centers to compile
 1387 and distribute this information to small and rural or urban
 1388 ~~minority~~ businesses requesting such service for the period of
 1389 time necessary to familiarize the business with the market
 1390 represented by state agencies. On or before February 1 of each
 1391 year, the Small Business Development Center shall report to the
 1392 department on the use of the statewide contracts register. The

577-03064-25 20251264c1

1393 report ~~must shall~~ include, but not be limited to, information
1394 relating to:

- 1395 (1) The total number of solicitations received from state
1396 agencies during the calendar year.
- 1397 (2) The number of solicitations received from each state
1398 agency during the calendar year.
- 1399 (3) The method of distributing solicitation information to
1400 businesses requesting such service.
- 1401 (4) The total number of businesses using the service.
- 1402 ~~(5) The percentage of businesses using the service which~~
1403 ~~are owned and controlled by minorities.~~
- 1404 ~~(5)(6)~~ (5) The percentage of service-disabled veteran business
1405 enterprises using the service.

1406 Section 42. Subsection (1) of section 288.776, Florida
1407 Statutes, is amended to read:

1408 288.776 Board of directors; powers and duties.—

1409 (1) (a) The corporation shall have a board of directors
1410 consisting of 15 members representing all geographic areas of
1411 this the state. Minority and gender representation must be
1412 ~~considered when making appointments to the board.~~ The board
1413 membership must include:

1414 1. A representative of the following businesses, all of
1415 which must be registered to do business in this state: a foreign
1416 bank, a state bank, a federal bank, an insurance company
1417 involved in covering trade financing risks, and a small or
1418 medium-sized exporter.

1419 2. The following persons or their designee: the Secretary
1420 of Commerce, the Chief Financial Officer, the Secretary of
1421 State, and a senior official of the United States Department of

577-03064-25 20251264c1

1422 Commerce.

1423 (b) Appointees who are not state or Federal Government
1424 officials shall serve for a term of 3 years and shall be
1425 eligible for reappointment. Nonstate and nonfederal official
1426 vacancies on the board shall be filled by the board within 30
1427 days after the effective date of the vacancy.

1428 Section 43. Section 288.9628, Florida Statutes, is created
1429 to read:

1430 288.9628 Research, Innovation, Science, and Engineering
1431 (RISE) Investment Tax Credit Program.—

1432 (1) LEGISLATIVE FINDINGS.—The Legislature finds that
1433 strengthening the state's early-stage business ecosystem and
1434 supporting cutting-edge innovation are essential for fostering
1435 innovation and economic growth. The early-stage business
1436 ecosystem, fueled by the state's colleges, universities, and
1437 private industry growth, represents significant opportunity for
1438 the state to retain entrepreneurial talent and provides an
1439 overall benefit for jobseekers, job creators, families,
1440 communities, and the state's economy.

1441 (2) RISE PROGRAM CREATED.—There is established within the
1442 department the Research, Innovation, Science, and Engineering
1443 (RISE) Investment Tax Credit Program. The purpose of the program
1444 is to increase venture capital investment in this state. The
1445 department shall coordinate with the Florida Opportunity Fund
1446 and the State Board of Administration in reviewing and approving
1447 applications for tax credits under this section.

1448 (3) DEFINITIONS.—As used in this section, the term:

1449 (a) "Accredited investor" has the same meaning as in s.
1450 517.021.

577-03064-25

20251264c1

1451 (b) "Advisory affiliate" has the same meaning as in s.
 1452 517.12(22).

1453 (c) "Affiliate" has the same meaning as in s. 517.021.

1454 (d) "Applicant" means an advisory affiliate, an exempt
 1455 reporting adviser, or an investment adviser who submits or
 1456 updates an application on behalf of a qualifying private fund.

1457 (e) "Associated person" has the same meaning as in s.
 1458 517.021.

1459 (f) "Company" means any business in this state, or a
 1460 business with more than 50 percent of its workforce in this
 1461 state, with 500 or fewer employees, and which is engaged in a
 1462 project.

1463 (g) "Department" means the Department of Commerce.

1464 (h) "Exempt reporting adviser" has the same meaning as in
 1465 s. 517.12(22).

1466 (i) "Investment adviser" has the same meaning as in s.
 1467 517.021.

1468 (j) "Investor" means any person or entity that has made a
 1469 capital contribution to a qualifying private fund.

1470 (k) "Private fund adviser" has the same meaning as in s.
 1471 517.12(22).

1472 (l) "Project" means research and development that leads to
 1473 or is anticipated to lead to the creation of new or useful
 1474 improvement of technologies, agricultural technologies, devices,
 1475 processes, machines, manufacturing, or composition of matter. A
 1476 project may result from the innovative activities of a company
 1477 or research at a university or college in this state.

1478 (m) "Qualifying investment" has the same meaning as in 17
 1479 C.F.R. s. 275.203(1)-1(c)(3) and, for purposes of this section,

Page 51 of 177

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577-03064-25

20251264c1

1480 includes investment in one or more companies or projects.

1481 (n) "Qualifying portfolio company" has the same meaning as
 1482 in 17 C.F.R. s. 275.203(1)-1(c)(4) and, for purposes of this
 1483 section, includes a company as defined in this subsection.

1484 (o) "Qualifying private fund" has the same meaning as in s.
 1485 517.12(22) and includes an angel investor group as defined in s.
 1486 517.021.

1487 (p) "Total capital commitment" means the total amount of
 1488 cash funding the qualifying private fund intends to raise to
 1489 make one or more qualifying investments in one or more
 1490 qualifying portfolio companies.

1491 (4) APPLICATION.—

1492 (a) An applicant must apply to the department for
 1493 authorization to claim RISE tax credits under this section. The
 1494 department must review and approve or deny a complete
 1495 application within 60 calendar days after the complete
 1496 application has been submitted.

1497 (b) An applicant must demonstrate to the department's
 1498 satisfaction within 12 months after the complete application has
 1499 been submitted that the qualifying private fund has received at
 1500 least the total capital commitment contained in its application.

1501 (c) The application must include, at a minimum:

1502 1. The names of any accredited investors, advisory
 1503 affiliates, affiliates, associated persons, exempt reporting
 1504 advisers, investment advisers, or private fund advisers
 1505 associated with the qualifying private fund, if there are any at
 1506 the time of application.

1507 2. The names of any investors in the qualifying private
 1508 fund, if there are any at the time of application.

Page 52 of 177

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577-03064-25

20251264c1

1509 3. The estimated total number of qualifying investments in
 1510 qualifying portfolio companies.

1511 4. The total capital commitment of the qualifying private
 1512 fund.

1513 (d) If, at any time after an applicant has submitted a
 1514 complete application, there has been a material change that
 1515 affects the accuracy or completeness of the information
 1516 contained in the application, the applicant must update its
 1517 application.

1518 (5) TAX CREDITS; GENERALLY.-

1519 (a) The amount of tax credits available pursuant to this
 1520 section in a fiscal year may not exceed \$100 million.

1521 (b) The department may not issue a tax credit to a
 1522 qualifying private fund until the qualifying private fund
 1523 demonstrates that it has received its total capital commitment.

1524 (c) The department may not authorize more than \$10 million
 1525 in tax credits to a qualifying private fund in a fiscal year.

1526 (6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.-

1527 (a) To receive tax credits, a qualifying private fund must
 1528 provide documentation that demonstrates to the department's
 1529 reasonable satisfaction that the qualifying investment meets the
 1530 requirements of this section. For purposes of this section,
 1531 follow-on or add-on commitments may only be considered by the
 1532 department after the follow-on or add-on investment has been
 1533 deployed.

1534 (b) A qualifying private fund must make at least one
 1535 qualified investment in at least one qualifying portfolio
 1536 project to be eligible to receive tax credits under this
 1537 section.

Page 53 of 177

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577-03064-25

20251264c1

1538 (c) Each submission by a qualifying private fund to receive
 1539 tax credits for a qualifying investment in a qualifying
 1540 portfolio company must include, at a minimum, all of the
 1541 following::

1542 1. The amount of cash deployed by the qualifying private
 1543 fund to a qualifying investment in a qualifying portfolio
 1544 company.

1545 2. The total number of employees employed by the qualifying
 1546 portfolio company.

1547 3. The total number of Florida-based, full-time equivalent
 1548 employees employed by the qualifying portfolio company.

1549 (7) TAX CREDITS; RECEIPT; REVOCATION.-

1550 (a) A qualifying private fund may receive tax credits
 1551 equivalent to 25 percent of a qualifying investment in a
 1552 qualifying portfolio company.

1553 (b) Upon a determination by the department that the
 1554 qualifying investment meets the requirements of this section,
 1555 the department shall authorize the Department of Revenue to
 1556 issue tax credits to the qualifying private fund.

1557 (c) The Department of Revenue may not issue more than one-
 1558 fifth of the tax credits authorized for a qualifying investment
 1559 in a qualifying portfolio company in a fiscal year.

1560 (d) Credits received pursuant to this section may be
 1561 applied against the qualifying private fund's corporate income
 1562 tax liability. A qualifying private fund may elect to sell or
 1563 transfer, in whole or in part, any tax credit issued under this
 1564 section. An election to sell or transfer any tax credit received
 1565 pursuant to this section must be made no later than 5 years
 1566 after the date the credit is received by the qualifying private

Page 54 of 177

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577-03064-25 20251264c1

1567 fund, after which the credit expires and may not be used. A
 1568 qualifying private fund may not sell or transfer credits that
 1569 have been authorized by the department but not yet issued by the
 1570 Department of Revenue.

1571 (e) The department may revoke or modify any written
 1572 decision qualifying, certifying, or otherwise granting
 1573 eligibility for tax credits under this section if it is
 1574 discovered that the qualifying private fund submitted any false
 1575 statement, representation, or certification in any application
 1576 filed in an attempt to receive tax credits under this section,
 1577 or if the information in a previously completed application
 1578 materially changes. The department must immediately notify the
 1579 Department of Revenue of any revoked or modified orders
 1580 affecting previously granted tax credits. Additionally, the
 1581 qualifying private fund must notify the Department of Revenue of
 1582 any change in its tax credit claimed.

1583 (8) COMPLIANCE.—

1584 (a) A qualifying private fund must annually report to the
 1585 department for each qualifying investment for 5 years after
 1586 authorization to receive credits. Failure to do so will result
 1587 in the qualifying private fund's tax credit being revoked.

1588 (b) In order to receive a tax credit, a qualifying fund
 1589 must submit to the department all of the following:

1590 1. A certification that there have been no material changes
 1591 to the information contained in the application or, if material
 1592 changes have occurred since the submission of the application, a
 1593 disclosure containing all material changes.

1594 2. Documentation supporting the total number of full-time
 1595 equivalent employees employed by the qualifying portfolio

577-03064-25 20251264c1

1596 company.

1597 3. Documentation supporting the total number of full-time
 1598 equivalent employees employed in this state by the qualifying
 1599 portfolio company.

1600 4. Documentation supporting that the qualifying private
 1601 fund has not exited its position from the qualifying portfolio
 1602 company through acquisition by a company not based in this
 1603 state.

1604 (9) SANCTIONS.—

1605 (a) If a qualifying investment fails to meet the
 1606 requirements of paragraph (8) (a) or paragraph (8) (b), the
 1607 department must revoke its approval of tax credits for the
 1608 qualifying investment. The department shall issue a notice of
 1609 revocation and recapture to the qualifying private fund and the
 1610 Department of Revenue. The qualifying private fund must repay to
 1611 the department an amount equal to 50 percent of the tax credits
 1612 authorized by the department and claimed by a qualifying
 1613 portfolio company for the qualifying investment. Recaptured
 1614 funds must be deposited into the General Revenue Fund.

1615 (b) If the department determines that the qualifying
 1616 private fund submitted any false statement, representation, or
 1617 certification in any application as provided in paragraph
 1618 (7) (e), the department must revoke its approval of tax credits
 1619 for the qualifying investment. The department shall issue a
 1620 notice of revocation and recapture to the qualifying private
 1621 fund and the Department of Revenue. The qualifying private fund
 1622 must repay to the department an amount equal to 100 percent of
 1623 the tax credits authorized by the department and claimed by a
 1624 qualifying portfolio company for the qualifying investment.

577-03064-25

20251264c1

1625 Recaptured funds must be deposited into the General Revenue
 1626 Fund.

1627 (10) CONSTRUCTION.—For purposes of this section and part
 1628 III of chapter 692, committed capital invested in a qualifying
 1629 portfolio company by a venture capital fund may not be construed
 1630 as having ownership of the qualifying portfolio company.

1631 (11) REPORTING.—Beginning December 30, 2026, the department
 1632 shall include the amounts of tax credits authorized and
 1633 received, the total number of jobs created, and the total number
 1634 of jobs created in this state in its annual incentives report
 1635 required under s. 288.0065.

1636 (12) PRIORITY OF TAX CREDITS.—Fifty percent of the tax
 1637 credits provided in this section must be made available from
 1638 July 1 to December 31 of each year to provide tax credits for
 1639 qualifying investments in qualifying portfolio companies located
 1640 in a rural community as defined in s. 288.0656. All remaining
 1641 tax credits must be made available from January 1 to June 30 of
 1642 each year on a first-come, first-served basis, subject to the
 1643 eligibility of the qualifying investment.

1644 (13) RULEMAKING.—The department is authorized to adopt
 1645 rules to implement this section.

1646 Section 44. Subsection (10) of section 290.0056, Florida
 1647 Statutes, is amended to read:

1648 290.0056 Enterprise zone development agency.—

1649 (10) Contingent upon approval by the governing body, the
 1650 agency may invest in community investment corporations which
 1651 conduct, or agree to conduct, loan guarantee programs assisting
 1652 rural or urban ~~minority~~ business enterprises located in the
 1653 enterprise zone. In making such investments, the agency shall

Page 57 of 177

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577-03064-25

20251264c1

1654 first attempt to invest in existing community investment
 1655 corporations providing services in the enterprise zone. Such
 1656 investments shall be made under conditions required by law and
 1657 as the agency may require, including, but not limited to:

1658 (a) The funds invested by the agency shall be used to
 1659 provide loan guarantees to individuals for rural or urban
 1660 ~~minority~~ business enterprises located in the enterprise zone.

1661 (b) The community investment corporation may not approve
 1662 any application for a loan guarantee unless the person applying
 1663 for the loan guarantee shows that he or she has applied for the
 1664 loan or loan guarantee through normal banking channels and that
 1665 the loan or loan guarantee has been refused by at least one bank
 1666 or other financial institution.

1667 Section 45. Paragraph (f) of subsection (1) of section
 1668 290.0057, Florida Statutes, is amended to read:

1669 290.0057 Enterprise zone development plan.—

1670 (1) Any application for designation as a new enterprise
 1671 zone must be accompanied by a strategic plan adopted by the
 1672 governing body of the municipality or county, or the governing
 1673 bodies of the county and one or more municipalities together. At
 1674 a minimum, the plan must:

1675 (f) Identify the amount of local and private resources that
 1676 will be available in the nominated area and the private/public
 1677 partnerships to be used, which may include participation by, and
 1678 cooperation with, universities, community colleges, small
 1679 business development centers, ~~black~~ business investment
 1680 corporations in rural or urban areas as defined in s. 288.703,
 1681 certified development corporations, and other private and public
 1682 entities.

Page 58 of 177

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577-03064-25

20251264c1

1683 Section 46. Subsection (4) of section 331.302, Florida
 1684 Statutes, is amended to read:
 1685 331.302 Space Florida; creation; purpose.—
 1686 (4) Space Florida is not an agency as defined in ss.
 1687 216.011, ~~and 287.012, and 287.055.~~ Space Florida is exempt from
 1688 the bidding requirements in s. 255.20 when Space Florida engages
 1689 in professional or construction services, or both, under an
 1690 arrangement with a person in which:
 1691 (a) The person offering personal or construction goods or
 1692 services is not subject to the requirements of s. 287.055;
 1693 (b) Space Florida and the person execute a contract with
 1694 terms acceptable to Space Florida; and
 1695 (c) The person provides to Space Florida by contract an
 1696 unqualified representation and warranty that the payments by the
 1697 person to Space Florida in return for the possession and use of
 1698 the project by the person will not be derived, directly or
 1699 indirectly, from state or local government funds.
 1700
 1701 For purposes of this subsection, monies received by the person
 1702 contracted to provide goods produced and services provided from
 1703 government entities in the ordinary course of its operation of
 1704 the project are not state or local government funds.
 1705 Section 47. Section 331.351, Florida Statutes, is amended
 1706 to read:
 1707 331.351 Participation by rural or urban women, ~~minorities,~~
 1708 ~~and socially and economically disadvantaged~~ business enterprises
 1709 encouraged.—It is the intent of the Legislature and the public
 1710 policy of this state that rural or urban women, ~~minorities, and~~
 1711 ~~socially and economically disadvantaged~~ business enterprises be

Page 59 of 177

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577-03064-25

20251264c1

1712 encouraged to participate fully in all phases of economic and
 1713 community development. Accordingly, to achieve such purpose,
 1714 Space Florida shall, in accordance with applicable state and
 1715 federal law, involve and utilize rural or urban women,
 1716 ~~minorities, and socially and economically disadvantaged~~ business
 1717 enterprises in all phases of the design, development,
 1718 construction, maintenance, and operation of spaceports developed
 1719 under this act.
 1720 Section 48. Paragraph (b) of subsection (4) and subsection
 1721 (9) of section 445.08, Florida Statutes, are amended to read:
 1722 445.08 Florida Law Enforcement Recruitment Bonus Payment
 1723 Program.—
 1724 (4) The department shall develop an annual plan for the
 1725 administration of the program and distribution of bonus
 1726 payments. Applicable employing agencies shall assist the
 1727 department with the collection of any data necessary to
 1728 determine bonus payment amounts and to distribute the bonus
 1729 payments, and shall otherwise provide the department with any
 1730 information or assistance needed to fulfill the requirements of
 1731 this section. At a minimum, the plan must include:
 1732 (b) The minimum eligibility requirements a newly employed
 1733 officer must meet to receive and retain a bonus payment, which
 1734 must include:
 1735 1. Obtaining certification for employment or appointment as
 1736 a law enforcement officer pursuant to s. 943.1395.
 1737 2. Gaining full-time employment with a Florida criminal
 1738 justice agency.
 1739 3. Maintaining ~~continuous~~ full-time employment with a
 1740 Florida criminal justice agency for at least 2 years from the

Page 60 of 177

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577-03064-25 20251264c1

1741 date on which the officer obtained certification. The required
 1742 2-year employment period may be satisfied by maintaining
 1743 employment at one or more employing agencies, but such period
 1744 must not contain any break in service longer than 180 ~~15~~
 1745 ~~calendar~~ days. A law enforcement officer must provide
 1746 documentation to the department justifying the break in service.
 1747 The department shall establish the acceptable circumstances for
 1748 any such break in service. Any break in service will not count
 1749 toward satisfying the 2-year full-time employment requirement of
 1750 this section.

1751
 1752 The department may establish other criteria deemed necessary to
 1753 determine bonus payment eligibility and distribution.

1754 ~~(9) This section expires July 1, 2025.~~

1755 Section 49. Paragraph (a) of subsection (4) of section
 1756 447.203, Florida Statutes, is amended to read:

1757 447.203 Definitions.—As used in this part:

1758 (4) "Managerial employees" are those employees who:

1759 (a) Perform jobs that are not of a routine, clerical, or
 1760 ministerial nature and require the exercise of independent
 1761 judgment in the performance of such jobs and to whom one or more
 1762 of the following applies:

1763 1. They formulate or assist in formulating policies which
 1764 are applicable to bargaining unit employees.

1765 2. They may reasonably be required on behalf of the
 1766 employer to assist in the preparation for the conduct of
 1767 collective bargaining negotiations.

1768 3. They have a role in the administration of agreements
 1769 resulting from collective bargaining negotiations.

Page 61 of 177

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577-03064-25 20251264c1

1770 4. They have a significant role in personnel
 1771 administration.
 1772 5. They have a significant role in employee relations.
 1773 6. They are included in the definition of administrative
 1774 personnel contained in s. 1012.01(3).
 1775 7. They have a significant role in the preparation or
 1776 administration of budgets for any public agency or institution
 1777 or subdivision thereof.
 1778 8. They have a significant and specific role executing
 1779 statewide business and economic development projects in support
 1780 of business recruitment, retention, and expansion.

1781
 1782 However, in determining whether an individual is a managerial
 1783 employee pursuant to paragraph (a) or paragraph (b), above, the
 1784 commission may consider historic relationships of the employee
 1785 to the public employer and to co-employees ~~employees~~.

1786 Section 50. Local governments may enter into agreements to
 1787 create regional planning entities pursuant to chapter 163,
 1788 Florida Statutes.

1789 Section 51. Subsection (2) of section 17.11, Florida
 1790 Statutes, is amended to read:

1791 17.11 To report disbursements made.—

1792 (2) The Chief Financial Officer shall also cause to have
 1793 reported from the Florida Accounting Information Resource
 1794 Subsystem no less than quarterly the disbursements which
 1795 agencies made to small businesses, as defined in the Florida
 1796 Small ~~and Minority~~ Business ~~Assistance~~ Act, and to certified
 1797 rural or urban minority business enterprises in the aggregate,
 1798 ~~and to certified minority business enterprises broken down into~~

Page 62 of 177

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577-03064-25 20251264c1

1799 ~~categories of minority persons, as well as gender and~~
 1800 ~~nationality subgroups.~~ This information must ~~shall~~ be made
 1801 available to the agencies, the Office of Supplier Development
 1802 ~~Diversity~~, the Governor, the President of the Senate, and the
 1803 Speaker of the House of Representatives. Each agency shall be
 1804 responsible for the accuracy of information entered into the
 1805 Florida Accounting Information Resource Subsystem for use in
 1806 this reporting.

1807 Section 52. Paragraph (f) of subsection (1) of section
 1808 68.082, Florida Statutes, is amended to read:

1809 68.082 False claims against the state; definitions;
 1810 liability.-

1811 (1) As used in this section, the term:

1812 (f) "State" means the government of the state or any
 1813 department, division, bureau, commission, regional planning
 1814 agency, board, district, authority, agency, or other
 1815 instrumentality of the state.

1816 Section 53. Paragraph (a) of subsection (1) of section
 1817 120.52, Florida Statutes, is amended to read:

1818 120.52 Definitions.-As used in this act:

1819 (1) "Agency" means the following officers or governmental
 1820 entities if acting pursuant to powers other than those derived
 1821 from the constitution:

1822 (a) The Governor; each state officer and state department,
 1823 and each departmental unit described in s. 20.04; the Board of
 1824 Governors of the State University System; the Commission on
 1825 Ethics; the Fish and Wildlife Conservation Commission; a
 1826 regional water supply authority; ~~a regional planning agency;~~ a
 1827 multicounty special district, but only if a majority of its

577-03064-25 20251264c1

1828 governing board is comprised of nonelected persons; educational
 1829 units; and each entity described in chapters 163, 373, 380, and
 1830 582 ~~and s. 186.504.~~

1831
 1832 This definition does not include a municipality or legal entity
 1833 created solely by a municipality; a legal entity or agency
 1834 created in whole or in part pursuant to part II of chapter 361;
 1835 a metropolitan planning organization created pursuant to s.
 1836 339.175; a separate legal or administrative entity created
 1837 pursuant to s. 339.175 of which a metropolitan planning
 1838 organization is a member; an expressway authority pursuant to
 1839 chapter 348 or any transportation authority or commission under
 1840 chapter 343 or chapter 349; or a legal or administrative entity
 1841 created by an interlocal agreement pursuant to s. 163.01(7),
 1842 unless any party to such agreement is otherwise an agency as
 1843 defined in this subsection.

1844 Section 54. Subsection (4) of section 120.525, Florida
 1845 Statutes, is amended to read:

1846 120.525 Meetings, hearings, and workshops.-

1847 ~~(4) For purposes of establishing a quorum at meetings of~~
 1848 ~~regional planning councils that cover three or more counties, a~~
 1849 ~~voting member who appears via telephone, real-time~~
 1850 ~~videoconferencing, or similar real-time electronic or video~~
 1851 ~~communication that is broadcast publicly at the meeting location~~
 1852 ~~may be counted toward the quorum requirement if at least one-~~
 1853 ~~third of the voting members of the regional planning council are~~
 1854 ~~physically present at the meeting location. A member must~~
 1855 ~~provide oral, written, or electronic notice of his or her intent~~
 1856 ~~to appear via telephone, real-time videoconferencing, or similar~~

577-03064-25 20251264c1

1857 ~~real-time electronic or video communication to the regional~~
 1858 ~~planning council at least 24 hours before the scheduled meeting.~~

1859 Section 55. Subsection (9) of section 120.65, Florida
 1860 Statutes, is amended to read:

1861 120.65 Administrative law judges.—

1862 (9) The division shall be reimbursed for administrative law
 1863 judge services and travel expenses by the following entities:
 1864 water management districts, ~~regional planning councils~~, school
 1865 districts, community colleges, the Division of Florida Colleges,
 1866 state universities, the Board of Governors of the State
 1867 University System, the State Board of Education, the Florida
 1868 School for the Deaf and the Blind, and the Commission for
 1869 Independent Education. These entities shall contract with the
 1870 division to establish a contract rate for services and
 1871 provisions for reimbursement of administrative law judge travel
 1872 expenses and video teleconferencing expenses attributable to
 1873 hearings conducted on behalf of these entities. The contract
 1874 rate must be based on a total-cost-recovery methodology.

1875 Section 56. Subsections (43) and (47) of section 163.3164,
 1876 Florida Statutes, are amended to read:

1877 163.3164 Community Planning Act; definitions.—As used in
 1878 this act:

1879 ~~(43) "Regional planning agency" means the council created~~
 1880 ~~pursuant to chapter 186.~~

1881 (46)(47) "Structure" has the same meaning as in s. 380.031
 1882 ~~s. 380.031(19).~~

1883 Section 57. Paragraph (h) of subsection (6) of section
 1884 163.3177, Florida Statutes, is amended to read:

1885 163.3177 Required and optional elements of comprehensive

Page 65 of 177

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577-03064-25 20251264c1

1886 plan; studies and surveys.—

1887 (6) In addition to the requirements of subsections (1)-(5),
 1888 the comprehensive plan must ~~shall~~ include the following
 1889 elements:

1890 (h)1. An intergovernmental coordination element showing
 1891 relationships and stating principles and guidelines to be used
 1892 in coordinating the adopted comprehensive plan with the plans of
 1893 school boards, regional water supply authorities, and other
 1894 units of local government providing services but not having
 1895 regulatory authority over the use of land, with the
 1896 comprehensive plans of adjacent municipalities, the county,
 1897 adjacent counties, or the region, with the state comprehensive
 1898 plan and with the applicable regional water supply plan approved
 1899 pursuant to s. 373.709, as the case may require and as such
 1900 adopted plans or plans in preparation may exist. This element of
 1901 the local comprehensive plan must demonstrate consideration of
 1902 the particular effects of the local plan, when adopted, upon the
 1903 development of adjacent municipalities, the county, adjacent
 1904 counties, or the region, or upon the state comprehensive plan,
 1905 as the case may require.

1906 a. The intergovernmental coordination element must provide
 1907 procedures for identifying and implementing joint planning
 1908 areas, especially for the purpose of annexation, municipal
 1909 incorporation, and joint infrastructure service areas.

1910 b. The intergovernmental coordination element must ~~shall~~
 1911 provide for a dispute resolution process, ~~as established~~
 1912 ~~pursuant to s. 186.509~~, for bringing intergovernmental disputes
 1913 to closure in a timely manner.

1914 c. The intergovernmental coordination element must ~~shall~~

Page 66 of 177

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577-03064-25 20251264c1

1915 provide for interlocal agreements as established pursuant to s.
1916 333.03(1)(b).

1917 2. The intergovernmental coordination element ~~must shall~~
1918 also state principles and guidelines to be used in coordinating
1919 the adopted comprehensive plan with the plans of school boards
1920 and other units of local government providing facilities and
1921 services but not having regulatory authority over the use of
1922 land. In addition, the intergovernmental coordination element
1923 must describe joint processes for collaborative planning and
1924 decisionmaking on population projections and public school
1925 siting, the location and extension of public facilities subject
1926 to concurrency, and siting facilities with countywide
1927 significance, including locally unwanted land uses whose nature
1928 and identity are established in an agreement.

1929 3. Within 1 year after adopting their intergovernmental
1930 coordination elements, each county, all the municipalities
1931 within that county, the district school board, and any unit of
1932 local government service providers in that county shall
1933 establish by interlocal or other formal agreement executed by
1934 all affected entities, the joint processes described in this
1935 subparagraph consistent with their adopted intergovernmental
1936 coordination elements. The agreement must:

1937 a. Ensure that the local government addresses through
1938 coordination mechanisms the impacts of development proposed in
1939 the local comprehensive plan upon development in adjacent
1940 municipalities, the county, adjacent counties, the region, and
1941 the state. The area of concern for municipalities ~~must shall~~
1942 include adjacent municipalities, the county, and counties
1943 adjacent to the municipality. The area of concern for counties

Page 67 of 177

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577-03064-25 20251264c1

1944 ~~must shall~~ include all municipalities within the county,
1945 adjacent counties, and adjacent municipalities.

1946 b. Ensure coordination in establishing level of service
1947 standards for public facilities with any state, regional, or
1948 local entity having operational and maintenance responsibility
1949 for such facilities.

1950 Section 58. Subsection (5) of section 163.3178, Florida
1951 Statutes, is amended to read:

1952 163.3178 Coastal management.—

1953 (5) A ~~The appropriate~~ dispute resolution process ~~provided~~
1954 ~~under s. 186.509~~ must be used to reconcile inconsistencies
1955 between port master plans and local comprehensive plans. In
1956 recognition of the state's commitment to deepwater ports, the
1957 state comprehensive plan must include goals, objectives, and
1958 policies that establish a statewide strategy for enhancement of
1959 existing deepwater ports, ensuring that priority is given to
1960 water-dependent land uses. As an incentive for promoting plan
1961 consistency, port facilities as defined in s. 315.02(6) on lands
1962 owned or controlled by a deepwater port as defined in s.
1963 311.09(1), as of the effective date of this act are shall not be
1964 subject to development-of-regional-impact review provided the
1965 port either successfully completes an alternative comprehensive
1966 development agreement with a local government pursuant to ss.
1967 163.3220-163.3243 or successfully enters into a development
1968 agreement with the state land planning agency and applicable
1969 local government pursuant to s. 380.032 or, where the port is a
1970 department of a local government, successfully enters into a
1971 development agreement with the state land planning agency
1972 pursuant to s. 380.032. Port facilities as defined in s.

Page 68 of 177

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577-03064-25 20251264c1

1973 315.02(6) on lands not owned or controlled by a deepwater port
 1974 as defined in s. 311.09(1) as of the effective date of this act
 1975 ~~are shall not be~~ subject to development-of-regional-impact
 1976 review provided the port successfully enters into a development
 1977 agreement with the state land planning agency and applicable
 1978 local government pursuant to s. 380.032 or, where the port is a
 1979 department of a local government, successfully enters into a
 1980 development agreement with the state land planning agency
 1981 pursuant to s. 380.032.

1982 Section 59. Paragraph (c) of subsection (1) and paragraph
 1983 (b) of subsection (3) of section 163.3184, Florida Statutes, are
 1984 amended to read:

1985 163.3184 Process for adoption of comprehensive plan or plan
 1986 amendment.—

1987 (1) DEFINITIONS.—As used in this section, the term:

1988 (c) "Reviewing agencies" means:

1989 1. The state land planning agency;

1990 ~~2. The appropriate regional planning council;~~

1991 2.3- The appropriate water management district;

1992 3.4- The Department of Environmental Protection;

1993 4.5- The Department of State;

1994 5.6- The Department of Transportation;

1995 6.7- In the case of plan amendments relating to public
 1996 schools, the Department of Education;

1997 7.8- In the case of plans or plan amendments that affect a
 1998 military installation listed in s. 163.3175, the commanding
 1999 officer of the affected military installation;

2000 8.9- In the case of county plans and plan amendments, the
 2001 Fish and Wildlife Conservation Commission and the Department of

577-03064-25 20251264c1

2002 Agriculture and Consumer Services; and

2003 9.10- In the case of municipal plans and plan amendments,
 2004 the county in which the municipality is located.

2005 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
 2006 COMPREHENSIVE PLAN AMENDMENTS.—

2007 (b)1. The local government, after the initial public
 2008 hearing held pursuant to subsection (11), shall transmit within
 2009 10 working days the amendment or amendments and appropriate
 2010 supporting data and analyses to the reviewing agencies. The
 2011 local governing body shall also transmit a copy of the
 2012 amendments and supporting data and analyses to any other local
 2013 government or governmental agency that has filed a written
 2014 request with the governing body.

2015 2. The reviewing agencies and any other local government or
 2016 governmental agency specified in subparagraph 1. may provide
 2017 comments regarding the amendment or amendments to the local
 2018 government. State agencies shall only comment on important state
 2019 resources and facilities that will be adversely impacted by the
 2020 amendment if adopted. Comments provided by state agencies shall
 2021 state with specificity how the plan amendment will adversely
 2022 impact an important state resource or facility and shall
 2023 identify measures the local government may take to eliminate,
 2024 reduce, or mitigate the adverse impacts. Such comments, if not
 2025 resolved, may result in a challenge by the state land planning
 2026 agency to the plan amendment. Agencies and local governments
 2027 must transmit their comments to the affected local government
 2028 such that they are received by the local government not later
 2029 than 30 days after the date on which the agency or government
 2030 received the amendment or amendments. Reviewing agencies shall

577-03064-25

20251264c1

2031 also send a copy of their comments to the state land planning
2032 agency.

2033 3. Comments to the local government from a ~~regional~~
2034 ~~planning council~~, county, or municipality are ~~shall be~~ limited
2035 as follows:

2036 a. ~~The regional planning council review and comments shall~~
2037 ~~be limited to adverse effects on regional resources or~~
2038 ~~facilities identified in the strategic regional policy plan and~~
2039 ~~extrajurisdictional impacts that would be inconsistent with the~~
2040 ~~comprehensive plan of any affected local government within the~~
2041 ~~region. A regional planning council may not review and comment~~
2042 ~~on a proposed comprehensive plan amendment prepared by such~~
2043 ~~council unless the plan amendment has been changed by the local~~
2044 ~~government subsequent to the preparation of the plan amendment~~
2045 ~~by the regional planning council.~~

2046 b. County comments must ~~shall~~ be in the context of the
2047 relationship and effect of the proposed plan amendments on the
2048 county plan.

2049 b.e. Municipal comments must ~~shall~~ be in the context of the
2050 relationship and effect of the proposed plan amendments on the
2051 municipal plan.

2052 c.d. Military installation comments must ~~shall~~ be provided
2053 in accordance with s. 163.3175.

2054 4. Comments to the local government from state agencies
2055 must ~~shall~~ be limited to the following subjects as they relate
2056 to important state resources and facilities that will be
2057 adversely impacted by the amendment if adopted:

2058 a. The Department of Environmental Protection shall limit
2059 its comments to the subjects of air and water pollution;

577-03064-25

20251264c1

2060 wetlands and other surface waters of the state; federal and
2061 state-owned lands and interest in lands, including state parks,
2062 greenways and trails, and conservation easements; solid waste;
2063 water and wastewater treatment; and the Everglades ecosystem
2064 restoration.

2065 b. The Department of State shall limit its comments to the
2066 subjects of historic and archaeological resources.

2067 c. The Department of Transportation shall limit its
2068 comments to issues within the agency's jurisdiction as it
2069 relates to transportation resources and facilities of state
2070 importance.

2071 d. The Fish and Wildlife Conservation Commission shall
2072 limit its comments to subjects relating to fish and wildlife
2073 habitat and listed species and their habitat.

2074 e. The Department of Agriculture and Consumer Services
2075 shall limit its comments to the subjects of agriculture,
2076 forestry, and aquaculture issues.

2077 f. The Department of Education shall limit its comments to
2078 the subject of public school facilities.

2079 g. The appropriate water management district shall limit
2080 its comments to flood protection and floodplain management,
2081 wetlands and other surface waters, and regional water supply.

2082 h. The state land planning agency shall limit its comments
2083 to important state resources and facilities outside the
2084 jurisdiction of other commenting state agencies and may include
2085 comments on countervailing planning policies and objectives
2086 served by the plan amendment that should be balanced against
2087 potential adverse impacts to important state resources and
2088 facilities.

577-03064-25

20251264c1

2089 Section 60. Subsection (2) of section 163.3245, Florida
 2090 Statutes, is amended to read:
 2091 163.3245 Sector plans.—
 2092 (2) ~~The~~ Upon the request of a local government having
 2093 jurisdiction, ~~the applicable regional planning council~~ shall
 2094 conduct a scoping meeting with affected local governments and
 2095 those agencies identified in s. 163.3184(1)(c) before
 2096 preparation of the sector plan. The purpose of this meeting is
 2097 to assist the state land planning agency and the local
 2098 government in the identification of the relevant planning issues
 2099 to be addressed and the data and resources available to assist
 2100 in the preparation of the sector plan. ~~If a scoping meeting is~~
 2101 ~~conducted, the regional planning council shall make written~~
 2102 ~~recommendations to the state land planning agency and affected~~
 2103 ~~local governments on the issues requested by the local~~
 2104 ~~government.~~ The scoping meeting must ~~shall~~ be noticed and open
 2105 to the public. If the entire planning area proposed for the
 2106 sector plan is within the jurisdiction of two or more local
 2107 governments, some or all of them may enter into a joint planning
 2108 agreement pursuant to s. 163.3171 with respect to the geographic
 2109 area to be subject to the sector plan, the planning issues that
 2110 will be emphasized, procedures for intergovernmental
 2111 coordination to address extrajurisdictional impacts, supporting
 2112 application materials including data and analysis, procedures
 2113 for public participation, or other issues.
 2114 Section 61. Paragraph (i) of subsection (2) of section
 2115 163.568, Florida Statutes, is amended to read:
 2116 163.568 Purposes and powers.—
 2117 (2) The authority is granted the authority to exercise all

Page 73 of 177

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577-03064-25

20251264c1

2118 powers necessary, appurtenant, convenient, or incidental to the
 2119 carrying out of the aforesaid purposes, including, but not
 2120 limited to, the following rights and powers:
 2121 (i) To develop transportation plans, and to coordinate its
 2122 planning and programs with those of appropriate municipal,
 2123 county, and state agencies and other political subdivisions of
 2124 the state. All transportation plans are subject to review and
 2125 approval by the Department of Transportation ~~and by the regional~~
 2126 ~~planning agency~~, if any, for consistency with programs or
 2127 planning for the area and region.
 2128 Section 62. Subsection (2) of section 164.1031, Florida
 2129 Statutes, is amended to read:
 2130 164.1031 Definitions.—For purposes of this act:
 2131 (2) "Regional governmental entities" includes regional
 2132 ~~planning councils~~, metropolitan planning organizations, water
 2133 supply authorities that include more than one county, local
 2134 health councils, water management districts, and other regional
 2135 entities that are authorized and created by general or special
 2136 law that have duties or responsibilities extending beyond the
 2137 jurisdiction of a single county.
 2138 Section 63. Subsection (5) of section 186.003, Florida
 2139 Statutes, is amended to read:
 2140 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—
 2141 As used in ss. 186.001-186.031 and 186.801-186.901, the term:
 2142 ~~(5) "Regional planning agency" means the regional planning~~
 2143 ~~council created pursuant to ss. 186.501-186.515 to exercise~~
 2144 ~~responsibilities under ss. 186.001-186.031 and 186.801-186.901~~
 2145 ~~in a particular region of the state.~~
 2146 Section 64. Subsection (7) of section 186.006, Florida

Page 74 of 177

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577-03064-25

20251264c1

2147 Statutes, is amended to read:

2148 186.006 Powers and responsibilities of Executive Office of
2149 the Governor.—For the purpose of establishing consistency and
2150 uniformity in the state and regional planning process and in
2151 order to ensure that the intent of ss. 186.001-186.031 and
2152 186.801-186.901 is accomplished, the Executive Office of the
2153 Governor shall:

2154 (7) Act as the state clearinghouse ~~and designate the~~
2155 ~~regional planning councils as the regional data clearinghouses.~~

2156 Section 65. Subsections (7) and (8) of section 186.007,
2157 Florida Statutes, are amended to read:

2158 186.007 State comprehensive plan; preparation; revision.—

2159 (7) In preparing and revising the state comprehensive plan,
2160 the Executive Office of the Governor shall, to the extent
2161 feasible, consider studies, reports, and plans of each
2162 department, agency, and institution of state and local
2163 government, ~~each regional planning agency,~~ and the Federal
2164 Government and shall take into account the existing and
2165 prospective resources, capabilities, and needs of state and
2166 local levels of government.

2167 (8) The revision of the state comprehensive plan is a
2168 continuing process. Each section of the plan must shall be
2169 reviewed and analyzed biennially by the Executive Office of the
2170 Governor in conjunction with the planning officers of other
2171 state agencies significantly affected by the ~~provisions of the~~
2172 particular section under review. In conducting this review and
2173 analysis, the Executive Office of the Governor shall review and
2174 consider, with the assistance of the state land planning agency,
2175 any relevant reports, data, or analyses ~~and regional planning~~

Page 75 of 177

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577-03064-25

20251264c1

2176 ~~councils, the evaluation and appraisal reports prepared pursuant~~
2177 ~~to s. 186.511.~~ Any necessary revisions of the state
2178 comprehensive plan shall be proposed by the Governor in a
2179 written report and be accompanied by an explanation of the need
2180 for such changes. If the Governor determines that changes are
2181 unnecessary, the written report must explain why changes are
2182 unnecessary. The proposed revisions and accompanying
2183 explanations may be submitted in the report required by s.
2184 186.031. Any proposed revisions to the plan must shall be
2185 submitted to the Legislature as provided in s. 186.008(2) at
2186 least 30 days before ~~prior to~~ the regular legislative session
2187 occurring in each even-numbered year.

2188 Section 66. Subsection (1) of section 186.008, Florida
2189 Statutes, is amended to read:

2190 186.008 State comprehensive plan; revision;
2191 implementation.—

2192 (1) On or before October 1 of every odd-numbered year, the
2193 Executive Office of the Governor shall prepare, and the Governor
2194 shall recommend to the Administration Commission, any proposed
2195 revisions to the state comprehensive plan deemed necessary. The
2196 Governor shall transmit his or her recommendations and
2197 explanation as required by s. 186.007(8). Copies must shall also
2198 be provided to each state agency, ~~to each regional planning~~
2199 ~~agency,~~ to any other unit of government that requests a copy,
2200 and to any member of the public who requests a copy.

2201 Section 67. Section 186.803, Florida Statutes, is amended
2202 to read:

2203 186.803 Use of geographic information by governmental
2204 entities.—When state agencies, water management districts,

Page 76 of 177

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577-03064-25

20251264c1

2205 ~~regional planning councils~~, local governments, and other
 2206 governmental entities use maps, including geographic information
 2207 maps and other graphic information materials, as the source of
 2208 data for planning or any other purposes, they must take into
 2209 account that the accuracy and reliability of such maps and data
 2210 may be limited by various factors, including the scale of the
 2211 maps, the timeliness and accuracy of the underlying information,
 2212 the availability of more accurate site-specific information, and
 2213 the presence or absence of ground truthing or peer review of the
 2214 underlying information contained in such maps and other graphic
 2215 information. This section does not apply to maps adopted
 2216 pursuant to part II of chapter 163.

2217 Section 68. Paragraph (b) of subsection (20) and paragraph
 2218 (b) of subsection (21) of section 187.201, Florida Statutes, are
 2219 amended to read:

2220 187.201 State Comprehensive Plan adopted.—The Legislature
 2221 hereby adopts as the State Comprehensive Plan the following
 2222 specific goals and policies:

2223 (20) GOVERNMENTAL EFFICIENCY.—

2224 (b) *Policies*.—

2225 1. Encourage greater cooperation between, among, and within
 2226 all levels of Florida government through the use of appropriate
 2227 interlocal agreements and mutual participation for mutual
 2228 benefit.

2229 2. Allow the creation of independent special taxing
 2230 districts which have uniform general law standards and
 2231 procedures and do not overburden other governments and their
 2232 taxpayers while preventing the proliferation of independent
 2233 special taxing districts which do not meet these standards.

Page 77 of 177

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577-03064-25

20251264c1

2234 3. Encourage the use of municipal services taxing units and
 2235 other dependent special districts to provide needed
 2236 infrastructure where the fiscal capacity exists to support such
 2237 an approach.

2238 4. Eliminate regulatory activities that are not tied to
 2239 specific public and natural resource protection needs.

2240 5. Eliminate needless duplication of, and promote
 2241 cooperation in, governmental activities between, among, and
 2242 within state, regional, county, city, and other governmental
 2243 units.

2244 6. Ensure, wherever possible, that the geographic
 2245 boundaries of water management districts, ~~regional planning~~
 2246 ~~councils~~, and substate districts of the executive departments
 2247 are shall be coterminous for related state or agency programs
 2248 and functions and promote interagency agreements in order to
 2249 reduce the number of districts and councils with jurisdiction in
 2250 any one county.

2251 7. Encourage and provide for the restructuring of city and
 2252 county political jurisdictions with the goals of greater
 2253 efficiency and high-quality and more equitable and responsive
 2254 public service programs.

2255 8. Replace multiple, small scale, economically inefficient
 2256 local public facilities with regional facilities where they are
 2257 proven to be more economical, particularly in terms of energy
 2258 efficiency, and yet can retain the quality of service expected
 2259 by the public.

2260 9. Encourage greater efficiency and economy at all levels
 2261 of government through adoption and implementation of effective
 2262 records management, information management, and evaluation

Page 78 of 177

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577-03064-25 20251264c1

2263 procedures.

2264 10. Throughout government, establish citizen management

2265 efficiency groups and internal management groups to make

2266 recommendations for greater operating efficiencies and improved

2267 management practices.

2268 11. Encourage governments to seek outside contracting on a

2269 competitive-bid basis when cost-effective and appropriate.

2270 12. Discourage undue expansion of state government and make

2271 every effort to streamline state government in a cost-effective

2272 manner.

2273 13. Encourage joint venture solutions to mutual problems

2274 between levels of government and private enterprise.

2275 (21) THE ECONOMY.—

2276 (b) *Policies*.—

2277 1. Attract new job-producing industries, corporate

2278 headquarters, distribution and service centers, regional

2279 offices, and research and development facilities to provide

2280 quality employment for the residents of Florida.

2281 2. Promote entrepreneurship, small and small and minority-

2282 owned business startups, and business startups in rural or urban

2283 areas as described in s. 288.703 by providing technical and

2284 information resources, facilitating capital formation, and

2285 removing regulatory restraints which are unnecessary for the

2286 protection of consumers and society.

2287 3. Maintain, as one of the state's primary economic assets,

2288 the environment, including clean air and water, beaches,

2289 forests, historic landmarks, and agricultural and natural

2290 resources.

2291 4. Strengthen Florida's position in the world economy

577-03064-25 20251264c1

2292 through attracting foreign investment and promoting

2293 international banking and trade.

2294 5. Build on the state's attractiveness to make it a leader

2295 in the visual and performing arts and in all phases of film,

2296 television, and recording production.

2297 6. Promote economic development for Florida residents

2298 through partnerships among education, business, industry,

2299 agriculture, and the arts.

2300 7. Provide increased opportunities for training Florida's

2301 workforce to provide skilled employees for new and expanding

2302 business.

2303 8. Promote economic self-sufficiency through training and

2304 educational programs which result in productive employment.

2305 9. Promote cooperative employment arrangements between

2306 private employers and public sector employment efforts to

2307 provide productive, permanent employment opportunities for

2308 public assistance recipients through provisions of education

2309 opportunities, tax incentives, and employment training.

2310 10. Provide for nondiscriminatory employment opportunities.

2311 11. Provide quality child day care for public assistance

2312 families and others who need it in order to work.

2313 12. Encourage the development of a business climate that

2314 provides opportunities for the growth and expansion of existing

2315 state industries, particularly those industries which are

2316 compatible with Florida's environment.

2317 13. Promote coordination among Florida's ports to increase

2318 their utilization.

2319 14. Encourage the full utilization by businesses of the

2320 economic development enhancement programs implemented by the

577-03064-25 20251264c1

2321 Legislature for the purpose of extensively involving private
 2322 businesses in the development and expansion of permanent job
 2323 opportunities, especially for the economically disadvantaged,
 2324 through the utilization of enterprise zones, community
 2325 development corporations, and other programs designed to enhance
 2326 economic and employment opportunities.

2327 Section 69. Paragraph (g) of subsection (3) of section
 2328 212.096, Florida Statutes, is amended to read:

2329 212.096 Sales, rental, storage, use tax; enterprise zone
 2330 jobs credit against sales tax.-

2331 (3) In order to claim this credit, an eligible business
 2332 must file under oath with the governing body or enterprise zone
 2333 development agency having jurisdiction over the enterprise zone
 2334 where the business is located, as applicable, a statement which
 2335 includes:

2336 (g) Whether the business is a small business as defined by
 2337 s. 288.703 ~~s. 288.703(6)~~.

2338 Section 70. Paragraph (c) of subsection (1) and subsection
 2339 (2) of section 218.32, Florida Statutes, are amended to read:

2340 218.32 Annual financial reports; local governmental
 2341 entities.-

2342 (1)

2343 (c) Each ~~regional planning council created under s.~~
 2344 ~~186.504, each~~ local government finance commission, board, or
 2345 council, and each municipal power corporation created as a
 2346 separate legal or administrative entity by interlocal agreement
 2347 under s. 163.01(7) shall submit to the department a copy of its
 2348 audit report and an annual financial report for the previous
 2349 fiscal year in a format prescribed by the department.

Page 81 of 177

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577-03064-25 20251264c1

2350 (2) The department shall annually by December 1 file a
 2351 verified report with the Governor, the Legislature, the Auditor
 2352 General, and the Special District Accountability Program of the
 2353 Department of Commerce showing the revenues, both locally
 2354 derived and derived from intergovernmental transfers, and the
 2355 expenditures of each local governmental entity, ~~regional~~
 2356 ~~planning council~~, local government finance commission, and
 2357 municipal power corporation that is required to submit an annual
 2358 financial report. In preparing the verified report, the
 2359 department may request additional information from the local
 2360 governmental entity. The information requested must be provided
 2361 to the department within 45 days after the request. If the local
 2362 governmental entity does not comply with the request, the
 2363 department shall notify the Legislative Auditing Committee,
 2364 which may take action pursuant to s. 11.40(2). The report must
 2365 include, but is not limited to:

2366 (a) The total revenues and expenditures of each local
 2367 governmental entity that is a component unit included in the
 2368 annual financial report of the reporting entity.

2369 (b) The amount of outstanding long-term debt by each local
 2370 governmental entity. For purposes of this paragraph, the term
 2371 "long-term debt" means any agreement or series of agreements to
 2372 pay money, which, at inception, contemplate terms of payment
 2373 exceeding 1 year in duration.

2374 Section 71. Section 255.101, Florida Statutes, is amended
 2375 to read:

2376 255.101 Contracts for public construction works;
 2377 utilization of rural or urban minority business enterprises.-

2378 (1) All county officials, boards of county commissioners,

Page 82 of 177

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577-03064-25 20251264c1

2379 school boards, city councils, city commissioners, and all other
 2380 public officers of state boards or commissions which are charged
 2381 with the letting of contracts for public works and for the
 2382 construction of public bridges, buildings, and other structures
 2383 shall operate in accordance with s. 287.093, except that all
 2384 contracts for the construction of state facilities should comply
 2385 with ~~provisions in~~ s. 287.09451, and rules adopted pursuant
 2386 thereto, for the utilization of rural or urban minority business
 2387 enterprises. When construction is financed in whole or in part
 2388 from federal funds and where federal provisions for utilization
 2389 of rural or urban minority business enterprises apply, this
 2390 section ~~may shall~~ not apply.

2391 (2) Counties, municipalities, and special districts as
 2392 defined in chapter 189, or other political subdivisions of the
 2393 state are encouraged to be sensitive to the effect of job-size
 2394 barriers on rural or urban minority businesses. To this end,
 2395 these governmental entities are encouraged to competitively
 2396 award public construction projects exceeding \$100,000.

2397 Section 72. Section 255.102, Florida Statutes, is amended
 2398 to read:

2399 255.102 Contractor utilization of rural or urban minority
 2400 business enterprises.-

2401 (1) Agencies shall consider the use of price preferences,
 2402 weighted preference formulas, or other preferences for
 2403 construction contracts, as determined appropriate by the Office
 2404 of Supplier Development Diversity to increase ~~minority~~
 2405 participation in rural or urban areas.

2406 (2) The Office of Supplier Development Diversity, in
 2407 collaboration with the Board of Governors of the State

577-03064-25 20251264c1

2408 University System, shall adopt rules to determine what is a
 2409 "good faith effort" for purposes of contractor compliance with
 2410 rural or urban areas minority participation goals established
 2411 for competitively awarded building and construction projects.
 2412 Pro forma efforts ~~may shall~~ not be considered good faith.
 2413 Factors which ~~must shall~~ be considered by the state agency in
 2414 determining whether a contractor has made good faith efforts
 2415 ~~shall~~ include, but not be limited to:

2416 (a) Whether the contractor attended any presolicitation or
 2417 prebid meetings that were scheduled by the agency to inform
 2418 rural or urban minority business enterprises of contracting and
 2419 subcontracting opportunities.

2420 (b) Whether the contractor advertised in general
 2421 circulation, trade association, or rural-focused or urban-
 2422 focused minority-focus media concerning the subcontracting
 2423 opportunities.

2424 (c) Whether the contractor provided written notice to all
 2425 relevant subcontractors listed on the ~~minority~~ vendor list for
 2426 that locality and statewide as provided by the agency as of the
 2427 date of issuance of the invitation to bid, that their interest
 2428 in the contract was being solicited in sufficient time to allow
 2429 the rural or urban minority business enterprises to participate
 2430 effectively.

2431 (d) Whether the contractor followed up initial
 2432 solicitations of interest by contacting rural or urban minority
 2433 business enterprises, the Office of Supplier Development
 2434 ~~Diversity~~, or ~~minority~~ persons who responded and provided
 2435 detailed information about prebid meetings, access to plans,
 2436 specifications, contractor's project manager, subcontractor

577-03064-25

20251264c1

2437 bonding, if any, payment schedule, bid addenda, and other
 2438 assistance provided by the contractor to enhance rural or urban
 2439 ~~minority~~ business enterprise participation.

2440 (e) Whether the contractor selected portions of the work to
 2441 be performed by rural or urban ~~minority~~ business enterprises in
 2442 order to increase the likelihood of meeting the rural or urban
 2443 ~~minority~~ business enterprise procurement goals, including, where
 2444 appropriate, breaking down contracts into economically feasible
 2445 units to facilitate rural or urban ~~minority~~ business enterprise
 2446 participation under reasonable and economical conditions of
 2447 performance.

2448 (f) Whether the contractor provided the Office of Supplier
 2449 Development Diversity as well as interested rural or urban
 2450 ~~minority~~ business enterprises or ~~minority~~ persons with adequate
 2451 information about the plans, specifications, and requirements of
 2452 the contract or the availability of jobs at a time no later than
 2453 when such information was provided to other subcontractors.

2454 (g) Whether the contractor negotiated in good faith with
 2455 interested rural or urban ~~minority~~ business enterprises or
 2456 ~~minority~~ persons, not rejecting rural or urban ~~minority~~ business
 2457 enterprises or ~~minority~~ persons as unqualified without sound
 2458 reasons based on a thorough investigation of their capabilities
 2459 or imposing implausible conditions of performance on the
 2460 contract.

2461 (h) Whether the contractor diligently seeks to replace a
 2462 rural or urban ~~minority~~ business enterprise subcontractor that
 2463 is unable to perform successfully with another rural or urban
 2464 ~~minority~~ business enterprise.

2465 (i) Whether the contractor effectively used the services of

Page 85 of 177

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577-03064-25

20251264c1

2466 available rural or urban ~~minority~~ community organizations; rural
 2467 or urban ~~minority~~ contractors' groups; local, state, and federal
 2468 rural or urban ~~minority~~ business assistance offices; and other
 2469 organizations that provide assistance in the recruitment and
 2470 placement of rural or urban ~~minority~~ business enterprises or
 2471 ~~minority~~ persons.

2472 (3) If an agency considers any other criteria in
 2473 determining whether a contractor has made a good faith effort,
 2474 the agency ~~must shall~~ adopt such criteria in accordance with s.
 2475 120.54, and, where required by that section, by rule, after May
 2476 31, 1994. In adopting such criteria, the agency shall identify
 2477 the specific factors in as objective a manner as possible to be
 2478 used to assess a contractor's performance against said criteria.

2479 (4) Notwithstanding ~~the provisions of s. 287.09451 to the~~
 2480 ~~contrary~~, agencies shall monitor good faith efforts of
 2481 contractors in competitively awarded building and construction
 2482 projects, in accordance with rules established pursuant to this
 2483 section. It is the responsibility of the contractor to exercise
 2484 good faith efforts in accordance with rules established pursuant
 2485 to this section, and to provide documentation necessary to
 2486 assess efforts to include rural or urban ~~minority~~ business
 2487 participation.

2488 Section 73. Paragraph (a) of subsection (7) of section
 2489 258.501, Florida Statutes, is amended to read:

2490 258.501 Myakka River; wild and scenic segment.—

2491 (7) MANAGEMENT COORDINATING COUNCIL.—

2492 (a) Upon designation, the department shall create a
 2493 permanent council to provide interagency and intergovernmental
 2494 coordination in the management of the river. The coordinating

Page 86 of 177

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577-03064-25

20251264c1

2495 council shall be composed of one representative appointed from
 2496 each of the following: the department, the Department of
 2497 Transportation, the Fish and Wildlife Conservation Commission,
 2498 the Department of Commerce, the Florida Forest Service of the
 2499 Department of Agriculture and Consumer Services, the Division of
 2500 Historical Resources of the Department of State, ~~the Tampa Bay~~
 2501 ~~Regional Planning Council~~, the Southwest Florida Water
 2502 Management District, ~~the Southwest Florida Regional Planning~~
 2503 ~~Council~~, Manatee County, Sarasota County, Charlotte County, the
 2504 City of Sarasota, the City of North Port, agricultural
 2505 interests, environmental organizations, and any others deemed
 2506 advisable by the department.

2507 Section 74. Subsections (1) and (3) of section 260.0142,
 2508 Florida Statutes, are amended to read:

2509 260.0142 Florida Greenways and Trails Council; composition;
 2510 powers and duties.—

2511 (1) There is created within the department the Florida
 2512 Greenways and Trails Council which shall advise the department
 2513 in the execution of the department's powers and duties under
 2514 this chapter. The council shall be composed of 19 ~~21~~ members,
 2515 consisting of:

2516 (a)1. Five ~~Six~~ members appointed by the Governor, with two
 2517 members representing the trail user community, two members
 2518 representing the greenway user community, ~~one member from the~~
 2519 ~~board of the Florida Wildlife Corridor Foundation~~, and one
 2520 member representing private landowners.

2521 2. Three members appointed by the President of the Senate,
 2522 with one member representing the trail user community and two
 2523 members representing the greenway user community.

Page 87 of 177

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577-03064-25

20251264c1

2524 3. Three members appointed by the Speaker of the House of
 2525 Representatives, with two members representing the trail user
 2526 community and one member representing the greenway user
 2527 community.

2528
 2529 Those eligible to represent the trail user community shall be
 2530 chosen from, but not be limited to, paved trail users, hikers,
 2531 off-road bicyclists, users of off-highway vehicles, paddlers,
 2532 equestrians, disabled outdoor recreational users, and commercial
 2533 recreational interests. Those eligible to represent the greenway
 2534 user community must be chosen from, but not be limited to,
 2535 conservation organizations, nature study organizations, and
 2536 scientists and university experts.

2537 (b) The 8 ~~9~~ remaining members include:

2538 1. The Secretary of Environmental Protection or a designee.

2539 2. The executive director of the Fish and Wildlife
 2540 Conservation Commission or a designee.

2541 3. The Secretary of Transportation or a designee.

2542 4. The Director of the Florida Forest Service of the
 2543 Department of Agriculture and Consumer Services or a designee.

2544 5. The director of the Division of Historical Resources of
 2545 the Department of State or a designee.

2546 6. A representative of the water management districts.
 2547 Membership on the council must rotate among the five districts.
 2548 The districts shall determine the order of rotation.

2549 7. A representative of a federal land management agency.
 2550 The Secretary of Environmental Protection shall identify the
 2551 appropriate federal agency and request designation of a
 2552 representative from the agency to serve on the council.

Page 88 of 177

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577-03064-25

20251264c1

2553 ~~8. A representative of the regional planning councils to be~~
 2554 ~~appointed by the Secretary of Environmental Protection.~~
 2555 ~~Membership on the council must rotate among the seven regional~~
 2556 ~~planning councils. The regional planning councils shall~~
 2557 ~~determine the order of rotation.~~

2558 ~~8.9.~~ A representative of local governments to be appointed
 2559 by the Secretary of Environmental Protection. Membership must
 2560 alternate between a county representative and a municipal
 2561 representative.

2562 (3) The term of all appointees shall be for 2 years unless
 2563 otherwise specified. The appointees of the Governor, the
 2564 President of the Senate, and the Speaker of the House of
 2565 Representatives may be reappointed for no more than four
 2566 consecutive terms. The representatives of the water management
 2567 districts, ~~regional planning councils,~~ and local governments may
 2568 be reappointed for no more than two consecutive terms. All other
 2569 appointees shall serve until replaced.

2570 Section 75. Paragraph (d) of subsection (3) of section
 2571 287.055, Florida Statutes, is amended to read:

2572 287.055 Acquisition of professional architectural,
 2573 engineering, landscape architectural, or surveying and mapping
 2574 services; definitions; procedures; contingent fees prohibited;
 2575 penalties.-

2576 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.-

2577 (d) Each agency shall evaluate professional services,
 2578 including capabilities, adequacy of personnel, past record,
 2579 experience, whether the firm is a certified minority business
 2580 enterprise as defined by the Florida Small ~~and Minority~~ Business
 2581 ~~Assistance~~ Act, and other factors determined by the agency to be

Page 89 of 177

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577-03064-25

20251264c1

2582 applicable to its particular requirements. When securing
 2583 professional services, an agency must endeavor to meet the rural
 2584 or urban minority business enterprise procurement goals under s.
 2585 287.09451.

2586 Section 76. Subsections (8), (9), and (12) of section
 2587 287.057, Florida Statutes, are amended to read:

2588 287.057 Procurement of commodities or contractual
 2589 services.-

2590 (8) (a) In order to strive to meet the rural or urban
 2591 minority business enterprise procurement goals set forth in s.
 2592 287.09451, an agency may reserve any contract for competitive
 2593 solicitation only among certified rural or urban minority
 2594 business enterprises. Agencies shall review all their contracts
 2595 each fiscal year and shall determine which contracts may be
 2596 reserved for solicitation only among certified rural or urban
 2597 minority business enterprises. This reservation may only be used
 2598 when it is determined, by reasonable and objective means, before
 2599 the solicitation that there are capable, qualified certified
 2600 rural or urban minority business enterprises available to submit
 2601 a bid, proposal, or reply on a contract to provide for effective
 2602 competition. The Office of Supplier Development Diversity shall
 2603 consult with any agency in reaching such determination when
 2604 deemed appropriate.

2605 (b) Before a contract may be reserved for solicitation only
 2606 among certified rural or urban minority business enterprises,
 2607 the agency head must find that such a reservation is in the best
 2608 interests of the state. All determinations ~~are shall be~~ subject
 2609 to s. 287.09451(5). Once a decision has been made to reserve a
 2610 contract, but before sealed bids, proposals, or replies are

Page 90 of 177

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577-03064-25

20251264c1

2611 requested, the agency shall estimate what it expects the amount
 2612 of the contract to be, based on the nature of the services or
 2613 commodities involved and their value under prevailing market
 2614 conditions. If all the sealed bids, proposals, or replies
 2615 received are over this estimate, the agency may reject the bids,
 2616 proposals, or replies and request new ones from certified rural
 2617 or urban minority business enterprises, or the agency may reject
 2618 the bids, proposals, or replies and reopen the bidding to all
 2619 eligible vendors.

2620 (c) All agencies shall consider the use of price
 2621 preferences of up to 10 percent, weighted preference formulas,
 2622 or other preferences for vendors as determined appropriate
 2623 pursuant to guidelines established in accordance with s.
 2624 287.09451(4) to increase the participation of certified rural or
 2625 urban minority business enterprises.

2626 (d) All agencies shall avoid any undue concentration of
 2627 contracts or purchases in categories of commodities or
 2628 contractual services in order to meet the certified rural or
 2629 urban minority business enterprise purchasing goals in s.
 2630 287.09451.

2631 (9) An agency may reserve any contract for competitive
 2632 solicitation only among vendors who agree to use certified rural
 2633 or urban minority business enterprises as subcontractors or
 2634 subvendors. The percentage of funds, in terms of gross contract
 2635 amount and revenues, which must be expended with the certified
 2636 rural or urban minority business enterprise subcontractors and
 2637 subvendors shall be determined by the agency before such
 2638 contracts may be reserved. In order to bid on a contract so
 2639 reserved, the vendor shall identify those certified rural or

Page 91 of 177

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577-03064-25

20251264c1

2640 urban minority business enterprises which will be utilized as
 2641 subcontractors or subvendors by sworn statement. At the time of
 2642 performance or project completion, the contractor shall report
 2643 by sworn statement the payments and completion of work for all
 2644 certified rural or urban minority business enterprises used in
 2645 the contract.

2646 (12) If two equal responses to a solicitation or a request
 2647 for quote are received and one response is from a certified
 2648 rural or urban minority business enterprise, the agency must
 2649 shall enter into a contract with the certified rural or urban
 2650 minority business enterprise.

2651 Section 77. Section 287.0943, Florida Statutes, is amended
 2652 to read:

2653 287.0943 Certification of rural or urban minority business
 2654 enterprises.—

2655 (1) A business certified by any local governmental
 2656 jurisdiction or organization shall be accepted by the Department
 2657 of Management Services, Office of Supplier Development
 2658 Diversity, as a certified rural or urban minority business
 2659 enterprise for purposes of doing business with state government
 2660 when the Office of Supplier Development Diversity determines
 2661 that the state's rural or urban minority business enterprise
 2662 certification criteria are applied in the local certification
 2663 process.

2664 (2) (a) The office is hereby directed to convene a "Rural or
 2665 Urban Minority Business Certification Task Force." The task
 2666 force shall meet as often as necessary, but no less frequently
 2667 than annually.

2668 (b) The task force shall be regionally balanced and

Page 92 of 177

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577-03064-25

20251264c1

2669 comprised of officials representing the department, counties,
 2670 municipalities, school boards, special districts, and other
 2671 political subdivisions of the state who administer programs to
 2672 assist rural or urban minority businesses in procurement or
 2673 development in government-sponsored programs. The following
 2674 organizations may appoint two members each of the task force who
 2675 fit the description above:

- 2676 1. The Florida League of Cities, Inc.
- 2677 2. The Florida Association of Counties.
- 2678 3. The Florida School Boards Association, Inc.
- 2679 4. The Association of Special Districts.
- 2680 5. The Florida Association of Rural or Urban Minority
 2681 Business Enterprise Officials.
- 2682 6. The Florida Association of Government Purchasing
 2683 Officials.

2684
 2685 In addition, the Office of Supplier Development Diversity shall
 2686 appoint seven members consisting of three representatives of
 2687 rural or urban minority business enterprises, one of whom should
 2688 be a woman business owner, two officials of the office, and two
 2689 at-large members to ensure balance. A quorum shall consist of
 2690 one-third of the current members, and the task force may take
 2691 action by majority vote. Any vacancy may only be filled by the
 2692 organization or agency originally authorized to appoint the
 2693 position.

2694 (c) The purpose of the task force will be to propose
 2695 uniform criteria and procedures by which participating entities
 2696 and organizations can qualify businesses to participate in
 2697 procurement or contracting programs as certified rural or urban

577-03064-25

20251264c1

2698 ~~minority~~ business enterprises in accordance with the
 2699 certification criteria established by law.

2700 (d) A final list of the criteria and procedures proposed by
 2701 the task force shall be considered by the secretary. The task
 2702 force may seek technical assistance from qualified providers of
 2703 technical, business, and managerial expertise to ensure the
 2704 reliability of the certification criteria developed.

2705 (e) In assessing the status of ownership and control,
 2706 certification criteria shall, at a minimum:

2707 1. Link ownership by a ~~minority~~ person owning a business
 2708 enterprise in a rural or urban area as defined in s. 288.703, or
 2709 as dictated by the legal obligations of a certifying
 2710 organization, to day-to-day control and financial risk by the
 2711 qualifying ~~minority~~ owner, and to demonstrated expertise or
 2712 licensure of an a minority owner in any trade or profession that
 2713 the rural or urban minority business enterprise will offer to
 2714 the state when certified. Businesses must comply with all state
 2715 licensing requirements before becoming certified as a rural or
 2716 urban minority business enterprise.

2717 2. ~~If present ownership was obtained by transfer, require~~
 2718 ~~the minority person on whom eligibility is based to have owned~~
 2719 ~~at least 51 percent of the applicant firm for a minimum of 2~~
 2720 ~~years, when any previous majority ownership interest in the firm~~
 2721 ~~was by a nonminority who is or was a relative, former employer,~~
 2722 ~~or current employer of the minority person on whom eligibility~~
 2723 ~~is based. This requirement does not apply to minority persons~~
 2724 ~~who are otherwise eligible who take a 51 percent or greater~~
 2725 ~~interest in a firm that requires professional licensure to~~
 2726 ~~operate and who will be the qualifying licensholder for the~~

577-03064-25

20251264c1

2727 ~~firm when certified. A transfer made within a related immediate~~
 2728 ~~family group from a nonminority person to a minority person in~~
 2729 ~~order to establish ownership by a minority person shall be~~
 2730 ~~deemed to have been made solely for purposes of satisfying~~
 2731 ~~certification criteria and shall render such ownership invalid~~
 2732 ~~for purposes of qualifying for such certification if the~~
 2733 ~~combined total net asset value of all members of such family~~
 2734 ~~group exceeds \$1 million. For purposes of this subparagraph, the~~
 2735 ~~term "related immediate family group" means one or more children~~
 2736 ~~under 16 years of age and a parent of such children or the~~
 2737 ~~spouse of such parent residing in the same house or living unit.~~

2738 3. Require that prospective certified rural or urban
 2739 ~~minority~~ business enterprises be currently performing or seeking
 2740 to perform a useful business function. A "useful business
 2741 function" is defined as a business function which results in the
 2742 provision of materials, supplies, equipment, or services to
 2743 customers. Acting as a conduit to transfer funds to a non-rural
 2744 or a non-urban ~~nonminority~~ business does not constitute a useful
 2745 business function unless it is done so in a normal industry
 2746 practice. As used in this section, the term "acting as a
 2747 conduit" means, in part, not acting as a regular dealer by
 2748 making sales of material, goods, or supplies from items bought,
 2749 kept in stock, and regularly sold to the public in the usual
 2750 course of business. Brokers, manufacturer's representatives,
 2751 sales representatives, and nonstocking distributors are
 2752 considered as conduits that do not perform a useful business
 2753 function, unless normal industry practice dictates.

2754 (f) When a business receives payments or awards exceeding
 2755 \$100,000 in one fiscal year, a review of its certification

Page 95 of 177

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577-03064-25

20251264c1

2756 status or an audit will be conducted within 2 years. In
 2757 addition, random reviews or audits will be conducted as deemed
 2758 appropriate by the Office of Supplier Development Diversity.

2759 (g) The certification criteria approved by the task force
 2760 and adopted by the Department of Management Services must shall
 2761 be included in a statewide and interlocal agreement as defined
 2762 in s. 287.09431 and, in accordance with s. 163.01, shall be
 2763 executed according to the terms included therein.

2764 (h) The certification procedures should allow an applicant
 2765 seeking certification to designate on the application form the
 2766 information the applicant considers to be proprietary,
 2767 confidential business information. As used in this paragraph,
 2768 the term "proprietary, confidential business information"
 2769 includes, but is not limited to, any information that would be
 2770 exempt from public inspection pursuant to the provisions of
 2771 chapter 119; trade secrets; internal auditing controls and
 2772 reports; contract costs; or other information the disclosure of
 2773 which would injure the affected party in the marketplace or
 2774 otherwise violate s. 286.041. The executor in receipt of the
 2775 application shall issue written and final notice of any
 2776 information for which noninspection is requested but not
 2777 provided for by law.

2778 (i) A business that is certified under the provisions of
 2779 the statewide and interlocal agreement is shall be deemed a
 2780 certified rural or urban ~~minority~~ enterprise in all
 2781 jurisdictions or organizations where the agreement is in effect,
 2782 and that business is deemed available to do business as such
 2783 within any such jurisdiction or with any such organization
 2784 statewide. All state agencies must accept rural or urban

Page 96 of 177

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577-03064-25

20251264c1

2785 ~~minority~~ business enterprises certified in accordance with the
 2786 statewide and interlocal agreement of s. 287.09431, and that
 2787 business shall also be deemed a "certified rural or urban
 2788 ~~minority~~ business enterprise" as defined in s. 288.703. However,
 2789 any governmental jurisdiction or organization that administers a
 2790 rural or urban ~~minority~~ business purchasing program may reserve
 2791 the right to establish further certification procedures
 2792 necessary to comply with federal law.

2793 (j) The statewide and interlocal agreement ~~must~~ shall be
 2794 guided by the terms and conditions found therein and may be
 2795 amended at any meeting of the task force and subsequently
 2796 adopted by the secretary of the Department of Management
 2797 Services. The amended agreement must be enacted, initialed, and
 2798 legally executed by at least two-thirds of the certifying
 2799 entities party to the existing agreement and adopted by the
 2800 state as originally executed in order to bind the certifying
 2801 entity.

2802 (k) The task force shall meet for the first time no later
 2803 than 45 days after the effective date of this act.

2804 (3) (a) The office shall review and evaluate the
 2805 certification programs and procedures of all prospective
 2806 executors of the statewide and interlocal agreement to determine
 2807 whether ~~if~~ their programs exhibit the capacity to meet the
 2808 standards of the agreement.

2809 (b) The evaluations shall, at a minimum, consider: the
 2810 certifying entity's capacity to conduct investigations of
 2811 applicants seeking certification under the designated criteria;
 2812 the ability of the certifying entity to collect the requisite
 2813 data and to establish adequate protocol to store and exchange

577-03064-25

20251264c1

2814 said information among the executors of the agreement and to
 2815 provide adequate security to prevent unauthorized access to
 2816 information gathered during the certification process; and the
 2817 degree to which any legal obligations or supplemental
 2818 requirements unique to the certifying entity exceed the capacity
 2819 of that entity to conduct certifications.

2820 (c) Any firms certified by organizations or governmental
 2821 entities determined not to meet the state certification criteria
 2822 may ~~shall~~ not be eligible to participate as certified rural or
 2823 urban ~~minority~~ business enterprises in the rural or urban
 2824 ~~minority~~ business assistance programs of the state. For a period
 2825 of 1 year from the effective date of this legislation, the
 2826 executor of the statewide and interlocal agreement may elect to
 2827 accept only rural or urban ~~minority~~ business enterprises
 2828 certified pursuant to criteria in place at the time the
 2829 agreement was signed. After the 1-year period, either party may
 2830 elect to withdraw from the agreement without further notice.

2831 (d) Any organizations or governmental entities determined
 2832 by the office not to meet the standards of the agreement may
 2833 ~~shall~~ not be eligible to execute the statewide and interlocal
 2834 agreement as a participating organization until approved by the
 2835 office.

2836 (e) Any participating program receiving three or more
 2837 challenges to its certification decisions pursuant to subsection
 2838 (4) from other organizations that are executors to the statewide
 2839 and interlocal agreement, shall be subject to a review by the
 2840 office, as provided in paragraphs (a) and (b), of the
 2841 organization's capacity to perform under such agreement and in
 2842 accordance with the core criteria established by the task force.

577-03064-25

20251264c1

2843 The office shall submit a report to the secretary of the
2844 Department of Management Services regarding the results of the
2845 review.

2846 (f) The office shall maintain a directory of all executors
2847 of the statewide and interlocal agreement. The directory should
2848 be communicated to the general public.

2849 (4) A certification may be challenged by any executor to
2850 the statewide and interlocal agreement upon the grounds of
2851 failure by the certifying organization to adhere to the adopted
2852 criteria or to the certifying organization's rules and
2853 procedures, or on the grounds of a misrepresentation or fraud by
2854 the certified rural or urban minority business enterprise. The
2855 challenge must ~~shall~~ proceed according to procedures specified
2856 in the agreement.

2857 (5) (a) The secretary of the Department of Management
2858 Services shall execute the statewide and interlocal agreement
2859 established under s. 287.09431 on behalf of the state. The
2860 office shall certify rural or urban minority business
2861 enterprises in accordance with the laws of this state and, by
2862 affidavit, shall recertify such rural or urban minority business
2863 enterprises not less than once each year.

2864 (b) The office shall contract with parties to the statewide
2865 and interlocal agreement to perform onsite visits associated
2866 with state certifications.

2867 (6) (a) The office shall maintain up-to-date records of all
2868 certified rural or urban minority business enterprises, as
2869 defined in s. 288.703, and of applications for certification
2870 that were denied and shall make this list available to all
2871 agencies. The office shall, for statistical purposes, collect

Page 99 of 177

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577-03064-25

20251264c1

2872 and track subgroupings of gender and nationality status for each
2873 certified rural or urban minority business enterprise. Agency
2874 spending shall also be tracked for these subgroups. The records
2875 may include information about certified rural or urban minority
2876 business enterprises that provide legal services, auditing
2877 services, and health services. Agencies shall use this list in
2878 efforts to meet the certified rural or urban minority business
2879 enterprise procurement goals set forth in s. 287.09451.

2880 (b) The office shall establish and administer a
2881 computerized data bank to carry out the requirements of
2882 paragraph (a), to be available to all executors of the statewide
2883 and interlocal agreement. Data maintained in the data bank must
2884 ~~shall~~ be sufficient to allow each executor to reasonably monitor
2885 certifications it has issued.

2886 (7) The office shall identify rural or urban minority
2887 business enterprises eligible for certification in all areas of
2888 state services and commodities purchasing. The office may
2889 contract with a private firm or other agency, if necessary, in
2890 seeking to identify rural or urban minority business enterprises
2891 for certification. Agencies may request the office to identify
2892 certifiable rural or urban minority business enterprises that
2893 are in the business of providing a given service or commodity;
2894 the office shall respond to such requests and seek out such
2895 certifiable rural or urban minority business enterprises.

2896 (8) The office shall adopt rules necessary to implement
2897 this section.

2898 (9) State agencies shall comply with this act except to the
2899 extent that the requirements of this act are in conflict with
2900 federal law.

Page 100 of 177

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577-03064-25

20251264c1

2901 (10) Any transfer of ownership or permanent change in the
 2902 management and daily operations of a certified rural or urban
 2903 ~~minority~~ business enterprise which may affect certification must
 2904 be reported to the original certifying jurisdiction or entity
 2905 and to the office within 14 days of the transfer or change
 2906 taking place. In the event of a transfer of ownership, the
 2907 transferee seeking to do business with the state as a certified
 2908 rural or urban ~~minority~~ business enterprise is responsible for
 2909 such reporting. In the event of a permanent change in the
 2910 management and daily operations, owners seeking to do business
 2911 with the state as a certified rural or urban ~~minority~~ business
 2912 enterprise are responsible for reporting such change to the
 2913 office. ~~A Any person violating the provisions of this subsection~~
 2914 ~~commits shall be guilty of a misdemeanor of the first degree,~~
 2915 punishable as provided in s. 775.082 or s. 775.083.

2916 (11) To deter fraud in the program, the Auditor General may
 2917 review the criteria by which a business became certified as a
 2918 certified rural or urban ~~minority~~ business enterprise.

2919 (12) Any executor of the statewide and interlocal agreement
 2920 may revoke the certification or recertification of a firm doing
 2921 business as a certified rural or urban ~~minority~~ business
 2922 enterprise if the rural or urban ~~minority~~ business enterprise
 2923 does not meet the requirements of the jurisdiction or certifying
 2924 entity that certified or recertified the firm as a certified
 2925 rural or urban ~~minority~~ business enterprise, or the requirements
 2926 of ~~subsection (2),~~ s. 288.703(2), and any rule of the office or
 2927 the Department of Management Services or if the business
 2928 acquired certification or recertification by means of falsely
 2929 representing any entity as a rural or urban ~~minority~~ business

Page 101 of 177

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577-03064-25

20251264c1

2930 enterprise for purposes of qualifying for certification or
 2931 recertification.

2932 (13) Unless permanently revoked, a certified rural or urban
 2933 ~~minority~~ business enterprise for which certification or
 2934 recertification has been revoked may not apply or reapply for
 2935 certification or recertification for a minimum of 36 months
 2936 after the date of the notice of revocation.

2937 (14) (a) Except for certification decisions issued by the
 2938 Office of Supplier Development Diversity, an executor to the
 2939 statewide and interlocal agreement shall, in accordance with its
 2940 rules and procedures:

2941 1. Give reasonable notice to affected persons or parties of
 2942 its decision to deny certification based on failure to meet
 2943 eligibility requirements of the statewide and interlocal
 2944 agreement of s. 287.09431, together with a summary of the
 2945 grounds therefor.

2946 2. Give affected persons or parties an opportunity, at a
 2947 convenient time and place, to present to the agency written or
 2948 oral evidence in opposition to the action or of the executor's
 2949 refusal to act.

2950 3. Give a written explanation of any subsequent decision of
 2951 the executor overruling the objections.

2952 (b) An applicant that is denied rural or urban ~~minority~~
 2953 business enterprise certification based on failure to meet
 2954 eligibility requirements of the statewide and interlocal
 2955 agreement pursuant to s. 287.09431 may not reapply for
 2956 certification or recertification until at least 6 months after
 2957 the date of the notice of the denial of certification or
 2958 recertification.

Page 102 of 177

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577-03064-25 20251264c1

2959 (15) The office shall adopt rules in compliance with this
 2960 part.
 2961 Section 78. Section 287.09431, Florida Statutes, is amended
 2962 to read:
 2963 287.09431 Statewide and interlocal agreement on
 2964 certification of business concerns for the status of rural or
 2965 urban ~~minority~~ business enterprise.—The statewide and interlocal
 2966 agreement on certification of business concerns for the status
 2967 of rural or urban ~~minority~~ business enterprise is hereby enacted
 2968 and entered into with all jurisdictions or organizations legally
 2969 joining therein. If, within 2 years from the date that the
 2970 certification core criteria are approved by the Department of
 2971 Management Services, the agreement included herein is not
 2972 executed by a majority of county and municipal governing bodies
 2973 that administer a rural or urban ~~minority~~ business assistance
 2974 program on the effective date of this act, then the Legislature
 2975 shall review this agreement. It is the intent of the Legislature
 2976 that if the agreement is not executed by a majority of the
 2977 requisite governing bodies, then a statewide uniform
 2978 certification process should be adopted, and that such said
 2979 agreement ~~should~~ be repealed and replaced by a mandatory state
 2980 government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

2985 (1) The parties to this agreement, desiring by common
 2986 action to establish a uniform certification process in order to
 2987 reduce the multiplicity of applications by business concerns to

Page 103 of 177

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577-03064-25 20251264c1

2988 state and local governmental programs for rural or urban
 2989 ~~minority~~ business assistance, declare that it is the policy of
 2990 each of them, on the basis of cooperation with one another, to
 2991 remedy social and economic disadvantage suffered by certain
 2992 groups, resulting in their being historically underutilized in
 2993 ownership and control of commercial enterprises. Thus, the
 2994 parties seek to address this history by increasing the
 2995 participation of the identified groups in opportunities afforded
 2996 by government procurement.

2997 (2) The parties find that the State of Florida presently
 2998 certifies firms for participation in the rural or urban ~~minority~~
 2999 business assistance programs of the state. The parties find
 3000 further that some counties, municipalities, school boards,
 3001 special districts, and other divisions of local government
 3002 require a separate, yet similar, and in most cases redundant
 3003 certification in order for businesses to participate in the
 3004 programs sponsored by each government entity.

3005 (3) The parties find further that this redundant
 3006 certification has proven to be unduly burdensome to ~~the~~
 3007 ~~minority-owned~~ firms located in rural or urban areas as defined
 3008 in s. 288.703 which are intended to benefit from the underlying
 3009 purchasing incentives.

3010 (4) The parties agree that:

3011 (a) They will facilitate integrity, stability, and
 3012 cooperation in the statewide and interlocal certification
 3013 process, and in other elements of programs established to assist
 3014 ~~minority-owned~~ businesses located in rural or urban areas.

3015 (b) They shall cooperate with agencies, organizations, and
 3016 associations interested in certification and other elements of

Page 104 of 177

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577-03064-25 20251264c1

3017 rural or urban ~~minority~~ business assistance.

3018 (c) It is the purpose of this agreement to provide for a
 3019 uniform process whereby the status of a business concern may be
 3020 determined in a singular review of the business information for
 3021 these purposes, in order to eliminate any undue expense, delay,
 3022 or confusion to the ~~minority-owned~~ businesses located in rural
 3023 or urban areas in seeking to participate in the rural or urban
 3024 ~~minority~~ business assistance programs of state and local
 3025 jurisdictions.

3026
 3027 ARTICLE II

3028
 3029 DEFINITIONS.—As used in this agreement and contracts made
 3030 pursuant to it, unless the context clearly requires otherwise:

3031 (1) "Awarding organization" means any political subdivision
 3032 or organization authorized by law, ordinance, or agreement to
 3033 enter into contracts and for which the governing body has
 3034 entered into this agreement.

3035 (2) "Department" means the Department of Management
 3036 Services.

3037 ~~(3) "Minority" means a person who is a lawful, permanent~~
 3038 ~~resident of the state, having origins in one of the minority~~
 3039 ~~groups as described and adopted by the Department of Management~~
 3040 ~~Services, hereby incorporated by reference.~~

3041 (4) "Rural or urban ~~minority~~ business enterprise" means any
 3042 small business concern as defined in subsection (5) ~~(6)~~ that
 3043 meets all of the criteria described and adopted by the
 3044 Department of Management Services, hereby incorporated by
 3045 reference.

Page 105 of 177

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577-03064-25 20251264c1

3046 ~~(3)~~(5) "Participating state or local organization" means
 3047 any political subdivision of the state or organization
 3048 designated by such that elects to participate in the
 3049 certification process pursuant to this agreement, which has been
 3050 approved according to s. 287.0943(3) and has legally entered
 3051 into this agreement.

3052 ~~(5)~~(6) "Small business concern" means an independently
 3053 owned and operated business concern which is of a size and type
 3054 as described and adopted by vote related to this agreement of
 3055 the commission, hereby incorporated by reference.

3056
 3057 ARTICLE III

3058 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

3059 (1) All awarding organizations shall accept a certification
 3060 granted by any participating organization which has been
 3061 approved according to s. 287.0943(3) and has entered into this
 3062 agreement, as valid status of rural or urban ~~minority~~ business
 3063 enterprise.

3064 (2) A participating organization shall certify a business
 3065 concern that meets the definition of a rural or urban ~~minority~~
 3066 business enterprise in this agreement, in accordance with the
 3067 duly adopted eligibility criteria.

3068 (3) All participating organizations shall issue notice of
 3069 certification decisions granting or denying certification to all
 3070 other participating organizations within 14 days of the
 3071 decision. Such notice may be made through electronic media.

3072 (4) ~~A~~ ~~No~~ certification may not ~~will~~ be granted without an
 3073 onsite visit to verify ownership and control of the prospective
 3074

Page 106 of 177

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577-03064-25 20251264c1

3075 rural or urban minority business enterprise, unless verification
 3076 can be accomplished by other methods of adequate verification or
 3077 assessment of ownership and control.

3078 (5) The certification of a rural or urban minority business
 3079 enterprise pursuant to the terms of this agreement ~~may shall~~ not
 3080 be suspended, revoked, or otherwise impaired except on any
 3081 grounds which would be sufficient for revocation or suspension
 3082 of a certification in the jurisdiction of the participating
 3083 organization.

3084 (6) The certification determination of a party may be
 3085 challenged by any other participating organization by the
 3086 issuance of a timely written notice by the challenging
 3087 organization to the certifying organization's determination
 3088 within 10 days of receiving notice of the certification
 3089 decision, stating the grounds for such challenge ~~therefor~~.

3090 (7) The sole accepted grounds for challenge are shall be
 3091 the failure of the certifying organization to adhere to the
 3092 adopted criteria or the certifying organization's rules or
 3093 procedures, or the perpetuation of a misrepresentation or fraud
 3094 by the firm.

3095 (8) The certifying organization shall reexamine its
 3096 certification determination and submit written notice to the
 3097 applicant and the challenging organization of its findings
 3098 within 30 days after the receipt of the notice of challenge.

3099 (9) If the certification determination is affirmed, the
 3100 challenging agency may subsequently submit timely written notice
 3101 to the firm of its intent to revoke certification of the firm.

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3103

ARTICLE IV

Page 107 of 177

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577-03064-25 20251264c1

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 3105 APPROVED AND ACCEPTED PROGRAMS. ~~Nothing in~~ This agreement
 3106 ~~may not shall~~ be construed to repeal or otherwise modify any
 3107 ordinance, law, or regulation of a party relating to the
 3108 existing rural or urban minority business assistance provisions
 3109 and procedures by which rural or urban minority business
 3110 enterprises participate therein.

3111

ARTICLE V

3112

3113
 3114 TERM.—The term of the agreement is shall be 5 years, after
 3115 which it may be reexecuted by the parties.

3116

ARTICLE VI

3117

3118
 3119 AGREEMENT EVALUATION.—The designated state and local
 3120 officials may meet ~~from time to time~~ as a group to evaluate
 3121 progress under the agreement, to formulate recommendations for
 3122 changes, or to propose a new agreement.

3123

ARTICLE VII

3124

3125
 3126 OTHER ARRANGEMENTS. ~~Nothing in~~ This agreement may not shall
 3127 be construed to prevent or inhibit other arrangements or
 3128 practices of any party in order to comply with federal law.

3129

ARTICLE VIII

3130

3131
3132 EFFECT AND WITHDRAWAL.—

Page 108 of 177

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577-03064-25

20251264c1

3133 (1) This agreement becomes ~~shall become~~ effective when
 3134 properly executed by a legal representative of the participating
 3135 organization, when enacted into the law of the state and after
 3136 an ordinance or other legislation is enacted into law by the
 3137 governing body of each participating organization. Thereafter it
 3138 becomes ~~shall become~~ effective as to any participating
 3139 organization upon the enactment of this agreement by the
 3140 governing body of that organization.

3141 (2) Any party may withdraw from this agreement by enacting
 3142 legislation repealing the same, but ~~no~~ such withdrawal may not
 3143 ~~shall~~ take effect until one year after the governing body of the
 3144 withdrawing party has given notice in writing of the withdrawal
 3145 to the other parties.

3146 (3) ~~A~~ No withdrawal may not ~~shall~~ relieve the withdrawing
 3147 party of any obligations imposed upon it by law.

3148

ARTICLE IX

3150

FINANCIAL RESPONSIBILITY.—

3152 (1) A participating organization is ~~shall~~ not ~~be~~
 3153 financially responsible or liable for the obligations of any
 3154 other participating organization related to this agreement.

3155 (2) ~~The provisions of This agreement~~ does not shall
 3156 constitute ~~neither~~ a waiver of any governmental immunity under
 3157 Florida law or ~~nor~~ a waiver of any defenses of the parties under
 3158 Florida law. ~~The provisions of This agreement~~ is ~~are solely~~ for
 3159 the benefit of its executors and is not intended to create or
 3160 grant any rights, contractual or otherwise, to any person or
 3161 entity.

Page 109 of 177

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577-03064-25

20251264c1

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ARTICLE X

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ARTICLE XI

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VENUE AND GOVERNING LAW.—The obligations of the parties to
 this agreement are performable only within the county where the
 participating organization is located, and statewide for the
 Office of Supplier Development Diversity, and venue for any
 legal action in connection with this agreement is shall lie, for
 any participating organization except the Office of Supplier
Development Diversity, ~~exclusively~~ in the county where the
 participating organization is located. This agreement is shall
~~be~~ governed by and construed in accordance with the laws and
 court decisions of this ~~the~~ state.

CONSTRUCTION AND SEVERABILITY.—This agreement must shall be
 liberally construed so as to effectuate the purposes thereof.
~~The provisions of This agreement~~ is shall be severable and if
 any phrase, clause, sentence, or provision of this agreement is
 declared to be contrary to the State Constitution or the United
 States Constitution, or the application thereof to any
 government, agency, person, or circumstance is held invalid, the
 validity of the remainder of this agreement and the
 applicability thereof to any government, agency, person, or
 circumstance is shall not be affected ~~thereby~~. If this agreement
is shall be held contrary to the State Constitution, the
 agreement remains shall remain in full force and effect as to
 all severable matters.

Page 110 of 177

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577-03064-25

20251264c1

3191 Section 79. Paragraph (b) of subsection (2) of section
3192 288.0001, Florida Statutes, is amended to read:

3193 288.0001 Economic Development Programs Evaluation.—The
3194 Office of Economic and Demographic Research and the Office of
3195 Program Policy Analysis and Government Accountability (OPPAGA)
3196 shall develop and present to the Governor, the President of the
3197 Senate, the Speaker of the House of Representatives, and the
3198 chairs of the legislative appropriations committees the Economic
3199 Development Programs Evaluation.

3200 (2) The Office of Economic and Demographic Research and
3201 OPPAGA shall provide a detailed analysis of economic development
3202 programs as provided in the following schedule:

3203 (b) By January 1, 2015, and every 3 years thereafter, an
3204 analysis of:

3205 1. The entertainment industry sales tax exemption program
3206 established under s. 288.1258.

3207 2. VISIT Florida and its programs established or funded
3208 under ss. 288.122-288.12265 ~~and 288.124~~.

3209 3. The Florida Sports Foundation and related programs,
3210 including those established under ss. 288.1162, 288.11621,
3211 288.1166, and 288.1167.

3212 Section 80. Section 288.7031, Florida Statutes, is amended
3213 to read:

3214 288.7031 Application of certain definitions.—The
3215 definitions of “small business,” and “certified rural or urban
3216 ~~minority business enterprise,” and “certified minority business~~
3217 ~~enterprise”~~ provided in s. 288.703 apply to the state and all
3218 political subdivisions of the state.

3219 Section 81. Paragraph (f) of subsection (2), paragraph (c)

Page 111 of 177

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577-03064-25

20251264c1

3220 of subsection (4), and subsections (7) and (8), and (9) of
3221 section 288.975, Florida Statutes, are amended to read:

3222 288.975 Military base reuse plans.—

3223 (2) As used in this section, the term:

3224 ~~(f) “Regional policy plan” means a strategic regional~~
3225 ~~policy plan that has been adopted by rule by a regional planning~~
3226 ~~council pursuant to s. 186.508.~~

3227 (4)

3228 (c) Military base reuse plans shall identify projected
3229 impacts to significant regional resources and natural resources
3230 ~~of regional significance as identified by applicable regional~~
3231 ~~planning councils in their regional policy plans~~ and the actions
3232 that shall be taken to mitigate such impacts.

3233 (7) A military base reuse plan must ~~shall~~ be consistent
3234 with the comprehensive plan of the host local government and may
3235 ~~shall~~ not conflict with the comprehensive plan of any affected
3236 local governments. A military base reuse plan must ~~shall~~ be
3237 consistent with the nonprocedural requirements of part II of
3238 chapter 163 and rules adopted thereunder, ~~applicable regional~~
3239 ~~policy plans~~, and the state comprehensive plan.

3240 (8) At the request of a host local government, the
3241 department shall coordinate a presubmission workshop concerning
3242 a military base reuse plan within the boundaries of the host
3243 jurisdiction. Agencies that must ~~shall~~ participate in the
3244 workshop ~~shall~~ include any affected local governments; the
3245 Department of Environmental Protection; the department; the
3246 Department of Transportation; the Department of Health; the
3247 Department of Children and Families; the Department of Juvenile
3248 Justice; the Department of Agriculture and Consumer Services;

Page 112 of 177

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577-03064-25

20251264c1

3249 the Department of State; the Fish and Wildlife Conservation
 3250 Commission; and any applicable water management districts ~~and~~
 3251 ~~regional planning councils~~. The purposes of the workshop are
 3252 ~~shall be~~ to assist the host local government to understand
 3253 issues of concern to the above listed entities pertaining to the
 3254 military base site and to identify opportunities for better
 3255 coordination of planning and review efforts with the information
 3256 and analyses generated by the federal environmental impact
 3257 statement process and the federal community base reuse planning
 3258 process.

3259 (9) If a host local government elects to use the optional
 3260 provisions of this act, it must ~~shall~~, no later than 12 months
 3261 after notifying the agencies of its intent pursuant to
 3262 subsection (3) either:

3263 (a) Send a copy of the proposed military base reuse plan
 3264 for review to any affected local governments; the Department of
 3265 Environmental Protection; the department; the Department of
 3266 Transportation; the Department of Health; the Department of
 3267 Children and Families; the Department of Juvenile Justice; the
 3268 Department of Agriculture and Consumer Services; the Department
 3269 of State; the Fish and Wildlife Conservation Commission; and any
 3270 applicable water management districts ~~and regional planning~~
 3271 ~~councils~~, or

3272 (b) Petition the department for an extension of the
 3273 deadline for submitting a proposed reuse plan. Such an extension
 3274 request must be justified by changes or delays in the closure
 3275 process by the federal Department of Defense or for reasons
 3276 otherwise deemed to promote the orderly and beneficial planning
 3277 of the subject military base reuse. The department may grant

Page 113 of 177

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577-03064-25

20251264c1

3278 extensions to the required submission date of the reuse plan.

3279 Section 82. Subsection (4) of section 290.004, Florida
 3280 Statutes, is amended to read:

3281 290.004 Definitions relating to Florida Enterprise Zone
 3282 Act.—As used in ss. 290.001-290.016:

3283 (4) "Certified rural or urban ~~Minority~~ business enterprise"
 3284 has the same meaning as provided in s. 288.703.

3285 Section 83. Paragraph (b) of subsection (26) of section
 3286 320.08058, Florida Statutes, is amended to read:

3287 320.08058 Specialty license plates.—

3288 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

3289 (b) The annual use fees shall be distributed to the Tampa
 3290 Bay Estuary Program created by s. 163.01.

3291 1. A maximum of 5 percent of such fees may be used for
 3292 marketing the plate.

3293 ~~2. Twenty percent of the proceeds from the annual use fee,~~
 3294 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~
 3295 ~~Regional Planning Council for activities of the Agency on Bay~~
 3296 ~~Management implementing the Council/Agency Action Plan for the~~
 3297 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~
 3298 ~~Bay Estuary Program Policy Board.~~

3299 ~~2.3-~~ The remaining proceeds must be used to implement the
 3300 Comprehensive Conservation and Management Plan for Tampa Bay,
 3301 pursuant to priorities approved by the Tampa Bay Estuary Program
 3302 Policy Board.

3303 Section 84. Paragraph (b) of subsection (3) of section
 3304 335.188, Florida Statutes, is amended to read:

3305 335.188 Access management standards; access control
 3306 classification system; criteria.—

Page 114 of 177

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577-03064-25

20251264c1

3307 (3) The control classification system shall be developed
3308 consistent with the following:

3309 (b) The access control classification system shall be
3310 developed in cooperation with counties, municipalities, the
3311 state land planning agency, ~~regional planning councils,~~
3312 metropolitan planning organizations, and other local
3313 governmental entities.

3314 Section 85. Paragraph (b) of subsection (4) of section
3315 339.155, Florida Statutes, is amended to read:

3316 339.155 Transportation planning.—

3317 (4) ADDITIONAL TRANSPORTATION PLANS.—

3318 ~~(b) Each regional planning council, as provided for in s.~~
3319 ~~186.504, or any successor agency thereto, shall develop, as an~~
3320 ~~element of its strategic regional policy plan, transportation~~
3321 ~~goals and policies. The transportation goals and policies must~~
3322 ~~be prioritized to comply with the prevailing principles provided~~
3323 ~~in subsection (1) and s. 334.046(1). The transportation goals~~
3324 ~~and policies shall be consistent, to the maximum extent~~
3325 ~~feasible, with the goals and policies of the metropolitan~~
3326 ~~planning organization and the Florida Transportation Plan. The~~
3327 ~~transportation goals and policies of the regional planning~~
3328 ~~council will be advisory only and shall be submitted to the~~
3329 ~~department and any affected metropolitan planning organization~~
3330 ~~for their consideration and comments. Metropolitan planning~~
3331 ~~organization plans and other local transportation plans shall be~~
3332 ~~developed consistent, to the maximum extent feasible, with the~~
3333 ~~regional transportation goals and policies.~~

3334 Section 86. Paragraph (g) of subsection (6) of section
3335 339.175, Florida Statutes, is amended to read:

Page 115 of 177

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577-03064-25

20251264c1

3336 339.175 Metropolitan planning organization.—

3337 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
3338 privileges, and authority of an M.P.O. are those specified in
3339 this section or incorporated in an interlocal agreement
3340 authorized under s. 163.01. Each M.P.O. shall perform all acts
3341 required by federal or state laws or rules, now and subsequently
3342 applicable, which are necessary to qualify for federal aid. It
3343 is the intent of this section that each M.P.O. be involved in
3344 the planning and programming of transportation facilities,
3345 including, but not limited to, airports, intercity and high-
3346 speed rail lines, seaports, and intermodal facilities, to the
3347 extent permitted by state or federal law. An M.P.O. may not
3348 perform project production or delivery for capital improvement
3349 projects on the State Highway System.

3350 (g) Each M.P.O. shall have an executive or staff director
3351 who reports directly to the M.P.O. governing board for all
3352 matters regarding the administration and operation of the M.P.O.
3353 and any additional personnel as deemed necessary. The executive
3354 director and any additional personnel may be employed either by
3355 an M.P.O. or by another governmental entity, such as a county
3356 or, ~~city, or regional planning council~~, that has a staff
3357 services agreement signed and in effect with the M.P.O. Each
3358 M.P.O. may enter into contracts with local or state agencies,
3359 private planning firms, private engineering firms, or other
3360 public or private entities to accomplish its transportation
3361 planning and programming duties and administrative functions.

3362 Section 87. Subsection (6) of section 339.285, Florida
3363 Statutes, is amended to read:

3364 339.285 Enhanced Bridge Program for Sustainable

Page 116 of 177

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577-03064-25

20251264c1

3365 Transportation.-

3366 (6) Preference shall be given to bridge projects located on
3367 corridors that connect to the Strategic Intermodal System,
3368 created under s. 339.64, and that have been identified as
3369 regionally significant in accordance with s. 339.155(4)(b), (c),
3370 and (d) ~~s. 339.155(4)(e), (d), and (e).~~

3371 Section 88. Subsections (3) and (4) of section 339.63,
3372 Florida Statutes, are amended to read:

3373 339.63 System facilities designated; additions and
3374 deletions.-

3375 (3) After the initial designation of the Strategic
3376 Intermodal System under subsection (1), the department shall, in
3377 coordination with the metropolitan planning organizations, local
3378 governments, ~~regional planning councils,~~ transportation
3379 providers, and affected public agencies, add facilities to or
3380 delete facilities from the Strategic Intermodal System described
3381 in paragraphs (2) (b) and (c) based upon criteria adopted by the
3382 department.

3383 (4) After the initial designation of the Strategic
3384 Intermodal System under subsection (1), the department shall, in
3385 coordination with the metropolitan planning organizations, local
3386 governments, ~~regional planning councils,~~ transportation
3387 providers, and affected public agencies, add facilities to or
3388 delete facilities from the Strategic Intermodal System described
3389 in paragraph (2) (a) based upon criteria adopted by the
3390 department. However, an airport that is designated as a reliever
3391 airport to a Strategic Intermodal System airport which has at
3392 least 75,000 itinerant operations per year, has a runway length
3393 of at least 5,500 linear feet, is capable of handling aircraft

Page 117 of 177

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

577-03064-25

20251264c1

3394 weighing at least 60,000 pounds with a dual wheel configuration
3395 which is served by at least one precision instrument approach,
3396 and serves a cluster of aviation-dependent industries, shall be
3397 designated as part of the Strategic Intermodal System by the
3398 Secretary of Transportation upon the request of a reliever
3399 airport meeting this criteria.

3400 Section 89. Subsection (1) and paragraph (a) of subsection
3401 (3) of section 339.64, Florida Statutes, are amended to read:

3402 339.64 Strategic Intermodal System Plan.-

3403 (1) The department shall develop, in cooperation with
3404 metropolitan planning organizations, ~~regional planning councils,~~
3405 local governments, and other transportation providers, a
3406 Strategic Intermodal System Plan. The plan shall be consistent
3407 with the Florida Transportation Plan developed pursuant to s.
3408 339.155 and shall be updated at least once every 5 years,
3409 subsequent to updates of the Florida Transportation Plan.

3410 (3) (a) During the development of updates to the Strategic
3411 Intermodal System Plan, the department shall provide
3412 metropolitan planning organizations, ~~regional planning councils,~~
3413 local governments, transportation providers, affected public
3414 agencies, and citizens with an opportunity to participate in and
3415 comment on the development of the update.

3416 Section 90. Subsection (1) of section 341.041, Florida
3417 Statutes, is amended to read:

3418 341.041 Transit responsibilities of the department.-The
3419 department shall, within the resources provided pursuant to
3420 chapter 216:

3421 (1) Develop a statewide plan that provides for public
3422 transit and intercity bus service needs at least 5 years in

Page 118 of 177

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577-03064-25

20251264c1

3423 advance. The plan shall be developed in a manner that will
 3424 assure maximum use of existing facilities, and optimum
 3425 integration and coordination of the various modes of
 3426 transportation, including both governmentally owned and
 3427 privately owned resources, in the most cost-effective manner
 3428 possible. The plan shall also incorporate plans adopted by local
 3429 ~~and regional~~ planning agencies which are consistent, to the
 3430 maximum extent feasible, with ~~adopted strategic policy plans and~~
 3431 approved local government comprehensive plans for the region and
 3432 units of local government covered by the plan and shall, insofar
 3433 as practical, conform to federal planning requirements. The plan
 3434 shall be consistent with the goals of the Florida Transportation
 3435 Plan developed pursuant to s. 339.155.

3436 Section 91. Paragraph (m) of subsection (3) of section
 3437 343.54, Florida Statutes, is amended to read:

3438 343.54 Powers and duties.—

3439 (3) The authority may exercise all powers necessary,
 3440 appurtenant, convenient, or incidental to the carrying out of
 3441 the aforesaid purposes, including, but not limited to, the
 3442 following rights and powers:

3443 (m) To cooperate with other governmental entities and to
 3444 contract with other governmental agencies, including the
 3445 Department of Transportation, the Federal Government, ~~regional~~
 3446 ~~planning councils~~, counties, and municipalities.

3447 Section 92. Paragraphs (c) and (d) of subsection (1) of
 3448 section 366.93, Florida Statutes, are amended to read:

3449 366.93 Cost recovery for the siting, design, licensing, and
 3450 construction of nuclear and integrated gasification combined
 3451 cycle power plants.—

Page 119 of 177

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577-03064-25

20251264c1

3452 (1) As used in this section, the term:

3453 (c) "Integrated gasification combined cycle power plant" or
 3454 "plant" means an electrical power plant as defined in s. 403.503
 3455 ~~s. 403.503(14)~~ which uses synthesis gas produced by integrated
 3456 gasification technology.

3457 (d) "Nuclear power plant" or "plant" means an electrical
 3458 power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses
 3459 nuclear materials for fuel.

3460 Section 93. Subsection (1) of section 369.303, Florida
 3461 Statutes, is amended to read:

3462 369.303 Definitions.—As used in this part:

3463 ~~(1) "Council" means the East Central Florida Regional~~
 3464 ~~Planning Council.~~

3465 Section 94. Subsection (3) of section 369.307, Florida
 3466 Statutes, is amended to read:

3467 369.307 Developments of regional impact in the Wekiva River
 3468 Protection Area; land acquisition.—

3469 (3) The Wekiva River Protection Area is hereby declared to
 3470 be a natural resource of state and regional importance. The St.
 3471 Johns River Water Management District ~~East Central Florida~~
 3472 ~~Regional Planning Council~~ shall adopt policies that ~~as part of~~
 3473 ~~its strategic regional policy plan and regional issues list~~
 3474 ~~which~~ will protect the water quantity, water quality, hydrology,
 3475 wetlands, aquatic and wetland-dependent wildlife species,
 3476 habitat of all species ~~designated pursuant to rules 39-27.003,~~
 3477 ~~39-27.004, and 39-27.005, Florida Administrative Code, and~~
 3478 native vegetation in the Wekiva River Protection Area. The water
 3479 management district council shall also cooperate with the
 3480 department in the department's implementation ~~of the provisions~~

Page 120 of 177

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577-03064-25 20251264c1

3481 of s. 369.305.

3482 Section 95. Paragraph (e) of subsection (1) of section
3483 373.309, Florida Statutes, is amended to read:

3484 373.309 Authority to adopt rules and procedures.—

3485 (1) The department shall adopt, and may from time to time
3486 amend, rules governing the location, construction, repair, and
3487 abandonment of water wells and shall be responsible for the
3488 administration of this part. With respect thereto, the
3489 department shall:

3490 (e) Encourage prevention of potable water well
3491 contamination and promote cost-effective remediation of
3492 contaminated potable water supplies by use of the Water Quality
3493 Assurance Trust Fund as provided in s. 376.307(1)(e) and
3494 establish by rule:

3495 1. Delineation of areas of groundwater contamination for
3496 implementation of well location and construction, testing,
3497 permitting, and clearance requirements as set forth in
3498 subparagraphs 2.-6. ~~2., 3., 4., 5., and 6.~~ The department shall
3499 make available to water management districts, ~~regional planning~~
3500 ~~councils~~, the Department of Health, and county building and
3501 zoning departments, maps or other information on areas of
3502 contamination, including areas of ethylene dibromide
3503 contamination. Such maps or other information shall be made
3504 available to property owners, realtors, real estate
3505 associations, property appraisers, and other interested persons
3506 upon request and upon payment of appropriate costs.

3507 2. Requirements for testing for suspected contamination in
3508 areas of known contamination, as a prerequisite for clearance of
3509 a water well for drinking purposes. The department is authorized

Page 121 of 177

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577-03064-25 20251264c1

3510 to establish criteria for acceptance of water quality testing
3511 results from the Department of Health and laboratories certified
3512 by the Department of Health, and is authorized to establish
3513 requirements for sample collection quality assurance.

3514 3. Requirements for mandatory connection to available
3515 potable water systems in areas of known contamination, wherein
3516 the department may prohibit the permitting and construction of
3517 new potable water wells.

3518 4. Location and construction standards for public and all
3519 other potable water wells permitted in areas of contamination.
3520 Such standards shall be designed to minimize the effects of such
3521 contamination.

3522 5. A procedure for permitting all potable water wells in
3523 areas of known contamination. Any new water well that is to be
3524 used for drinking water purposes and that does not meet
3525 construction standards pursuant to subparagraph 4. must be
3526 abandoned and plugged by the owner. Water management districts
3527 shall implement, through delegation from the department, the
3528 permitting and enforcement responsibilities of this
3529 subparagraph.

3530 6. A procedure for clearing for use all potable water
3531 wells, except wells that serve a public water supply system, in
3532 areas of known contamination. If contaminants are found upon
3533 testing pursuant to subparagraph 2., a well may not be cleared
3534 for use without a filter or other means of preventing the users
3535 of the well from being exposed to deleterious amounts of
3536 contaminants. The Department of Health shall implement the
3537 responsibilities of this subparagraph.

3538 7. Fees to be paid for well construction permits and

Page 122 of 177

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577-03064-25

20251264c1

3539 clearance for use. The fees shall be based on the actual costs
 3540 incurred by the water management districts, the Department of
 3541 Health, or other political subdivisions in carrying out the
 3542 responsibilities related to potable water well permitting and
 3543 clearance for use. The fees shall provide revenue to cover all
 3544 such costs and shall be set according to the following schedule:

3545 a. The well construction permit fee may not exceed \$500.

3546 b. The clearance fee may not exceed \$50.

3547 8. Procedures for implementing well-location, construction,
 3548 testing, permitting, and clearance requirements as set forth in
 3549 subparagraphs 2.-6. within areas that research or monitoring
 3550 data indicate are vulnerable to contamination with nitrate, or
 3551 areas in which the department provides a subsidy for restoration
 3552 or replacement of contaminated drinking water supplies through
 3553 extending existing water lines or developing new water supply
 3554 systems pursuant to s. 376.307(1)(e). The department shall
 3555 consult with the Florida Ground Water Association in the process
 3556 of developing rules pursuant to this subparagraph.

3557
 3558 All fees and funds collected by each delegated entity pursuant
 3559 to this part shall be deposited in the appropriate operating
 3560 account of that entity.

3561 Section 96. Subsections (1) and (2) of section 373.415,
 3562 Florida Statutes, are amended to read:

3563 373.415 Protection zones; duties of the St. Johns River
 3564 Water Management District.—

3565 (1) Not later than November 1, 1988, the St. Johns River
 3566 Water Management District shall adopt rules establishing
 3567 protection zones adjacent to the watercourses in the Wekiva

Page 123 of 177

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577-03064-25

20251264c1

3568 River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such
 3569 protection zones shall be sufficiently wide to prevent harm to
 3570 the Wekiva River System, including water quality, water
 3571 quantity, hydrology, wetlands, and aquatic and wetland-dependent
 3572 wildlife species, caused by any of the activities regulated
 3573 under this part. Factors on which the widths of the protection
 3574 zones shall be based shall include, but not be limited to:

3575 (a) The biological significance of the wetlands and uplands
 3576 adjacent to the designated watercourses in the Wekiva River
 3577 System, including the nesting, feeding, breeding, and resting
 3578 needs of aquatic species and wetland-dependent wildlife species.

3579 (b) The sensitivity of these species to disturbance,
 3580 including the short-term and long-term adaptability to
 3581 disturbance of the more sensitive species, both migratory and
 3582 resident.

3583 (c) The susceptibility of these lands to erosion, including
 3584 the slope, soils, runoff characteristics, and vegetative cover.

3585
 3586 In addition, the rules may establish permitting thresholds,
 3587 permitting exemptions, or general permits, if such thresholds,
 3588 exemptions, or general permits do not allow significant adverse
 3589 impacts to the Wekiva River System to occur individually or
 3590 cumulatively.

3591 (2) Notwithstanding ~~the provisions of~~ s. 120.60, the St.
 3592 Johns River Water Management District may ~~shall~~ not issue any
 3593 permit under this part within the Wekiva River Protection Area,
 3594 as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate
 3595 local government has provided written notification to the
 3596 district that the proposed activity is consistent with the local

Page 124 of 177

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577-03064-25

20251264c1

3597 comprehensive plan and is in compliance with any land
 3598 development regulation in effect in the area where the
 3599 development will take place. The district may, however, inform
 3600 any property owner who makes a request for such information as
 3601 to the location of the protection zone or zones on his or her
 3602 property. However, if a development proposal is amended as the
 3603 result of the review by the district, a permit may be issued
 3604 before ~~prior~~ to the development proposal being returned, if
 3605 necessary, to the local government for additional review.

3606 Section 97. Paragraph (a) of subsection (2) of section
 3607 376.3072, Florida Statutes, is amended to read:

3608 376.3072 Florida Petroleum Liability and Restoration
 3609 Insurance Program.—

3610 (2) (a) An owner or operator of a petroleum storage system
 3611 may become an insured in the restoration insurance program at a
 3612 facility if:

3613 1. A site at which an incident has occurred is eligible for
 3614 restoration if the insured is a participant in the third-party
 3615 liability insurance program or otherwise meets applicable
 3616 financial responsibility requirements. After July 1, 1993, the
 3617 insured must also provide the required excess insurance coverage
 3618 or self-insurance for restoration to achieve the financial
 3619 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
 3620 not covered by paragraph (d).

3621 2. A site which had a discharge reported before January 1,
 3622 1989, for which notice was given pursuant to s. 376.3071(10) and
 3623 which is ineligible for the third-party liability insurance
 3624 program solely due to that discharge is eligible for
 3625 participation in the restoration program for an incident

Page 125 of 177

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577-03064-25

20251264c1

3626 occurring on or after January 1, 1989, pursuant to subsection
 3627 (3). Restoration funding for an eligible contaminated site will
 3628 be provided without participation in the third-party liability
 3629 insurance program until the site is restored as required by the
 3630 department or until the department determines that the site does
 3631 not require restoration.

3632 3. Notwithstanding paragraph (b), a site where an
 3633 application is filed with the department before January 1, 1995,
 3634 where the owner is a small business under s. 288.703 ~~s.~~
 3635 ~~288.703(6)~~, a Florida College System institution with less than
 3636 2,500 FTE, a religious institution as defined by s.
 3637 212.08(7)(m), a charitable institution as defined by s.
 3638 212.08(7)(p), or a county or municipality with a population of
 3639 less than 50,000, is eligible for up to \$400,000 of eligible
 3640 restoration costs, less a deductible of \$10,000 for small
 3641 businesses, eligible Florida College System institutions, and
 3642 religious or charitable institutions, and \$30,000 for eligible
 3643 counties and municipalities, if:

3644 a. Except as provided in sub-subparagraph e., the facility
 3645 was in compliance with department rules at the time of the
 3646 discharge.

3647 b. The owner or operator has, upon discovery of a
 3648 discharge, promptly reported the discharge to the department,
 3649 and drained and removed the system from service, if necessary.

3650 c. The owner or operator has not intentionally caused or
 3651 concealed a discharge or disabled leak detection equipment.

3652 d. The owner or operator proceeds to complete initial
 3653 remedial action as specified in department rules.

3654 e. The owner or operator, if required and if it has not

Page 126 of 177

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577-03064-25

20251264c1

3655 already done so, applies for third-party liability coverage for
 3656 the facility within 30 days after receipt of an eligibility
 3657 order issued by the department pursuant to this subparagraph.
 3658

3659 However, the department may consider in-kind services from
 3660 eligible counties and municipalities in lieu of the \$30,000
 3661 deductible. The cost of conducting initial remedial action as
 3662 defined by department rules is an eligible restoration cost
 3663 pursuant to this subparagraph.

3664 4.a. By January 1, 1997, facilities at sites with existing
 3665 contamination must have methods of release detection to be
 3666 eligible for restoration insurance coverage for new discharges
 3667 subject to department rules for secondary containment. Annual
 3668 storage system testing, in conjunction with inventory control,
 3669 shall be considered to be a method of release detection until
 3670 the later of December 22, 1998, or 10 years after the date of
 3671 installation or the last upgrade. Other methods of release
 3672 detection for storage tanks which meet such requirement are:

3673 (I) Interstitial monitoring of tank and integral piping
 3674 secondary containment systems;

3675 (II) Automatic tank gauging systems; or

3676 (III) A statistical inventory reconciliation system with a
 3677 tank test every 3 years.

3678 b. For pressurized integral piping systems, the owner or
 3679 operator must use:

3680 (I) An automatic in-line leak detector with flow
 3681 restriction meeting the requirements of department rules used in
 3682 conjunction with an annual tightness or pressure test; or

3683 (II) An automatic in-line leak detector with electronic

Page 127 of 177

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577-03064-25

20251264c1

3684 flow shut-off meeting the requirements of department rules.

3685 c. For suction integral piping systems, the owner or
 3686 operator must use:

3687 (I) A single check valve installed directly below the
 3688 suction pump if there are no other valves between the dispenser
 3689 and the tank; or

3690 (II) An annual tightness test or other approved test.

3691 d. Owners of facilities with existing contamination that
 3692 install internal release detection systems pursuant to sub-
 3693 subparagraph a. shall permanently close their external
 3694 groundwater and vapor monitoring wells pursuant to department
 3695 rules by December 31, 1998. Upon installation of the internal
 3696 release detection system, such wells must be secured and taken
 3697 out of service until permanent closure.

3698 e. Facilities with vapor levels of contamination meeting
 3699 the requirements of or below the concentrations specified in the
 3700 performance standards for release detection methods specified in
 3701 department rules may continue to use vapor monitoring wells for
 3702 release detection.

3703 f. The department may approve other methods of release
 3704 detection for storage tanks and integral piping which have at
 3705 least the same capability to detect a new release as the methods
 3706 specified in this subparagraph.

3707
 3708 Sites meeting the criteria of this subsection for which a site
 3709 rehabilitation completion order was issued before June 1, 2008,
 3710 do not qualify for the 2008 increase in site rehabilitation
 3711 funding assistance and are bound by the pre-June 1, 2008,
 3712 limits. Sites meeting the criteria of this subsection for which

Page 128 of 177

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577-03064-25

20251264c1

3713 a site rehabilitation completion order was not issued before
 3714 June 1, 2008, regardless of whether they have previously
 3715 transitioned to nonstate-funded cleanup status, may continue
 3716 state-funded cleanup pursuant to s. 376.3071(6) until a site
 3717 rehabilitation completion order is issued or the increased site
 3718 rehabilitation funding assistance limit is reached, whichever
 3719 occurs first.

3720 Section 98. Paragraph (k) of subsection (2) of section
 3721 377.703, Florida Statutes, is amended to read:

3722 377.703 Additional functions of the Department of
 3723 Agriculture and Consumer Services.—

3724 (2) DUTIES.—The department shall perform the following
 3725 functions, unless as otherwise provided, consistent with the
 3726 development of a state energy policy:

3727 (k) The department shall coordinate energy-related programs
 3728 of state government, including, but not limited to, the programs
 3729 provided in this section. To this end, the department shall:

3730 1. Provide assistance to other state agencies, counties,
 3731 and municipalities, ~~and regional planning agencies~~ to further
 3732 and promote their energy planning activities.

3733 2. Require, in cooperation with the Department of
 3734 Management Services, all state agencies to operate state-owned
 3735 and state-leased buildings in accordance with energy
 3736 conservation standards as adopted by the Department of
 3737 Management Services. Every 3 months, the Department of
 3738 Management Services shall furnish the department data on
 3739 agencies' energy consumption and emissions of greenhouse gases
 3740 in a format prescribed by the department.

3741 3. Promote the development and use of renewable energy

Page 129 of 177

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577-03064-25

20251264c1

3742 resources, energy efficiency technologies, and conservation
 3743 measures.

3744 4. Promote the recovery of energy from wastes, including,
 3745 but not limited to, the use of waste heat, the use of
 3746 agricultural products as a source of energy, and recycling of
 3747 manufactured products. Such promotion shall be conducted in
 3748 conjunction with, and after consultation with, the Department of
 3749 Environmental Protection and the Florida Public Service
 3750 Commission where electrical generation or natural gas is
 3751 involved, and any other relevant federal, state, or local
 3752 governmental agency having responsibility for resource recovery
 3753 programs.

3754 Section 99. Subsection (3) of section 378.411, Florida
 3755 Statutes, is amended to read:

3756 378.411 Certification to receive notices of intent to mine,
 3757 to review, and to inspect for compliance.—

3758 (3) In making his or her determination, the secretary shall
 3759 consult with the Department of Commerce, ~~the appropriate~~
 3760 ~~regional planning council,~~ and the appropriate water management
 3761 district.

3762 Section 100. Subsection (15) of section 380.031, Florida
 3763 Statutes, is amended to read:

3764 380.031 Definitions.—As used in this chapter:

3765 ~~(15) "Regional planning agency" means the agency designated~~
 3766 ~~by the state land planning agency to exercise responsibilities~~
 3767 ~~under this chapter in a particular region of the state.~~

3768 Section 101. Subsection (2) of section 380.045, Florida
 3769 Statutes, is amended to read:

3770 380.045 Resource planning and management committees;

Page 130 of 177

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577-03064-25

20251264c1

3771 objectives; procedures.-

3772 (2) The committee must include, but is not limited to,
 3773 representation from each of the following: elected officials
 3774 from the local governments within the area under study; the
 3775 planning office of each of the local governments within the area
 3776 under study; the state land planning agency; any other state
 3777 agency under chapter 20 a representative of which the Governor
 3778 feels is relevant to the compilation of the committee; and a
 3779 water management district, if appropriate, ~~and regional planning~~
 3780 ~~council all or part of whose jurisdiction lies within the area~~
 3781 ~~under study~~. After the appointment of the members, the Governor
 3782 shall select a chair and vice chair. A staff member of the state
 3783 land planning agency shall be appointed by the secretary of such
 3784 land planning agency shall, to the greatest extent possible,
 3785 provide technical assistance and administrative support to the
 3786 committee. Meetings will be called as needed by the chair or on
 3787 the demand of three or more members of the committee. The
 3788 committee will act on a simple majority of a quorum present and
 3789 shall make a report within 6 months to the head of the state
 3790 land planning agency. The committee must, from the time of
 3791 appointment, remain in existence for no less than 6 months.

3793 Section 102. Subsections (3), (4), (7), (8), and (12) of
 3794 section 380.05, Florida Statutes, are amended to read:

3795 380.05 Areas of critical state concern.-

3796 (3) Each local government ~~regional planning agency may~~
 3797 ~~recommend to the state land planning agency from time to time~~
 3798 ~~areas wholly or partially within its jurisdiction that meet the~~
 3799 ~~criteria for areas of critical state concern as defined in this~~

Page 131 of 177

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577-03064-25

20251264c1

3800 ~~section. Each regional planning agency shall solicit from the~~
 3801 ~~local governments within its jurisdiction suggestions as to~~
 3802 ~~areas to be recommended. A local government in an area where~~
 3803 ~~there is no regional planning agency~~ may recommend to the state
 3804 land planning agency from time to time areas wholly or partially
 3805 within its jurisdiction that meet the criteria for areas of
 3806 critical state concern as defined in this section. If the state
 3807 land planning agency does not recommend to the commission as an
 3808 area of critical state concern an area substantially similar to
 3809 one that has been recommended, it must ~~shall~~ respond in writing
 3810 as to its reasons therefor.

3811 (4) ~~Before~~ Prior to submitting any recommendation to the
 3812 commission under subsection (1), the state land planning agency
 3813 shall give notice to any committee appointed pursuant to s.
 3814 380.045 and to all local governments ~~and regional planning~~
 3815 ~~agencies~~ that include within their boundaries any part of any
 3816 area of critical state concern proposed to be designated by the
 3817 rule, in addition to any notice otherwise required under chapter
 3818 120.

3819 (7) The state land planning agency ~~and any applicable~~
 3820 ~~regional planning agency~~ shall, to the greatest extent possible,
 3821 provide technical assistance to local governments in the
 3822 preparation of the land development regulations and local
 3823 comprehensive plan for areas of critical state concern.

3824 (8) If any local government fails to submit land
 3825 development regulations or a local comprehensive plan, or if the
 3826 regulations or plan or plan amendment submitted do not comply
 3827 with the principles for guiding development set out in the rule
 3828 designating the area of critical state concern, within 120 days

Page 132 of 177

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577-03064-25

20251264c1

3829 after the adoption of the rule designating an area of critical
 3830 state concern, or within 120 days after the issuance of a
 3831 recommended order on the compliance of the plan or plan
 3832 amendment pursuant to s. 163.3184, or within 120 days after the
 3833 effective date of an order rejecting a proposed land development
 3834 regulation, the state land planning agency must ~~shall~~ submit to
 3835 the commission recommended land development regulations and a
 3836 local comprehensive plan or portions thereof applicable to that
 3837 local government's portion of the area of critical state
 3838 concern. Within 45 days following receipt of the recommendation
 3839 from the agency, the commission shall either reject the
 3840 recommendation as tendered or adopt the recommendation with or
 3841 without modification, and by rule establish land development
 3842 regulations and a local comprehensive plan applicable to that
 3843 local government's portion of the area of critical state
 3844 concern. However, such rule may ~~shall~~ not become effective
 3845 before ~~prior to~~ legislative review of an area of critical state
 3846 concern pursuant to paragraph (1)(c). In the rule, the
 3847 commission shall specify the extent to which its land
 3848 development regulations, plans, or plan amendments will
 3849 supersede, or will be supplementary to, local land development
 3850 regulations and plans. Notice of any proposed rule issued under
 3851 this section shall be given to all local governments and
 3852 regional ~~planning~~ agencies in the area of critical state
 3853 concern, in addition to any other notice required under chapter
 3854 120. The land development regulations and local comprehensive
 3855 plan adopted by the commission under this section may include
 3856 any type of regulation and plan that could have been adopted by
 3857 the local government. Any land development regulations or local

Page 133 of 177

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577-03064-25

20251264c1

3858 comprehensive plan or plan amendments adopted by the commission
 3859 under this section shall be administered by the local government
 3860 as part of, or in the absence of, the local land development
 3861 regulations and local comprehensive plan.

3862 (12) Upon the request of a substantially interested person
 3863 pursuant to s. 120.54(7), a local government or regional
 3864 ~~planning~~ agency within the designated area, or the state land
 3865 planning agency, the commission may by rule remove, contract, or
 3866 expand any designated boundary. Boundary expansions are subject
 3867 to legislative review pursuant to paragraph (1)(c). No boundary
 3868 may be modified without a specific finding by the commission
 3869 that such changes are consistent with necessary resource
 3870 protection. The total boundaries of an entire area of critical
 3871 state concern may ~~shall~~ not be removed by the commission unless
 3872 a minimum time of 1 year has elapsed from the adoption of
 3873 regulations and a local comprehensive plan pursuant to
 3874 subsection (1), subsection (6), subsection (8), or subsection
 3875 (10). Before totally removing such boundaries, the commission
 3876 shall make findings that the regulations and plans adopted
 3877 pursuant to subsection (1), subsection (6), subsection (8), or
 3878 subsection (10) are being effectively implemented by local
 3879 governments within the area of critical state concern to protect
 3880 the area and that adopted local government comprehensive plans
 3881 within the area have been conformed to principles for guiding
 3882 development for the area.

3883 Section 103. Subsection (3) of section 380.055, Florida
 3884 Statutes, is amended to read:

3885 380.055 Big Cypress Area.—

3886 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big

Page 134 of 177

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577-03064-25

20251264c1

3887 Cypress Area," as defined in this subsection, is hereby
 3888 designated as an area of critical state concern. "Big Cypress
 3889 Area" means the area generally depicted on the map entitled
 3890 "Boundary Map, Big Cypress National Freshwater Reserve,
 3891 Florida," numbered BC-91,001 and dated November 1971, which is
 3892 on file and available for public inspection in the office of the
 3893 National Park Service, Department of the Interior, Washington,
 3894 D.C., and in the office of the Board of Trustees of the Internal
 3895 Improvement Trust Fund, which is the area proposed as the
 3896 Federal Big Cypress National Freshwater Reserve, Florida, and
 3897 that area described as follows: Sections 1, 2, 11, 12 and 13 in
 3898 Township 49 South, Range 31 East; and Township 49 South, Range
 3899 32 East, less Sections 19, 30 and 31; and Township 49 South,
 3900 Range 33 East; and Township 49 South, Range 34 East; and
 3901 Sections 1 through 5 and 10 through 14 in Township 50 South,
 3902 Range 32 East; and Sections 1 through 18 and 20 through 25 in
 3903 Township 50 South, Range 33 East; and Township 50 South, Range
 3904 34 East, less Section 31; and Sections 1 and 2 in Township 51
 3905 South, Range 34 East; All in Collier County, Florida, which
 3906 described area shall be known as the "Big Cypress National
 3907 Preserve Addition, Florida," together with such contiguous land
 3908 and water areas as are ecologically linked with the Everglades
 3909 National Park, certain of the estuarine fisheries of South
 3910 Florida, or the freshwater aquifer of South Florida, the
 3911 definitive boundaries of which shall be set in the following
 3912 manner: Within 120 days following the effective date of this
 3913 act, the state land planning agency shall recommend definitive
 3914 boundaries for the Big Cypress Area to the Administration
 3915 Commission, after giving notice to all local governments and

Page 135 of 177

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577-03064-25

20251264c1

3916 regional ~~planning~~ agencies which include within their boundaries
 3917 any part of the area proposed to be included in the Big Cypress
 3918 Area and holding such hearings as the state land planning agency
 3919 deems appropriate. Within 45 days following receipt of the
 3920 recommended boundaries, the Administration Commission shall
 3921 adopt, modify, or reject the recommendation and shall by rule
 3922 establish the boundaries of the area defined as the Big Cypress
 3923 Area.

3924 Section 104. Subsection (6) and paragraph (b) of subsection
 3925 (12) of section 380.06, Florida Statutes, are amended to read:
 3926 380.06 Developments of regional impact.—

3927 (6) REPORTS.—Notwithstanding any condition in a development
 3928 order for an approved development of regional impact, the
 3929 developer is not required to submit an annual or a biennial
 3930 report on the development of regional impact to the local
 3931 government, ~~the regional planning agency,~~ the state land
 3932 planning agency, and all affected permit agencies unless
 3933 required to do so by the local government that has jurisdiction
 3934 over the development. The penalty for failure to file such a
 3935 required report is as prescribed by the local government.

3936 (12) PROPOSED DEVELOPMENTS.—

3937 (b) This subsection does not apply to:

3938 1. Amendments to a development order governing an existing
 3939 development of regional impact.

3940 2. An application for development approval filed with a
 3941 concurrent plan amendment application pending as of May 14,
 3942 2015, if the applicant elects to have the application reviewed
 3943 pursuant to this section as it existed on that date. The
 3944 election shall be in writing and filed with the affected local

Page 136 of 177

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577-03064-25 20251264c1

3945 government, ~~regional planning council~~, and the state land
3946 planning agency before December 31, 2018.

3947 Section 105. Subsection (2) of section 380.061, Florida
3948 Statutes, is amended to read:

3949 380.061 The Florida Quality Developments program.—

3950 (2) Following written notification to the state land
3951 planning agency ~~and the appropriate regional planning agency~~, a
3952 local government with an approved Florida Quality Development
3953 within its jurisdiction must set a public hearing pursuant to
3954 its local procedures and shall adopt a local development order
3955 to replace and supersede the development order adopted by the
3956 state land planning agency for the Florida Quality Development.
3957 Thereafter, the Florida Quality Development shall follow the
3958 procedures and requirements for developments of regional impact
3959 as specified in this chapter.

3960 Section 106. Subsection (2) of section 380.07, Florida
3961 Statutes, is amended to read:

3962 380.07 Florida Land and Water Adjudicatory Commission.—

3963 (2) Whenever any local government issues any development
3964 order in any area of critical state concern, or in regard to the
3965 abandonment of any approved development of regional impact,
3966 copies of such orders as prescribed by rule by the state land
3967 planning agency shall be transmitted to the state land planning
3968 agency, ~~the regional planning agency~~, and the owner or developer
3969 of the property affected by such order. The state land planning
3970 agency shall adopt rules describing development order rendition
3971 and effectiveness in designated areas of critical state concern.
3972 Within 45 days after the order is rendered, the owner, the
3973 developer, or the state land planning agency may appeal the

Page 137 of 177

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577-03064-25 20251264c1

3974 order to the Florida Land and Water Adjudicatory Commission by
3975 filing a petition alleging that the development order is not
3976 consistent with this part.

3977 Section 107. Paragraph (c) of subsection (3) of section
3978 380.23, Florida Statutes, is amended to read:

3979 380.23 Federal consistency.—

3980 (3) Consistency review shall be limited to review of the
3981 following activities, uses, and projects to ensure that such
3982 activities, uses, and projects are conducted in accordance with
3983 the state's coastal management program:

3984 (c) Federally licensed or permitted activities affecting
3985 land or water uses when such activities are in or seaward of the
3986 jurisdiction of local governments required to develop a coastal
3987 zone protection element as provided in s. 380.24 and when such
3988 activities involve:

3989 1. Permits and licenses required under the Rivers and
3990 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3991 2. Permits and licenses required under the Marine
3992 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
3993 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3994 3. Permits and licenses required under the Federal Water
3995 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
3996 amended, unless such permitting activities have been delegated
3997 to the state pursuant to said act.

3998 4. Permits and licenses relating to the transportation of
3999 hazardous substance materials or transportation and dumping
4000 which are issued pursuant to the Hazardous Materials
4001 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
4002 33 U.S.C. s. 1321, as amended.

Page 138 of 177

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577-03064-25 20251264c1

4003 5. Permits and licenses required under 15 U.S.C. ss. 717-
 4004 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
 4005 1331-1356 for construction and operation of interstate gas
 4006 pipelines and storage facilities.

4007 6. Permits and licenses required for the siting and
 4008 construction of any new electrical power plants as defined in s.
 4009 403.503 ~~s. 403.503(14)~~, as amended, and the licensing and
 4010 relicensing of hydroelectric power plants under the Federal
 4011 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

4012 7. Permits and licenses required under the Mining Law of
 4013 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
 4014 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
 4015 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
 4016 amended; the Federal Land Policy and Management Act, 43 U.S.C.
 4017 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
 4018 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
 4019 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
 4020 pipelines, geological and geophysical activities, or rights-of-
 4021 way on public lands and permits and licenses required under the
 4022 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
 4023 amended.

4024 8. Permits and licenses for areas leased under the OCS
 4025 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
 4026 leases and approvals of exploration, development, and production
 4027 plans.

4028 9. Permits and licenses required under the Deepwater Port
 4029 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

4030 10. Permits required for the taking of marine mammals under
 4031 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.

Page 139 of 177

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577-03064-25 20251264c1

4032 s. 1374.

4033 Section 108. Subsection (3) of section 380.507, Florida
 4034 Statutes, is amended to read:

4035 380.507 Powers of the trust.—The trust shall have all the
 4036 powers necessary or convenient to carry out the purposes and
 4037 provisions of this part, including:

4038 (3) To provide technical and financial assistance to local
 4039 governments, state agencies, water management districts,
 4040 ~~regional planning councils~~, and nonprofit agencies to carry out
 4041 projects and activities and develop programs to achieve the
 4042 purposes of this part.

4043 Section 109. Paragraph (b) of subsection (8) of section
 4044 381.986, Florida Statutes, is amended to read:

4045 381.986 Medical use of marijuana.—

4046 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

4047 (b) An applicant for licensure as a medical marijuana
 4048 treatment center shall apply to the department on a form
 4049 prescribed by the department and adopted in rule. The department
 4050 shall adopt rules pursuant to ss. 120.536(1) and 120.54
 4051 establishing a procedure for the issuance and biennial renewal
 4052 of licenses, including initial application and biennial renewal
 4053 fees sufficient to cover the costs of implementing and
 4054 administering this section, and establishing supplemental
 4055 licensure fees for payment beginning May 1, 2018, sufficient to
 4056 cover the costs of administering ss. 381.989 and 1004.4351. The
 4057 department shall identify applicants with strong diversity plans
 4058 reflecting this state's commitment to diversity and implement
 4059 training programs and other educational programs to enable
 4060 minority persons and certified rural or urban minority business

Page 140 of 177

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577-03064-25

20251264c1

4061 enterprises, as defined in s. 288.703, and veteran business
 4062 enterprises, as defined in s. 295.187, to compete for medical
 4063 marijuana treatment center licensure and contracts. Subject to
 4064 the requirements in subparagraphs (a)2.-4., the department shall
 4065 issue a license to an applicant if the applicant meets the
 4066 requirements of this section and pays the initial application
 4067 fee. The department shall renew the licensure of a medical
 4068 marijuana treatment center biennially if the licensee meets the
 4069 requirements of this section and pays the biennial renewal fee.
 4070 However, the department may not renew the license of a medical
 4071 marijuana treatment center that has not begun to cultivate,
 4072 process, and dispense marijuana by the date that the medical
 4073 marijuana treatment center is required to renew its license. An
 4074 individual may not be an applicant, owner, officer, board
 4075 member, or manager on more than one application for licensure as
 4076 a medical marijuana treatment center. An individual or entity
 4077 may not be awarded more than one license as a medical marijuana
 4078 treatment center. An applicant for licensure as a medical
 4079 marijuana treatment center must demonstrate:

4080 1. That, for the 5 consecutive years before submitting the
 4081 application, the applicant has been registered to do business in
 4082 the state.

4083 2. Possession of a valid certificate of registration issued
 4084 by the Department of Agriculture and Consumer Services pursuant
 4085 to s. 581.131.

4086 3. The technical and technological ability to cultivate and
 4087 produce marijuana, including, but not limited to, low-THC
 4088 cannabis.

4089 4. The ability to secure the premises, resources, and

Page 141 of 177

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577-03064-25

20251264c1

4090 personnel necessary to operate as a medical marijuana treatment
 4091 center.

4092 5. The ability to maintain accountability of all raw
 4093 materials, finished products, and any byproducts to prevent
 4094 diversion or unlawful access to or possession of these
 4095 substances.

4096 6. An infrastructure reasonably located to dispense
 4097 marijuana to registered qualified patients statewide or
 4098 regionally as determined by the department.

4099 7. The financial ability to maintain operations for the
 4100 duration of the 2-year approval cycle, including the provision
 4101 of certified financial statements to the department.

4102 a. Upon approval, the applicant must post a \$5 million
 4103 performance bond issued by an authorized surety insurance
 4104 company rated in one of the three highest rating categories by a
 4105 nationally recognized rating service. However, a medical
 4106 marijuana treatment center serving at least 1,000 qualified
 4107 patients is only required to maintain a \$2 million performance
 4108 bond.

4109 b. In lieu of the performance bond required under sub-
 4110 subparagraph a., the applicant may provide an irrevocable letter
 4111 of credit payable to the department or provide cash to the
 4112 department. If provided with cash under this sub-subparagraph,
 4113 the department shall deposit the cash in the Grants and
 4114 Donations Trust Fund within the Department of Health, subject to
 4115 the same conditions as the bond regarding requirements for the
 4116 applicant to forfeit ownership of the funds. If the funds
 4117 deposited under this sub-subparagraph generate interest, the
 4118 amount of that interest shall be used by the department for the

Page 142 of 177

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577-03064-25

20251264c1

4119 administration of this section.

4120 8. That all owners, officers, board members, and managers
4121 have passed a background screening pursuant to subsection (9).

4122 9. The employment of a medical director to supervise the
4123 activities of the medical marijuana treatment center.

4124 10. A diversity plan that promotes and ensures the
4125 involvement of minority persons and certified rural or urban
4126 ~~minority~~ business enterprises, as defined in s. 288.703, or
4127 veteran business enterprises, as defined in s. 295.187, in
4128 ownership, management, and employment. An applicant for
4129 licensure renewal must show the effectiveness of the diversity
4130 plan by including the following with his or her application for
4131 renewal:

4132 a. Representation of minority persons and veterans in the
4133 medical marijuana treatment center's workforce;

4134 b. Efforts to recruit minority persons and veterans for
4135 employment; and

4136 c. A record of contracts for services with rural or urban
4137 ~~minority~~ business enterprises and veteran business enterprises.

4138 Section 110. Subsection (4) of section 403.031, Florida
4139 Statutes, is amended to read:

4140 403.031 Definitions.—In construing this chapter, or rules
4141 and regulations adopted pursuant hereto, the following words,
4142 phrases, or terms, unless the context otherwise indicates, have
4143 the following meanings:

4144 (4) "Electrical power plant" means, for purposes of this
4145 part of this chapter, any electrical generating facility that
4146 uses any process or fuel and that is owned or operated by an
4147 electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and

Page 143 of 177

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577-03064-25

20251264c1

4148 includes any associated facility that directly supports the
4149 operation of the electrical power plant.

4150 Section 111. Subsection (6) of section 403.0752, Florida
4151 Statutes, is amended to read:

4152 403.0752 Ecosystem management agreements.—

4153 (6) The secretary of the department may form ecosystem
4154 management advisory teams for consultation and participation in
4155 the preparation of an ecosystem management agreement. The
4156 secretary shall request the participation of at least the state
4157 and regional and local government entities having regulatory
4158 authority over the activities to be subject to the ecosystem
4159 management agreement. Such teams may also include
4160 representatives of other participating or advisory government
4161 agencies, which may include ~~regional planning councils~~, private
4162 landowners, public landowners and managers, public and private
4163 utilities, corporations, and environmental interests. Team
4164 members shall be selected in a manner that ensures adequate
4165 representation of the diverse interests and perspectives within
4166 the designated ecosystem. Participation by any department of
4167 state government is at the discretion of that agency.

4168 Section 112. Subsection (27) of section 403.503, Florida
4169 Statutes, is amended to read:

4170 403.503 Definitions relating to Florida Electrical Power
4171 Plant Siting Act.—As used in this act:

4172 ~~(27) "Regional planning council" means a regional planning~~
4173 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
4174 ~~the electrical power plant is proposed to be located.~~

4175 Section 113. Subsection (1) of section 403.50663, Florida
4176 Statutes, is amended to read:

Page 144 of 177

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577-03064-25

20251264c1

4177 403.50663 Informational public meetings.-
 4178 (1) A local government within whose jurisdiction the power
 4179 plant is proposed to be sited may hold one informational public
 4180 meeting in addition to the hearings specifically authorized by
 4181 this act on any matter associated with the electrical power
 4182 plant proceeding. Such informational public meetings shall be
 4183 held by the local government ~~or by the regional planning council~~
 4184 ~~if the local government does not hold such meeting~~ within 70
 4185 days after the filing of the application. The purpose of an
 4186 informational public meeting is for the local government ~~or~~
 4187 ~~regional planning council~~ to further inform the public about the
 4188 proposed electrical power plant or associated facilities, obtain
 4189 comments from the public, and formulate its recommendation with
 4190 respect to the proposed electrical power plant.

4191 Section 114. Paragraph (a) of subsection (2) of section
 4192 403.507, Florida Statutes, is amended to read:
 4193 403.507 Preliminary statements of issues, reports, project
 4194 analyses, and studies.-
 4195 (2)(a) No later than 100 days after the certification
 4196 application has been determined complete, the following agencies
 4197 shall prepare reports as provided below and shall submit them to
 4198 the department and the applicant, unless a final order denying
 4199 the determination of need has been issued under s. 403.519:
 4200 1. The Department of Commerce shall prepare a report
 4201 containing recommendations which address the impact upon the
 4202 public of the proposed electrical power plant, based on the
 4203 degree to which the electrical power plant is consistent with
 4204 the applicable portions of the state comprehensive plan,
 4205 emergency management, and other such matters within its

Page 145 of 177

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577-03064-25

20251264c1

4206 jurisdiction. The Department of Commerce may also comment on the
 4207 consistency of the proposed electrical power plant with
 4208 applicable ~~strategic regional policy plans or~~ local
 4209 comprehensive plans and land development regulations.

4210 2. The water management district shall prepare a report as
 4211 to matters within its jurisdiction, including but not limited
 4212 to, the impact of the proposed electrical power plant on water
 4213 resources, regional water supply planning, and district-owned
 4214 lands and works.

4215 3. Each local government in whose jurisdiction the proposed
 4216 electrical power plant is to be located shall prepare a report
 4217 as to the consistency of the proposed electrical power plant
 4218 with all applicable local ordinances, regulations, standards, or
 4219 criteria that apply to the proposed electrical power plant,
 4220 including any applicable local environmental regulations adopted
 4221 pursuant to s. 403.182 or by other means.

4222 4. The Fish and Wildlife Conservation Commission shall
 4223 prepare a report as to matters within its jurisdiction.

4224 5. The Department of Transportation shall address the
 4225 impact of the proposed electrical power plant on matters within
 4226 its jurisdiction.

4227 Section 115. Paragraphs (a) and (c) of subsection (4) of
 4228 section 403.509, Florida Statutes, are amended to read:
 4229 403.509 Final disposition of application.-
 4230 (4)(a) Any transmission line corridor certified by the
 4231 board, or secretary if applicable, shall meet the criteria of
 4232 this section. When more than one transmission line corridor is
 4233 proper for certification under s. 403.503 ~~s. 403.503(11)~~ and
 4234 meets the criteria of this section, the board, or secretary if

Page 146 of 177

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577-03064-25

20251264c1

4235 applicable, shall certify the transmission line corridor that
4236 has the least adverse impact regarding the criteria in
4237 subsection (3), including costs.

4238 (c) If the board, or secretary if applicable, finds that
4239 two or more of the corridors that comply with subsection (3)
4240 have the least adverse impacts regarding the criteria in
4241 subsection (3), including costs, and that the corridors are
4242 substantially equal in adverse impacts regarding the criteria in
4243 subsection (3), including costs, the board, or secretary if
4244 applicable, shall certify the corridor preferred by the
4245 applicant if the corridor is one proper for certification under
4246 s. 403.503 ~~s. 403.503(11)~~.

4247 Section 116. Paragraph (a) of subsection (6) and paragraph
4248 (a) of subsection (7) of section 403.5115, Florida Statutes, are
4249 amended to read:

4250 403.5115 Public notice.—

4251 (6) (a) A good faith effort shall be made by the applicant
4252 to provide direct written notice of the filing of an application
4253 for certification by United States mail or hand delivery no
4254 later than 45 days after filing of the application to all local
4255 landowners whose property, as noted in the most recent local
4256 government tax records, and residences are located within the
4257 following distances of the proposed project:

4258 1. Three miles of the proposed main site boundaries of the
4259 proposed electrical power plant.

4260 2. One-quarter mile for a transmission line corridor that
4261 only includes a transmission line as defined by s. 403.522 ~~s.~~
4262 ~~403.522(22)~~.

4263 3. One-quarter mile for all other linear associated

Page 147 of 177

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577-03064-25

20251264c1

4264 facilities extending away from the main site boundary except for
4265 a transmission line corridor that includes a transmission line
4266 that operates below those defined by s. 403.522 ~~s. 403.522(22)~~.

4267 (7) (a) A good faith effort shall be made by the proponent
4268 of an alternate corridor that includes a transmission line, as
4269 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct written
4270 notice of the filing of an alternate corridor for certification
4271 by United States mail or hand delivery of the filing no later
4272 than 30 days after filing of the alternate corridor to all local
4273 landowners whose property, as noted in the most recent local
4274 government tax records, and residences, are located within one-
4275 quarter mile of the proposed boundaries of a transmission line
4276 corridor that includes a transmission line as defined by s.
4277 403.522 ~~s. 403.522(22)~~.

4278 Section 117. Subsection (1) of section 403.5175, Florida
4279 Statutes, is amended to read:

4280 403.5175 Existing electrical power plant site
4281 certification.—

4282 (1) An electric utility that owns or operates an existing
4283 electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~
4284 may apply for certification of an existing power plant and its
4285 site in order to obtain all agency licenses necessary to ensure
4286 compliance with federal or state environmental laws and
4287 regulation using the centrally coordinated, one-stop licensing
4288 process established by this part. An application for
4289 certification under this section must be in the form prescribed
4290 by department rule. Applications must be reviewed and processed
4291 using the same procedural steps and notices as for an
4292 application for a new facility, except that a determination of

Page 148 of 177

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577-03064-25 20251264c1

4293 need by the Public Service Commission is not required.

4294 Section 118. Paragraph (c) of subsection (2) of section
4295 403.518, Florida Statutes, is amended to read:

4296 403.518 Fees; disposition.—The department shall charge the
4297 applicant the following fees, as appropriate, which, unless
4298 otherwise specified, shall be paid into the Florida Permit Fee
4299 Trust Fund:

4300 (2) An application fee, which ~~may shall~~ not exceed
4301 \$200,000. The fee shall be fixed by rule on a sliding scale
4302 related to the size, type, ultimate site capacity, or increase
4303 in electrical generating capacity proposed by the application.

4304 (c)1. Upon written request with proper itemized accounting
4305 within 90 days after final agency action by the board or
4306 department or withdrawal of the application, the agencies that
4307 prepared reports pursuant to s. 403.507 or participated in a
4308 hearing pursuant to s. 403.508 may submit a written request to
4309 the department for reimbursement of expenses incurred during the
4310 certification proceedings. The request ~~must shall~~ contain an
4311 accounting of expenses incurred which may include time spent
4312 reviewing the application, preparation of any studies required
4313 of the agencies by this act, agency travel and per diem to
4314 attend any hearing held pursuant to this act, and for any local
4315 government's ~~or regional planning council's~~ provision of notice
4316 of public meetings required as a result of the application for
4317 certification. The department shall review the request and
4318 verify that the expenses are valid. Valid expenses ~~must shall~~ be
4319 reimbursed; however, in the event the amount of funds available
4320 for reimbursement is insufficient to provide for full
4321 compensation to the agencies requesting reimbursement,

Page 149 of 177

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577-03064-25 20251264c1

4322 reimbursement ~~is shall be~~ on a prorated basis.

4323 2. If the application review is held in abeyance for more
4324 than 1 year, the agencies may submit a request for
4325 reimbursement. This time period ~~is shall be~~ measured from the
4326 date the applicant has provided written notification to the
4327 department that it desires to have the application review
4328 process placed on hold. The fee disbursement shall be processed
4329 in accordance with subparagraph 1.

4330 Section 119. Subsection (21) of section 403.522, Florida
4331 Statutes, is amended to read:

4332 403.522 Definitions relating to the Florida Electric
4333 Transmission Line Siting Act.—As used in this act:

4334 ~~(21) "Regional planning council" means a regional planning~~
4335 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
4336 ~~the project is proposed to be located.~~

4337 Section 120. Paragraph (a) of subsection (2) of section
4338 403.526, Florida Statutes, is amended to read:

4339 403.526 Preliminary statements of issues, reports, and
4340 project analyses; studies.—

4341 (2) (a) No later than 90 days after the filing of the
4342 application, the following agencies shall prepare reports as
4343 provided below, unless a final order denying the determination
4344 of need has been issued under s. 403.537:

4345 1. The department shall prepare a report as to the impact
4346 of each proposed transmission line or corridor as it relates to
4347 matters within its jurisdiction.

4348 2. Each water management district in the jurisdiction of
4349 which a proposed transmission line or corridor is to be located
4350 shall prepare a report as to the impact on water resources and

Page 150 of 177

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577-03064-25

20251264c1

4351 other matters within its jurisdiction.

4352 3. The Department of Commerce shall prepare a report
4353 containing recommendations which address the impact upon the
4354 public of the proposed transmission line or corridor, based on
4355 the degree to which the proposed transmission line or corridor
4356 is consistent with the applicable portions of the state
4357 comprehensive plan, emergency management, and other matters
4358 within its jurisdiction. The Department of Commerce may also
4359 comment on the consistency of the proposed transmission line or
4360 corridor with applicable ~~strategic regional policy plans or~~
4361 local comprehensive plans and land development regulations.

4362 4. The Fish and Wildlife Conservation Commission shall
4363 prepare a report as to the impact of each proposed transmission
4364 line or corridor on fish and wildlife resources and other
4365 matters within its jurisdiction.

4366 5. Each local government shall prepare a report as to the
4367 impact of each proposed transmission line or corridor on matters
4368 within its jurisdiction, including the consistency of the
4369 proposed transmission line or corridor with all applicable local
4370 ordinances, regulations, standards, or criteria that apply to
4371 the proposed transmission line or corridor, including local
4372 comprehensive plans, zoning regulations, land development
4373 regulations, and any applicable local environmental regulations
4374 adopted pursuant to s. 403.182 or by other means. A change by
4375 the responsible local government or local agency in local
4376 comprehensive plans, zoning ordinances, or other regulations
4377 made after the date required for the filing of the local
4378 government's report required by this section is not applicable
4379 to the certification of the proposed transmission line or

Page 151 of 177

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577-03064-25

20251264c1

4380 corridor unless the certification is denied or the application
4381 is withdrawn.

4382 6. The Department of Transportation shall prepare a report
4383 as to the impact of the proposed transmission line or corridor
4384 on state roads, railroads, airports, aeronautics, seaports, and
4385 other matters within its jurisdiction.

4386 7. The commission shall prepare a report containing its
4387 determination under s. 403.537, and the report may include the
4388 comments from the commission with respect to any other subject
4389 within its jurisdiction.

4390 8. Any other agency, if requested by the department, shall
4391 also perform studies or prepare reports as to subjects within
4392 the jurisdiction of the agency which may potentially be affected
4393 by the proposed transmission line.

4394 Section 121. Paragraphs (d) and (f) of subsection (1) of
4395 section 403.5271, Florida Statutes, are amended to read:

4396 403.5271 Alternate corridors.—

4397 (1) No later than 45 days before the originally scheduled
4398 certification hearing, any party may propose alternate
4399 transmission line corridor routes for consideration under the
4400 provisions of this act.

4401 (d) Within 21 days after acceptance of an alternate
4402 corridor by the department and the applicant, the party
4403 proposing an alternate corridor shall have the burden of
4404 providing all data to the agencies listed in s. 403.5365 ~~or~~
4405 ~~403.526(2)~~ and newly affected agencies necessary for the
4406 preparation of a supplementary report on the proposed alternate
4407 corridor.

4408 (f) The agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and

Page 152 of 177

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577-03064-25 20251264c1

4409 any newly affected agencies shall file supplementary reports
 4410 with the applicant and the department which address the proposed
 4411 alternate corridors no later than 24 days after the data
 4412 submitted pursuant to paragraph (d) or paragraph (e) is
 4413 determined to be complete.

4414 Section 122. Subsection (1) of section 403.5272, Florida
 4415 Statutes, is amended to read:

4416 403.5272 Informational public meetings.—

4417 (1) A local government whose jurisdiction is to be crossed
 4418 by a proposed corridor may hold one informational public meeting
 4419 in addition to the hearings specifically authorized by this act
 4420 on any matter associated with the transmission line proceeding.
 4421 The informational public meeting ~~may be conducted by the local~~
 4422 ~~government or the regional planning council~~ and shall be held no
 4423 later than 55 days after the application is filed. The purpose
 4424 of an informational public meeting is for the local government
 4425 ~~or regional planning council~~ to further inform the public about
 4426 the transmission line proposed, obtain comments from the public,
 4427 and formulate its recommendation with respect to the proposed
 4428 transmission line.

4429 Section 123. Subsection (4), paragraph (a) of subsection
 4430 (5), and paragraph (a) of subsection (6) of section 403.5363,
 4431 Florida Statutes, are amended to read:

4432 403.5363 Public notices; requirements.—

4433 (4) A local government ~~or regional planning council~~ that
 4434 proposes to conduct an informational public meeting pursuant to
 4435 s. 403.5272 must publish notice of the meeting in a newspaper of
 4436 general circulation within the county or counties in which the
 4437 proposed electrical transmission line will be located no later

Page 153 of 177

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577-03064-25 20251264c1

4438 than 7 days ~~before~~ prior to the meeting. A newspaper of general
 4439 circulation shall be the newspaper that has the largest daily
 4440 circulation in that county and has its principal office in that
 4441 county. If the newspaper with the largest daily circulation has
 4442 its principal office outside the county, the notices shall
 4443 appear in both the newspaper having the largest circulation in
 4444 that county and in a newspaper authorized to publish legal
 4445 notices in that county.

4446 (5) (a) A good faith effort shall be made by the applicant
 4447 to provide direct notice of the filing of an application for
 4448 certification by United States mail or hand delivery no later
 4449 than 45 days after filing of the application to all local
 4450 landowners whose property, as noted in the most recent local
 4451 government tax records, and residences are located within one-
 4452 quarter mile of the proposed boundaries of a transmission line
 4453 corridor that only includes a transmission line as defined by s.
 4454 403.522 ~~s. 403.522(22)~~.

4455 (6) (a) A good faith effort shall be made by the proponent
 4456 of an alternate corridor that includes a transmission line, as
 4457 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct notice
 4458 of the filing of an alternate corridor for certification by
 4459 United States mail or hand delivery of the filing no later than
 4460 30 days after filing of the alternate corridor to all local
 4461 landowners whose property, as noted in the most recent local
 4462 government tax records, and residences are located within one-
 4463 quarter mile of the proposed boundaries of a transmission line
 4464 corridor that includes a transmission line as defined by s.
 4465 403.522 ~~s. 403.522(22)~~.

4466 Section 124. Paragraph (d) of subsection (1) of section

Page 154 of 177

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577-03064-25 20251264c1

4467 403.5365, Florida Statutes, is amended to read:
 4468 403.5365 Fees; disposition.—The department shall charge the
 4469 applicant the following fees, as appropriate, which, unless
 4470 otherwise specified, shall be paid into the Florida Permit Fee
 4471 Trust Fund:
 4472 (1) An application fee.
 4473 (d)1. Upon written request with proper itemized accounting
 4474 within 90 days after final agency action by the siting board or
 4475 the department or the written notification of the withdrawal of
 4476 the application, the agencies that prepared reports under s.
 4477 403.526 or s. 403.5271 or participated in a hearing under s.
 4478 403.527 or s. 403.5271 may submit a written request to the
 4479 department for reimbursement of expenses incurred during the
 4480 certification proceedings. The request must contain an
 4481 accounting of expenses incurred, which may include time spent
 4482 reviewing the application, preparation of any studies required
 4483 of the agencies by this act, agency travel and per diem to
 4484 attend any hearing held under this act, and for the local
 4485 government ~~or regional planning council~~ providing additional
 4486 notice of the informational public meeting. The department shall
 4487 review the request and verify whether a claimed expense is
 4488 valid. Valid expenses shall be reimbursed; however, if the
 4489 amount of funds available for reimbursement is insufficient to
 4490 provide for full compensation to the agencies, reimbursement
 4491 shall be on a prorated basis.
 4492 2. If the application review is held in abeyance for more
 4493 than 1 year, the agencies may submit a request for reimbursement
 4494 under subparagraph 1. This time period shall be measured from
 4495 the date the applicant has provided written notification to the

Page 155 of 177

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577-03064-25 20251264c1

4496 department that it desires to have the application review
 4497 process placed on hold. The fee disbursement shall be processed
 4498 in accordance with subparagraph 1.
 4499 Section 125. Paragraphs (a) and (d) of subsection (1) of
 4500 section 403.537, Florida Statutes, are amended to read:
 4501 403.537 Determination of need for transmission line; powers
 4502 and duties.—
 4503 (1) (a) Upon request by an applicant or upon its own motion,
 4504 the Florida Public Service Commission shall schedule a public
 4505 hearing, after notice, to determine the need for a transmission
 4506 line regulated by the Florida Electric Transmission Line Siting
 4507 Act, ss. 403.52-403.5365. The notice shall be published at least
 4508 21 days before the date set for the hearing and shall be
 4509 published by the applicant in at least one-quarter page size
 4510 notice in newspapers of general circulation, and by the
 4511 commission in the manner specified in chapter 120, by giving
 4512 notice to counties ~~and regional planning councils~~ in whose
 4513 jurisdiction the transmission line could be placed, and by
 4514 giving notice to any persons who have requested to be placed on
 4515 the mailing list of the commission for this purpose. Within 21
 4516 days after receipt of a request for determination by an
 4517 applicant, the commission shall set a date for the hearing. The
 4518 hearing shall be held pursuant to s. 350.01 within 45 days after
 4519 the filing of the request, and a decision shall be rendered
 4520 within 60 days after such filing.
 4521 (d) The determination by the commission of the need for the
 4522 transmission line, as defined in s. 403.522 ~~s. 403.522(22)~~, is
 4523 binding on all parties to any certification proceeding under the
 4524 Florida Electric Transmission Line Siting Act and is a condition

Page 156 of 177

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577-03064-25 20251264c1

4525 precedent to the conduct of the certification hearing prescribed
4526 therein. An order entered pursuant to this section constitutes
4527 final agency action.

4528 Section 126. Subsection (17) of section 403.704, Florida
4529 Statutes, is amended to read:

4530 403.704 Powers and duties of the department.—The department
4531 shall have responsibility for the implementation and enforcement
4532 of this act. In addition to other powers and duties, the
4533 department shall:

4534 (17) Provide technical assistance to local governments and
4535 regional agencies to ensure consistency between county hazardous
4536 waste management assessments; coordinate the development of such
4537 assessments ~~with the assistance of the appropriate regional~~
4538 ~~planning councils~~; and review and make recommendations to the
4539 Legislature relative to the sufficiency of the assessments to
4540 meet state hazardous waste management needs.

4541 Section 127. Subsections (3) and (6) of section 403.7225,
4542 Florida Statutes, are amended to read:

4543 403.7225 Local hazardous waste management assessments.—

4544 (3) Each county ~~or regional planning council~~ shall
4545 coordinate the local hazardous waste management assessments
4546 within its jurisdiction according to guidelines established
4547 under s. 403.7226. If a county declines to perform the local
4548 hazardous waste management assessment, the county must shall
4549 make arrangements with the department ~~its regional planning~~
4550 ~~council~~ to perform the assessment.

4551 (6) Unless performed by the county pursuant to subsection
4552 (3), the department ~~regional planning councils~~ shall upon
4553 successful arrangements with a county:

Page 157 of 177

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577-03064-25 20251264c1

4554 (a) Perform local hazardous waste management assessments;

4555 and

4556 (b) Provide any technical expertise needed by the counties
4557 in developing the assessments.

4558 Section 128. Subsection (1) of section 403.7226, Florida
4559 Statutes, is amended to read:

4560 403.7226 Technical assistance by the department.—The
4561 department shall:

4562 (1) Provide technical assistance to county governments ~~and~~
4563 ~~regional planning councils~~ to ensure consistency in implementing
4564 local hazardous waste management assessments as provided in ss.
4565 403.7225, 403.7234, and 403.7236. In order to ensure that each
4566 local assessment is properly implemented and that all
4567 information gathered during the assessment is uniformly compiled
4568 and documented, each county ~~or regional planning council~~ shall
4569 contact the department during the preparation of the local
4570 assessment to receive technical assistance. Each county ~~or~~
4571 ~~regional planning council~~ shall follow guidelines established by
4572 the department, and adopted by rule as appropriate, in order to
4573 properly implement these assessments.

4574 Section 129. Subsection (2) of section 403.723, Florida
4575 Statutes, is amended to read:

4576 403.723 Siting of hazardous waste facilities.—It is the
4577 intent of the Legislature to facilitate siting of proper
4578 hazardous waste storage facilities in each region and any
4579 additional storage, treatment, or disposal facilities as
4580 required. The Legislature recognizes the need for facilitating
4581 disposal of waste produced by small generators, reducing the
4582 volume of wastes generated in the state, reducing the toxicity

Page 158 of 177

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577-03064-25

20251264c1

4583 of wastes generated in the state, and providing treatment and
4584 disposal facilities in the state.

4585 (2) After each county designates areas for storage
4586 facilities, the department ~~each regional planning council~~ shall
4587 designate one or more sites at which a regional hazardous waste
4588 storage or treatment facility could be constructed.

4589 Section 130. Subsection (22) of section 403.9403, Florida
4590 Statutes, is amended to read:

4591 403.9403 Definitions.—As used in ss. 403.9401-403.9425, the
4592 term:

4593 ~~(22) "Regional planning council" means a regional planning~~
4594 ~~council created pursuant to chapter 186 in the jurisdiction of~~
4595 ~~which the project is proposed to be located.~~

4596 Section 131. Paragraph (a) of subsection (2) of section
4597 403.941, Florida Statutes, is amended to read:

4598 403.941 Preliminary statements of issues, reports, and
4599 studies.—

4600 (2) (a) The affected agencies shall prepare reports as
4601 provided in this paragraph and shall submit them to the
4602 department and the applicant within 60 days after the
4603 application is determined sufficient:

4604 1. The department shall prepare a report as to the impact
4605 of each proposed natural gas transmission pipeline or corridor
4606 as it relates to matters within its jurisdiction.

4607 2. Each water management district in the jurisdiction of
4608 which a proposed natural gas transmission pipeline or corridor
4609 is to be located shall prepare a report as to the impact on
4610 water resources and other matters within its jurisdiction.

4611 3. The Department of Commerce shall prepare a report

Page 159 of 177

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577-03064-25

20251264c1

4612 containing recommendations which address the impact upon the
4613 public of the proposed natural gas transmission pipeline or
4614 corridor, based on the degree to which the proposed natural gas
4615 transmission pipeline or corridor is consistent with the
4616 applicable portions of the state comprehensive plan and other
4617 matters within its jurisdiction. The Department of Commerce may
4618 also comment on the consistency of the proposed natural gas
4619 transmission pipeline or corridor with applicable strategic
4620 ~~regional policy plans or~~ local comprehensive plans and land
4621 development regulations.

4622 4. The Fish and Wildlife Conservation Commission shall
4623 prepare a report as to the impact of each proposed natural gas
4624 transmission pipeline or corridor on fish and wildlife resources
4625 and other matters within its jurisdiction.

4626 5. Each local government in which the natural gas
4627 transmission pipeline or natural gas transmission pipeline
4628 corridor will be located shall prepare a report as to the impact
4629 of each proposed natural gas transmission pipeline or corridor
4630 on matters within its jurisdiction, including the consistency of
4631 the proposed natural gas transmission pipeline or corridor with
4632 all applicable local ordinances, regulations, standards, or
4633 criteria that apply to the proposed natural gas transmission
4634 pipeline or corridor, including local comprehensive plans,
4635 zoning regulations, land development regulations, and any
4636 applicable local environmental regulations adopted pursuant to
4637 s. 403.182 or by other means. No change by the responsible local
4638 government or local agency in local comprehensive plans, zoning
4639 ordinances, or other regulations made after the date required
4640 for the filing of the local government's report required by this

Page 160 of 177

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577-03064-25 20251264c1

4641 section shall be applicable to the certification of the proposed
 4642 natural gas transmission pipeline or corridor unless the
 4643 certification is denied or the application is withdrawn.

4644 6. The Department of Transportation shall prepare a report
 4645 on the effect of the natural gas transmission pipeline or
 4646 natural gas transmission pipeline corridor on matters within its
 4647 jurisdiction, including roadway crossings by the pipeline. The
 4648 report shall contain at a minimum:

4649 a. A report by the applicant to the department stating that
 4650 all requirements of the department's utilities accommodation
 4651 guide have been or will be met in regard to the proposed
 4652 pipeline or pipeline corridor; and

4653 b. A statement by the department as to the adequacy of the
 4654 report to the department by the applicant.

4655 7. The Department of State, Division of Historical
 4656 Resources, shall prepare a report on the impact of the natural
 4657 gas transmission pipeline or natural gas transmission pipeline
 4658 corridor on matters within its jurisdiction.

4659 8. The commission shall prepare a report addressing matters
 4660 within its jurisdiction. The commission's report shall include
 4661 its determination of need issued pursuant to s. 403.9422.

4662 Section 132. Paragraph (a) of subsection (1) of section
 4663 403.9422, Florida Statutes, is amended to read:

4664 403.9422 Determination of need for natural gas transmission
 4665 pipeline; powers and duties.—

4666 (1)(a) Upon request by an applicant or upon its own motion,
 4667 the commission shall schedule a public hearing, after notice, to
 4668 determine the need for a natural gas transmission pipeline
 4669 regulated by ss. 403.9401-403.9425. Such notice shall be

Page 161 of 177

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577-03064-25 20251264c1

4670 published at least 45 days before the date set for the hearing
 4671 and shall be published in at least one-quarter page size in
 4672 newspapers of general circulation and in the Florida
 4673 Administrative Register, by giving notice to counties ~~and~~
 4674 ~~regional planning councils~~ in whose jurisdiction the natural gas
 4675 transmission pipeline could be placed, and by giving notice to
 4676 any persons who have requested to be placed on the mailing list
 4677 of the commission for this purpose. Within 21 days after receipt
 4678 of a request for determination by an applicant, the commission
 4679 shall set a date for the hearing. The hearing shall be held
 4680 pursuant to s. 350.01 within 75 days after the filing of the
 4681 request, and a decision shall be rendered within 90 days after
 4682 such filing.

4683 Section 133. Subsection (4) of section 403.973, Florida
 4684 Statutes, is amended to read:

4685 403.973 Expedited permitting; amendments to comprehensive
 4686 plans.—

4687 (4) The regional teams shall be established through the
 4688 execution of a project-specific memorandum of agreement
 4689 developed and executed by the applicant and the secretary, with
 4690 input solicited from the respective heads of the Department of
 4691 Transportation and its district offices, the Department of
 4692 Agriculture and Consumer Services, the Fish and Wildlife
 4693 Conservation Commission, ~~appropriate regional planning councils,~~
 4694 appropriate water management districts, and voluntarily
 4695 participating municipalities and counties. The memorandum of
 4696 agreement should also accommodate participation in this
 4697 expedited process by other local governments and federal
 4698 agencies as circumstances warrant.

Page 162 of 177

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577-03064-25

20251264c1

4699 Section 134. Paragraphs (b) and (d) of subsection (1) of
 4700 section 408.033, Florida Statutes, are amended to read:
 4701 408.033 Local and state health planning.—
 4702 (1) LOCAL HEALTH COUNCILS.—
 4703 (b) Each local health council may:
 4704 1. Develop a district area health plan that permits each
 4705 local health council to develop strategies and set priorities
 4706 for implementation based on its unique local health needs.
 4707 2. Advise the agency on health care issues and resource
 4708 allocations.
 4709 3. Promote public awareness of community health needs,
 4710 emphasizing health promotion and cost-effective health service
 4711 selection.
 4712 4. Collect data and conduct analyses and studies related to
 4713 health care needs of the district, including the needs of
 4714 medically indigent persons, and assist the agency and other
 4715 state agencies in carrying out data collection activities that
 4716 relate to the functions in this subsection.
 4717 5. Monitor the onsite construction progress, if any, of
 4718 certificate-of-need approved projects and report council
 4719 findings to the agency on forms provided by the agency.
 4720 ~~6. Advise and assist any regional planning councils within~~
 4721 ~~each district that have elected to address health issues in~~
 4722 ~~their strategic regional policy plans with the development of~~
 4723 ~~the health element of the plans to address the health goals and~~
 4724 ~~policies in the State Comprehensive Plan.~~
 4725 6.7. Advise and assist local governments within each
 4726 district on the development of an optional health plan element
 4727 of the comprehensive plan provided in chapter 163, to assure

Page 163 of 177

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577-03064-25

20251264c1

4728 compatibility with the health goals and policies in the State
 4729 Comprehensive Plan and district health plan. To facilitate the
 4730 implementation of this section, the local health council shall
 4731 annually provide the local governments in its service area, upon
 4732 request, with:
 4733 a. A copy and appropriate updates of the district health
 4734 plan;
 4735 b. A report of nursing home utilization statistics for
 4736 facilities within the local government jurisdiction; and
 4737 c. Applicable agency rules and calculated need
 4738 methodologies for health facilities and services regulated under
 4739 s. 408.034 for the district served by the local health council.
 4740 ~~7.8.~~ Monitor and evaluate the adequacy, appropriateness,
 4741 and effectiveness, within the district, of local, state,
 4742 federal, and private funds distributed to meet the needs of the
 4743 medically indigent and other underserved population groups.
 4744 8.9. In conjunction with the Department of Health, plan for
 4745 services at the local level for persons infected with the human
 4746 immunodeficiency virus.
 4747 ~~9.10.~~ Provide technical assistance to encourage and support
 4748 activities by providers, purchasers, consumers, and local,
 4749 regional, and state agencies in meeting the health care goals,
 4750 objectives, and policies adopted by the local health council.
 4751 ~~10.11.~~ Provide the agency with data required by rule for
 4752 the review of certificate-of-need applications and the
 4753 projection of need for health facilities in the district.
 4754 (d) Each local health council shall enter into a memorandum
 4755 of agreement with each ~~regional planning council in its district~~
 4756 ~~that elects to address health issues in its strategic regional~~

Page 164 of 177

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577-03064-25

20251264c1

4757 ~~policy plan. In addition, each local health council shall enter~~
 4758 ~~into a memorandum of agreement with each local government that~~
 4759 includes an optional health element in its comprehensive plan.
 4760 Each memorandum of agreement must specify the manner in which
 4761 each local government, ~~regional planning council,~~ and local
 4762 health council will coordinate its activities to ensure a
 4763 unified approach to health planning and implementation efforts.

4764 Section 135. Subsection (1) of section 420.609, Florida
 4765 Statutes, is amended to read:

4766 420.609 Affordable Housing Study Commission.—Because the
 4767 Legislature firmly supports affordable housing in Florida for
 4768 all economic classes:

4769 (1) There is created the Affordable Housing Study
 4770 Commission, which shall be composed of 20 ~~21~~ members to be
 4771 appointed by the Governor:

4772 (a) One citizen actively engaged in the residential home
 4773 building industry.

4774 (b) One citizen actively engaged in the home mortgage
 4775 lending profession.

4776 (c) One citizen actively engaged in the real estate sales
 4777 profession.

4778 (d) One citizen actively engaged in apartment development.

4779 (e) One citizen actively engaged in the management and
 4780 operation of a rental housing development.

4781 (f) Two citizens who represent very-low-income and low-
 4782 income persons.

4783 (g) One citizen representing a community-based organization
 4784 with experience in housing development.

4785 (h) One citizen representing a community-based organization

Page 165 of 177

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577-03064-25

20251264c1

4786 with experience in housing development in a community with a
 4787 population of less than 50,000 persons.

4788 (i) Two citizens who represent elderly persons' housing
 4789 interests.

4790 ~~(j) One representative of regional planning councils.~~

4791 (j) ~~(k)~~ One representative of the Florida League of Cities.

4792 (k) ~~(l)~~ One representative of the Florida Association of
 4793 Counties.

4794 (l) ~~(m)~~ Two citizens representing statewide growth
 4795 management organizations.

4796 (m) ~~(n)~~ One citizen of the state to serve as chair of the
 4797 commission.

4798 (n) ~~(o)~~ One citizen representing a residential community
 4799 developer.

4800 (o) ~~(p)~~ One member who is a resident of the state.

4801 (p) ~~(q)~~ One representative from a local housing authority.

4802 (q) ~~(r)~~ One citizen representing the housing interests of
 4803 homeless persons.

4804 Section 136. Paragraph (a) of subsection (3) and subsection
 4805 (6) of section 473.3065, Florida Statutes, are amended to read:

4806 473.3065 Clay Ford Scholarship Program; Certified Public
 4807 Accountant Education Minority Assistance Advisory Council.—

4808 (3) The board shall adopt rules as necessary for
 4809 administration of the Clay Ford Scholarship Program, including
 4810 rules relating to the following:

4811 (a) Eligibility criteria for receipt of a scholarship,
 4812 which, at a minimum, shall include the following factors:

4813 1. Financial need.

4814 2. Ethnic, gender, or racial minority status pursuant to s.

Page 166 of 177

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577-03064-25

20251264c1

4815 288.703 ~~s. 288.703(4).~~

4816 3. Scholastic ability and performance.

4817 (6) There is hereby created the Certified Public Accountant
 4818 Education Minority Assistance Advisory Council to assist the
 4819 board in administering the Clay Ford Scholarship Program. The
 4820 council shall be diverse and representative of the gender,
 4821 ethnic, and racial categories set forth in s. 288.703 ~~s-~~
 4822 ~~288.703(4).~~

4823 (a) The council shall consist of five licensed Florida-
 4824 certified public accountants selected by the board, of whom one
 4825 shall be a board member who serves as chair of the council, one
 4826 shall be a representative of the National Association of Black
 4827 Accountants, one shall be a representative of the Cuban American
 4828 CPA Association, and two shall be selected at large. At least
 4829 one member of the council must be a woman.

4830 (b) The board shall determine the terms for initial
 4831 appointments and appointments thereafter.

4832 (c) Any vacancy on the council shall be filled in the
 4833 manner provided for the selection of the initial member. Any
 4834 member appointed to fill a vacancy of an unexpired term shall be
 4835 appointed for the remainder of that term.

4836 (d) Three consecutive absences or absences constituting 50
 4837 percent or more of the council's meetings within any 12-month
 4838 period shall cause the council membership of the member in
 4839 question to become void, and the position shall be considered
 4840 vacant.

4841 (e) The members of the council shall serve without
 4842 compensation, and any necessary and actual expenses incurred by
 4843 a member while engaged in the business of the council shall be

Page 167 of 177

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577-03064-25

20251264c1

4844 borne by such member or by the organization or agency such
 4845 member represents. However, the council member who is a member
 4846 of the board shall be compensated in accordance with ss.
 4847 455.207(4) and 112.061.

4848 Section 137. Paragraph (f) of subsection (1) of section
 4849 501.171, Florida Statutes, is amended to read:

4850 501.171 Security of confidential personal information.—

4851 (1) DEFINITIONS.—As used in this section, the term:

4852 (f) "Governmental entity" means any department, division,
 4853 bureau, commission, ~~regional planning agency,~~ board, district,
 4854 authority, agency, or other instrumentality of this state that
 4855 acquires, maintains, stores, or uses data in electronic form
 4856 containing personal information.

4857 Section 138. Section 625.3255, Florida Statutes, is amended
 4858 to read:

4859 625.3255 Capital participation instrument.—An insurer may
 4860 invest in any capital participation instrument or evidence of
 4861 indebtedness issued by the Department of Commerce pursuant to
 4862 the Florida Small ~~and Minority~~ Business Assistance Act.

4863 Section 139. Paragraph (b) of subsection (4) of section
 4864 657.042, Florida Statutes, is amended to read:

4865 657.042 Investment powers and limitations.—A credit union
 4866 may invest its funds subject to the following definitions,
 4867 restrictions, and limitations:

4868 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
 4869 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
 4870 the credit union may be invested in any of the following:

4871 (b) Any capital participation instrument or evidence of
 4872 indebtedness issued by the Department of Commerce pursuant to

Page 168 of 177

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577-03064-25 20251264c1

4873 the Florida Small ~~and Minority~~ Business Assistance Act.
 4874 Section 140. Paragraph (f) of subsection (4) of section
 4875 658.67, Florida Statutes, is amended to read:
 4876 658.67 Investment powers and limitations.—A bank may invest
 4877 its funds, and a trust company may invest its corporate funds,
 4878 subject to the following definitions, restrictions, and
 4879 limitations:
 4880 (4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS
 4881 OF CAPITAL ACCOUNTS.—
 4882 (f) Up to 10 percent of the capital accounts of a bank or
 4883 trust company may be invested in any capital participation
 4884 instrument or evidence of indebtedness issued by the Department
 4885 of Commerce pursuant to the Florida Small ~~and Minority~~ Business
 4886 Assistance Act.
 4887 Section 141. Subsection (6) of section 1013.30, Florida
 4888 Statutes, is amended to read:
 4889 1013.30 University campus master plans and campus
 4890 development agreements.—
 4891 (6) Before a campus master plan is adopted, a copy of the
 4892 draft master plan must be sent for review or made available
 4893 electronically to the host and any affected local governments,
 4894 the state land planning agency, the Department of Environmental
 4895 Protection, the Department of Transportation, the Department of
 4896 State, the Fish and Wildlife Conservation Commission, and the
 4897 applicable water management district ~~and regional planning~~
 4898 ~~council~~. At the request of a governmental entity, a hard copy of
 4899 the draft master plan shall be submitted within 7 business days
 4900 of an electronic copy being made available. These agencies must
 4901 be given 90 days after receipt of the campus master plans in

Page 169 of 177

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577-03064-25 20251264c1

4902 which to conduct their review and provide comments to the
 4903 university board of trustees. The commencement of this review
 4904 period must be advertised in newspapers of general circulation
 4905 within the host local government and any affected local
 4906 government to allow for public comment. Following receipt and
 4907 consideration of all comments and the holding of an informal
 4908 information session and at least two public hearings within the
 4909 host jurisdiction, the university board of trustees shall adopt
 4910 the campus master plan. It is the intent of the Legislature that
 4911 the university board of trustees comply with the notice
 4912 requirements set forth in s. 163.3184(11) to ensure full public
 4913 participation in this planning process. The informal public
 4914 information session must be held before the first public
 4915 hearing. The first public hearing shall be held before the draft
 4916 master plan is sent to the agencies specified in this
 4917 subsection. The second public hearing shall be held in
 4918 conjunction with the adoption of the draft master plan by the
 4919 university board of trustees. Campus master plans developed
 4920 under this section are not rules and are not subject to chapter
 4921 120 except as otherwise provided in this section.
 4922 Section 142. For the purpose of incorporating the amendment
 4923 made by this act to section 447.203, Florida Statutes, in
 4924 references thereto, paragraph (w) of subsection (2) of section
 4925 110.205, Florida Statutes, is reenacted to read:
 4926 110.205 Career service; exemptions.—
 4927 (2) EXEMPT POSITIONS.—The exempt positions that are not
 4928 covered by this part include the following:
 4929 (w) Managerial employees, as defined in s. 447.203(4),
 4930 confidential employees, as defined in s. 447.203(5), and

Page 170 of 177

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577-03064-25

20251264c1

4931 supervisory employees who spend the majority of their time
 4932 communicating with, motivating, training, and evaluating
 4933 employees, and planning and directing employees' work, and who
 4934 have the authority to hire, transfer, suspend, lay off, recall,
 4935 promote, discharge, assign, reward, or discipline subordinate
 4936 employees or effectively recommend such action, including all
 4937 employees serving as supervisors, administrators, and directors.
 4938 Excluded are employees also designated as special risk or
 4939 special risk administrative support and attorneys who serve as
 4940 administrative law judges pursuant to s. 120.65 or for hearings
 4941 conducted pursuant to s. 120.57(1)(a). Additionally, registered
 4942 nurses licensed under chapter 464, dentists licensed under
 4943 chapter 466, psychologists licensed under chapter 490 or chapter
 4944 491, nutritionists or dietitians licensed under part X of
 4945 chapter 468, pharmacists licensed under chapter 465,
 4946 psychological specialists licensed under chapter 491, physical
 4947 therapists licensed under chapter 486, and speech therapists
 4948 licensed under part I of chapter 468 are excluded, unless
 4949 otherwise collectively bargained.

4950 Section 143. For the purpose of incorporating the amendment
 4951 made by this act to section 164.1031, Florida Statutes, in a
 4952 reference thereto, paragraph (d) of subsection (2) of section
 4953 163.3162, Florida Statutes, is reenacted to read:

4954 163.3162 Agricultural lands and practices.—

4955 (2) DEFINITIONS.—As used in this section, the term:

4956 (d) "Governmental entity" has the same meaning as provided
 4957 in s. 164.1031. The term does not include a water management
 4958 district, a water control district established under chapter
 4959 298, or a special district created by special act for water

Page 171 of 177

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577-03064-25

20251264c1

4960 management purposes.

4961 Section 144. For the purpose of incorporating the amendment
 4962 made by this act to section 164.1031, Florida Statutes, in a
 4963 reference thereto, subsection (8) of section 373.129, Florida
 4964 Statutes, is reenacted to read:

4965 373.129 Maintenance of actions.—The department, the
 4966 governing board of any water management district, any local
 4967 board, or a local government to which authority has been
 4968 delegated pursuant to s. 373.103(8), is authorized to commence
 4969 and maintain proper and necessary actions and proceedings in any
 4970 court of competent jurisdiction for any of the following
 4971 purposes:

4972 (8) In conflicts arising where a water management district
 4973 is a party to litigation against another governmental entity, as
 4974 defined in s. 164.1031, a district has an affirmative duty to
 4975 engage in alternative dispute resolution in good faith as
 4976 required by chapter 164.

4977 Section 145. For the purpose of incorporating the amendment
 4978 made by this act to section 339.155, Florida Statutes, in
 4979 references thereto, subsections (1) and (3) of section 339.2819,
 4980 Florida Statutes, are reenacted to read:

4981 339.2819 Transportation Regional Incentive Program.—

4982 (1) There is created within the Department of
 4983 Transportation a Transportation Regional Incentive Program for
 4984 the purpose of providing funds to improve regionally significant
 4985 transportation facilities in regional transportation areas
 4986 created pursuant to s. 339.155(4).

4987 (3) The department shall allocate funding available for the
 4988 Transportation Regional Incentive Program to the districts based

Page 172 of 177

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577-03064-25 20251264c1

4989 on a factor derived from equal parts of population and motor
4990 fuel collections for eligible counties in regional
4991 transportation areas created pursuant to s. 339.155(4).

4992 Section 146. For the purpose of incorporating the
4993 amendments made by this act to sections 380.045 and 380.05,
4994 Florida Statutes, in references thereto, subsections (5) and (6)
4995 of section 380.0552, Florida Statutes, are reenacted to read:

4996 380.0552 Florida Keys Area; protection and designation as
4997 area of critical state concern.—

4998 (5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5),
4999 (9)-(11), (15), (17), and (21) shall not apply to the area
5000 designated by this section for so long as the designation
5001 remains in effect. Except as otherwise provided in this section,
5002 s. 380.045 shall not apply to the area designated by this
5003 section. All other provisions of this chapter shall apply,
5004 including s. 380.07.

5005 (6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The
5006 Governor, acting as the chief planning officer of the state,
5007 shall appoint a resource planning and management committee for
5008 the Florida Keys Area with the membership as specified in s.
5009 380.045(2). Meetings shall be called as needed by the chair or
5010 on the demand of three or more members of the committee. The
5011 committee shall:

5012 (a) Serve as a liaison between the state and local
5013 governments within Monroe County.

5014 (b) Develop, with local government officials in the Florida
5015 Keys Area, recommendations to the state land planning agency as
5016 to the sufficiency of the Florida Keys Area's comprehensive plan
5017 and land development regulations.

Page 173 of 177

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577-03064-25 20251264c1

5018 (c) Recommend to the state land planning agency changes to
5019 state and regional plans and regulatory programs affecting the
5020 Florida Keys Area.

5021 (d) Assist units of local government within the Florida
5022 Keys Area in carrying out the planning functions and other
5023 responsibilities required by this section.

5024 (e) Review, at a minimum, all reports and other materials
5025 provided to it by the state land planning agency or other
5026 governmental agencies.

5027 Section 147. For the purpose of incorporating the amendment
5028 made by this act to section 403.507, Florida Statutes, in a
5029 reference thereto, paragraph (a) of subsection (1) of section
5030 403.5064, Florida Statutes, is reenacted to read:

5031 403.5064 Application; schedules.—

5032 (1) The formal date of filing of a certification
5033 application and commencement of the certification review process
5034 shall be when the applicant submits:

5035 (a) Copies of the certification application in a quantity
5036 and format as prescribed by rule to the department and other
5037 agencies identified in s. 403.507(2)(a).

5038 Section 148. For the purpose of incorporating the amendment
5039 made by this act to section 403.526, Florida Statutes, in a
5040 reference thereto, paragraph (a) of subsection (1) of section
5041 403.5251, Florida Statutes, is reenacted to read:

5042 403.5251 Application; schedules.—

5043 (1)(a) The formal date of the filing of the application for
5044 certification and commencement of the review process for
5045 certification is the date on which the applicant submits:

5046 1. Copies of the application for certification in a

Page 174 of 177

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577-03064-25 20251264c1

5047 quantity and format, electronic or otherwise as prescribed by
 5048 rule, to the department and other agencies identified in s.
 5049 403.526(2).

5050 2. The application fee as specified under s. 403.5365 to
 5051 the department.

5052
 5053 The department shall provide to the applicant and the Division
 5054 of Administrative Hearings the names and addresses of any
 5055 additional agencies or persons entitled to notice and copies of
 5056 the application and amendments, if any, within 7 days after
 5057 receiving the application for certification and the application
 5058 fees.

5059 Section 149. For the purpose of incorporating the amendment
 5060 made by this act to section 403.526, Florida Statutes, in
 5061 references thereto, paragraphs (d) and (f) of subsection (1) of
 5062 section 403.5271, Florida Statutes, are reenacted to read:

5063 403.5271 Alternate corridors.—

5064 (1) No later than 45 days before the originally scheduled
 5065 certification hearing, any party may propose alternate
 5066 transmission line corridor routes for consideration under the
 5067 provisions of this act.

5068 (d) Within 21 days after acceptance of an alternate
 5069 corridor by the department and the applicant, the party
 5070 proposing an alternate corridor shall have the burden of
 5071 providing all data to the agencies listed in s. 403.526(2) and
 5072 newly affected agencies necessary for the preparation of a
 5073 supplementary report on the proposed alternate corridor.

5074 (f) The agencies listed in s. 403.526(2) and any newly
 5075 affected agencies shall file supplementary reports with the

Page 175 of 177

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577-03064-25 20251264c1

5076 applicant and the department which address the proposed
 5077 alternate corridors no later than 24 days after the data
 5078 submitted pursuant to paragraph (d) or paragraph (e) is
 5079 determined to be complete.

5080 Section 150. For the purpose of incorporating the amendment
 5081 made by this act to section 403.941, Florida Statutes, in a
 5082 reference thereto, paragraph (c) of subsection (5) of section
 5083 403.9421, Florida Statutes, is reenacted to read:

5084 403.9421 Fees; disposition.—The department shall charge the
 5085 applicant the following fees, as appropriate, which shall be
 5086 paid into the Florida Permit Fee Trust Fund:

5087 (5) In administering fee revenues received under this
 5088 section, the department shall allocate the funds as follows:

5089 (c) The balance of fees remaining shall be used by the
 5090 department to reimburse affected agencies included in s.
 5091 403.941(2)(a) for costs incurred in application and
 5092 postcertification review, respectively.

5093 1. For application processing costs, upon presentation by
 5094 an affected agency of a proper itemized accounting within 90
 5095 days after the date of the board's order approving certification
 5096 or the date on which a pending application is otherwise disposed
 5097 of, the department shall reimburse the agencies for authorized
 5098 costs from the fee balances remaining. Such reimbursement shall
 5099 be authorized for studies and the preparation of any reports
 5100 required of the agencies by ss. 403.9401-403.9425, for agency
 5101 travel and per diem to attend any hearing held, and for
 5102 participation in the proceedings. In the event the amount
 5103 available for allocation is insufficient to provide for complete
 5104 reimbursement to the agencies, reimbursement shall be on a

Page 176 of 177

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577-03064-25

20251264c1

5105 prorated basis. If any sums are remaining, the department shall
5106 retain them for use in the same manner as is otherwise
5107 authorized by this section; however, if the certification
5108 application is withdrawn, the remaining sums shall be refunded
5109 to the applicant within 120 days after withdrawal.

5110 2. For postcertification costs, an invoice may be submitted
5111 on an annual basis, commencing from the date of certification,
5112 for expenses incurred by affected agencies conducting
5113 postcertification review work pursuant to the conditions of
5114 certification. In the event the amount available for allocation
5115 is insufficient to provide for complete reimbursement to the
5116 agencies, reimbursement shall be on a prorated basis.

5117 Section 151. This act shall take effect July 1, 2025.

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 Transportation, Tourism, and Economic
Development

BILL: CS/CS/SB 1348

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development,
Transportation Committee and Senator Trumbull

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Fav/CS</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/CS/SB 1348 amends various provisions related to the Department of Highway Safety and Motor Vehicles (DHSMV), including tax collector duties and responsibilities, driver license issuance and revocation, and disabled parking permits. Specifically, the bill:

- Enhances penalties related to the "Florida Ban on Texting While Driving Law" and directs DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving.
- Prohibits and penalizes a person who, without authorization from the DHSMV or a tax collector, sells or offers to sell service appointments offered by the DHSMV or an authorized tax collector.
- Authorizes tax collectors to deliver certain documents by mail or make them available at the tax collector's office.
- Allows tax collectors to process applications for duplicate certificates of title.
- Allows a disabled veteran who meets certain requirements to be issued a specialty license plate embossed with the initials "DV" in the top left-hand corner.
- Revises the requirements governing the issuance of permanent disabled parking permits.
- Amends legislative intent language to provide that the transition of driver license issuance services from the DHSMV to tax collectors must be completed no later than June 30, 2027.
- Requires certain driver license applicants to retake examinations.

- Authorizes tax collectors to process specified transactions using the DHSMV’s online license and registration portal and offer licensees certain charitable donation options.
- Requires the revocation of a restricted driving privilege in certain circumstances.

The bill will have an indeterminate negative fiscal impact on the government sector. *See Section V., Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Ban on Texting While Driving Law

The legislative intent of the “Florida Ban on Texting While Driving Law” is to:

- Improve roadway safety for all vehicle operators, vehicle passengers, bicyclists, pedestrians, and other road users;
- Prevent crashes related to the act of text messaging while driving a motor vehicle;
- Reduce injuries, deaths, property damage, health care costs, health insurance rates, and automobile insurance rates related to motor vehicle crashes; and
- Authorize law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving.¹

Prohibition

The Florida Ban on Texting While Driving Law prohibits a person from operating a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.² The term “wireless communications device” is defined as any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service and that allows text communications.³

A motor vehicle that is stationary is not being operated and, therefore, is not subject to this prohibition.⁴ Additionally, the prohibition does not apply to a motor vehicle operator who is:

- Performing official duties as an operator of an authorized emergency vehicle, a law enforcement or fire service professional, or an emergency medical services professional;
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities;
- Receiving messages that are related to the operation or navigation of the motor vehicle; safety-related information, including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts;
- Using a device or system for navigation purposes;

¹ Section 316.305(2), F.S.

² Section 316.305(3)(a), F.S.

³ *Id.*

⁴ *Id.*

- Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function;
- Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function; and
- Operating an autonomous vehicle with the automated driving system engaged.⁵

Enforcement and Penalties

A law enforcement officer who stops a motor vehicle for a violation of the Florida Ban on Texting While Driving Law must inform the motor vehicle operator of his or her right to decline a search of his or her wireless communications device and may not:

- Access the wireless communications device without a warrant;
- Confiscate the wireless communications device while awaiting issuance of a warrant to access such device; and
- Obtain consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a motor vehicle operator's wireless communications device must be voluntary and unequivocal.⁶

A first violation of the ban on texting while driving is punishable as a nonmoving violation and carries a \$30 fine plus court costs,⁷ which could result in a total fine up to \$108.⁸ A second or subsequent violation of the ban committed within five years after the date of a prior conviction is a moving violation and carries a \$60 fine plus court costs,⁹ which could result in a total fine up to \$158.¹⁰

Data Collection and Reporting Requirement

When a law enforcement officer issues a citation for a violation of the Florida Ban on Texting While Driving Law, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the Department of Highway Safety and Motor Vehicles (DHSMV) by April 1 annually in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.¹¹

⁵ Section 316.305(3)(b), F.S.

⁶ Section 316.305(3)(c), F.S.

⁷ Section 316.305(4)(a), F.S. *See also* ch. 318, F.S.

⁸ Florida Court Clerks and Comptrollers, *2023 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording*, p. 39,

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 6, 2025).

⁹ Section 316.305(4)(b), F.S. *See also* Ch. 318, F.S.

¹⁰ Florida Court Clerks and Comptrollers, *supra* note 8, at p. 42.

¹¹ Section 316.305(5), F.S.

Ban on the Use of Wireless Communications Devices in a Handheld Manner in School and Work Zones

Prohibition and Enforcement

In addition to the ban on texting while driving, law enforcement officers are authorized to stop motor vehicles and issue citations to persons who are driving in a designated school crossing, school zone, or work zone area¹²¹³ while using a wireless communications device in a handheld manner.¹⁴ Wireless communications device has the same meaning aforementioned for the Florida Ban on Texting While Driving Law and includes, but is not limited to, a cell phone, a tablet, a laptop, two-way messaging device, or an electronic game that is used or capable of being used in a handheld manner.¹⁵

The ban on the use of wireless communications devices in a handheld manner in school and work zones has almost identical exceptions and enforcement procedures as the Florida Ban on Texting While Driving Law.¹⁶ However, the ban on the use of a wireless communications device in a handheld manner in school and work zones expressly allows the use of a wireless communications device if it is operated in a hands-free or hands-free in voice-operated mode, including, but not limited to, a factory-installed or after-market Bluetooth device while driving.¹⁷

Penalties

A first violation of the ban on the use of wireless communications devices in a handheld manner in school and work zones is punishable as a noncriminal traffic infraction, punishable as a moving violation,¹⁸ and a violator will have 3 points assessed against his or her driver license.¹⁹ For a first offense, in lieu of the \$60 fine, additional court costs, and the assessment of points, a person may elect to participate in a wireless communications device driving safety program approved by the DHSMV. Upon completion of such program, the penalty and associated costs may be waived by the clerk of the court and the assessment of points must be waived.²⁰

Additionally, the clerk of the court may dismiss a case and assess court costs for a nonmoving traffic infraction for a person who is cited for a first-time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.²¹ All the proceeds collected from

¹² Section 316.003(111), F.S., defines work zone as the area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

¹³ Section 316.306(3)(a), F.S., provides that the prohibition on work zone areas is only applicable if the construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area.

¹⁴ Sections 316.306(2) and 316.306(3)(a), F.S.

¹⁵ Section 316.306(1), F.S.

¹⁶ Section 316.306(3), F.S.

¹⁷ *Id.*

¹⁸ Chapter 318, F.S., provides that such violation carries a \$60 fine plus court costs.

¹⁹ Section 316.306(4)(a), F.S.

²⁰ *Id.*

²¹ Section 316.306(4)(b), F.S.

such penalties must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.²²

Data Collection and Reporting Requirement

When a law enforcement officer issues a citation for a violation of the ban on the use of wireless communications device in a handheld manner in school and work zones, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and must report such information to the DHSMV in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.²³

Driver Improvement Schools

The DHSMV currently approves and regulates the courses of all driver improvement schools. They are responsible for setting and modifying course content requirements to keep with current laws and safety information. They must annually review changes made to major traffic laws of the state and change course content accordingly.²⁴

As previously discussed, under certain circumstances a person may take a driver improvement course to waive the fees and fines associated with a traffic violation.

Sale of Service Appointments

Current law does not prohibit a person from selling or offering to sell a service appointment offered by an office of the DHSMV or an office of a tax collector acting as an authorized agent of the DHSMV. The DHSMV and authorized tax collectors offer various service appointments, including those relating to the issuance of:

- Driver licenses and identification cards;
- Motor Vehicle, mobile home and vessel registrations; and
- Certificate of titles for motor vehicles, mobile homes, and vessels.²⁵

Currently, certain private entities have been accused of booking DHSMV-related appointments and selling them for money. For example, officials with the Miami-Dade Tax Collector's Office have indicated that they, "have uncovered a network of appointment scalpers that are profiting

²² Section 316.306(5), F.S.

²³ Section 316.306(6), F.S.

²⁴ Section 318.1451, F.S.

²⁵ See Chs 319, 320, 322, and 328, F.S.

from [such] appointments.”²⁶ The Miami-Dade Tax Collector has found that certain entities are using fake accounts and selling appointments at prices ranging from \$25 to \$250.²⁷

Certificate of Original and Duplicate Title Issuance

An application for a certificate of title must be filed with the DHSMV, and must be accompanied by the required fee of \$75.75 (or \$87.75 for a vehicle with an out-of-state title).²⁸ If a certificate of title has previously been issued for a motor vehicle or mobile home in this state, the application for a certificate of title must be accompanied by the certificate of title duly assigned, or assigned and reassigned.²⁹ If the motor vehicle or mobile home for which application for a certificate of title is made is a new motor vehicle or new mobile home for which one or more manufacturers’ statements of origin are required by the provisions of the application for a certificate of title must be accompanied by all such manufacturers’ statements of origin.³⁰

A duly authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the motor vehicle or mobile home, as shown in the records of the DHSMV or as shown in the application, deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application.³¹

Lost or Destroyed Certificates

If a certificate of title is lost or destroyed, application for a duplicate copy must be made to the DHSMV by the owner of the motor vehicle or mobile home or the holder of a lien on a form prescribed by DHSMV and accompanied by the fee prescribed in ch. 319, F.S. The application must be signed and sworn to by the applicant.³² The DHSMV must issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title under the provisions of ch. 319, F.S.³³

Mailing of Registration Certificates, License Plates, and Validation Stickers

The DHSMV and tax collectors may, at the request of the applicant, use the United States Postal Service to deliver registration certificates and renewals, license plates, mobile home stickers, and validation stickers to applicants.³⁴

Disabled Veteran (“DV”) License Plate

²⁶ Kevin Boulandier, [Driving schools are booking up DMV appointments and selling them for hundreds of dollars, officials say](#), Miami 7 News, March 17, 2025. See also Amanda Plasencia, [Miami-Dade County tax collector uncovers network of scalpers selling DMV appointments](#), NBC 6 South Florida, March 18, 2025.

²⁷ *Id.*

²⁸ Section 319.23(1), F.S.

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 319.24(2), F.S.

³² Section 319.29(4), F.S.

³³ *Id.*

³⁴ Section 320.031(1), F.S.

Section 320.084(1), F.S., requires one free “DV” motor vehicle license number plate to be issued by DHSMV for use on any motor vehicle owned or leased by any disabled veteran who has been a Florida resident continuously for the preceding five years or has established a domicile in this state, and who has been honorably discharged from the United States Armed Forces.³⁵

Additionally, a disabled veteran who meets these requirements may be issued, in lieu of the “DV” license plate, a military license plate for which he or she is eligible, or a specialty license plate. A disabled veteran who elects a military license plate or specialty license plate, must pay all applicable fees related to such license plate, except for fees otherwise waived.³⁶

Issuance of Permanently Disabled Parking Permits

The DHSMV or its authorized agents must, upon application and receipt of the required fee, issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant’s birthday, to any person who has long-term mobility impairment. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.³⁷

In order for an applicant to be certified as having a long-term mobility impairment for a disabled parking permit, they must meet one of the following criteria:

- Is certified legally blind.
- Has an inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person’s ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.
- The need to permanently use a wheelchair.
- Restriction by lung disease to the extent that the person’s forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the person’s arterial oxygen is less than 60 mm/hg on room air at rest.
- Use of portable oxygen.
- Restriction by cardiac condition to the extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
- Severe limitation in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition.³⁸

The certification of the disability listed above must be provided by a specified physician, with certain requirements related to the long-term mobility impairment. The certificate of disability must include the:

- Disability of the applicant;
- Certifying practitioner’s name, address, and certification number;
- Eligibility criteria for the permit;

³⁵ Section 320.084(1), F.S.

³⁶ Section 320.084(6)(a), F.S.

³⁷ Section 320.0848(1)(a), F.S.

³⁸ Section 320.0848(1)(b), F.S.

- Penalty for falsification by either the certifying practitioner or applicant;
- Duration of the condition that entitles the applicant for the permit;
- Justification for any additional placard;
- Statement, in bold letters: “A disabled parking permit may be issued only for a medical necessity that severely affects mobility;” and
- Signatures of the applicant’s physician or other certifying practitioner, applicant, and employee of the DHSMV’s authorized agent which is processing the application.³⁹

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and must be hung from the vehicle’s rear-view mirror when the vehicle is parked in a designated accessible parking space.⁴⁰ Each side of the placard displays the international symbol of accessibility, and a decal indicating the expiration date of the placard. One side of the placard must display the applicant’s Florida driver license or identification card number, along with a warning that the applicant must have such identification at all times while using the permit.⁴¹

A law enforcement officer or parking enforcement specialist has the right to demand to be shown the person’s disabled parking permit and driver license or identification card and may charge the person in control of the vehicle with resisting an officer without violence if the person refuses.⁴²

Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space, or who uses an unauthorized replica of such permit, is guilty of a second degree misdemeanor.⁴³

Any person who knowingly makes a false or misleading statement on an application to obtain a disabled parking permit commits a first degree misdemeanor.⁴⁴

Transition of Driver License Issuance Services to Tax Collectors

Section 322.02, F.S., provides a statement of legislative intent relating to the transition of driver license services from the DHSMV to the tax collectors.⁴⁵ Specifically, the statement provides that it is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors, who are constitutional officers under s. 1(d), Art. VIII of the State Constitution, be completed no later than June 30, 2015.⁴⁶ The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.⁴⁷

³⁹ Section 320.0848(1)(c), F.S.

⁴⁰ DHSMV, Application for Disabled Person Parking Permit, available at <https://www.flhsmv.gov/pdf/forms/83039.pdf> (last visited March 29, 2025).

⁴¹ An exemption may be obtained from this requirement by the certifying physician in cases where the severity of the disability prevents the person from physically visiting or being transported in order to be issued a driver license or identification card; s. 320.0848(2)(a), F.S.

⁴² Section 316.1955, F.S.

⁴³ Section 320.0848(7), F.S.

⁴⁴ Section 320.0848(6), F.S.

⁴⁵ Section 322.02(1), F.S.

⁴⁶ *Id.*

⁴⁷ *Id.*

The tax collector in and for his or her county may be designated the exclusive agent of the DHSMV to implement and administer the provisions of ch. 322, F.S., as provided by s. 322.135, F.S.⁴⁸

On November 6, 2018, Florida voters approved Amendment 10 to the Florida Constitution, which provided for the election of tax collectors in all counties, including the counties of Volusia, Broward, and Miami-Dade, who had yet to elect tax collectors in their respective counties. A tax collector for Volusia County was elected in 2021 and began to assume the duties of issuing driver's licenses in its two offices, which was completed at the end of January 2022. Broward and Maimi-Dade counties elected new tax collectors in November of 2024, and as of March 2025, have begun the transition of those duties from the DHSMV. Until the transition is complete for Miami-Dade and Broward counties, the DHSMV will continue its driver license services in its eight offices in Miami-Dade County, and its five offices in Broward County. Miami-Dade County has assumed operation of one of the DHSMV's driver license offices as of March 2025.⁴⁹

Driver License Examinations

The DHSMV is required to conduct an examination of every applicant for a driver license, including an applicant who is licensed in another state or country, except under certain conditions.⁵⁰ A person who holds a learner's driver license is not required to pay a fee for successfully completing the examination showing his or her ability to operate a motor vehicle and need not pay the fee for a replacement license.⁵¹

Class E Driver License

A Class E driver license examination includes all of the following:

- A test of the applicant's eyesight given by the driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician.⁵²
- A test of the applicant's hearing given by a driver license examiner or a licensed physician.⁵³
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances.⁵⁴
- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.⁵⁵

⁴⁸ Section 322.02(5), F.S.

⁴⁹ DHSMV, *2025 Legislative Bill Analysis: SB 1348* (March 17, 2025) at p. 4 (on file with the Senate Transportation Committee).

⁵⁰ Section 322.12(2), F.S.

⁵¹ *Id.*

⁵² Section 322.12(3)(a), F.S.

⁵³ Section 322.12(3)(b), F.S.

⁵⁴ Section 322.12(3)(c), F.S.

⁵⁵ Section 322.12(3)(d), F.S.

Commercial Driver License

The examination for a commercial driver license must include the following:

- A test of the applicant's eyesight given by a driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver license examiner or a licensed physician.
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate.
- An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.⁵⁶

The portion of the examination which tests an applicant's safe driving ability must be administered by the DHSMV or by an entity authorized by the DHSMV to administer such examination, pursuant to s. 322.56, F.S. Such an examination must be administered at a location approved by the DHSMV.⁵⁷

A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement as specified in s. 322.57(1)(e) F.S., if the person has not taken and passed the hazardous-materials test within two years preceding his or her application for a commercial driver license in this state.⁵⁸

If the DHSMV has sufficient evidence that an applicant has cheated on an examination, the DHSMV, after providing a notice of rights under ch. 120, F.S., may suspend a person's driver license for one year. When an applicant returns to take the examination, they are charged \$20 for each subsequent examination. If the test is administered by a tax collector, the tax collector retains the \$20 fee, less the general revenue service fee. The tax collector may also charge a \$6.25 service fee.⁵⁹

Driver License Agents - Voluntary Contributions

The DHSMV must authorize by interagency agreement the tax collectors, in accordance with rules of the department, to serve as its agent for the provision of specified driver license

⁵⁶ Section 322.12(4), F.S.

⁵⁷ Section 322.12(4)(a), F.S.

⁵⁸ Section 322.12(4)(b), F.S.

⁵⁹ DHSMV, *supra* note 20, at 5.

services.⁶⁰ The services provided by tax collectors are limited to the issuance of driver licenses and identification cards as authorized by ch. 322, F.S.⁶¹

Currently, customers do not have the option of rounding up their transaction amount to the next dollar amount to charity, however, customers are allowed to make a voluntary contribution when renewing a driver license or motor vehicle registration to statutorily approved organizations.⁶²

Temporary Disqualification of a Commercial Driver License

A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial driver license, at no cost.⁶³ Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period.⁶⁴ Eligible persons must pay the reinstatement fee provided in s. 322.21, F.S., before being issued a commercial driver license.⁶⁵ This section of law does not currently reference the term “if eligible,” rather it is implied that eligibility is a requirement.

Restricted Driving Privileges

A person whose driving privilege has been revoked under s. 322.27(5) F.S.,⁶⁶ may, upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege.⁶⁷ Upon such petition and after investigation of the person’s qualification, fitness, and need to drive, the DHSMV must hold a hearing pursuant to ch. 120, F.S., to determine whether the driving privilege should be reinstated on a restricted basis solely for business or employment purposes.⁶⁸

Return of Certain Suspended Driver Licenses

An examination is not required for the return of a driver license suspended under the following conditions:

- Failure to comply with civil penalty or failure to appear.
- Failure of a person charged with specified offenses under chs. 316 and 320. F.S.
- Failure to comply with directives ordered by traffic court.
- Failure to pay child support in non-IV-D cases.⁶⁹

⁶⁰ Section 322.135(1), F.S.

⁶¹ Section 322.135(1)(a), F.S.

⁶² Section 322.08(8), F.S.

⁶³ Section 322.251(4), F.S.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Section 322.27, F.S., provides that DHSMV shall revoke the license of any person designated a habitual offender, as set forth in s. [322.264](#), and such person is not eligible to be relicensed for a minimum of 5 years from the date of revocation, except as provided for in s. [322.271](#). Any person whose license is revoked may, by petition to DHSMV, show cause why his or her license should not be revoked.

⁶⁷ Section 322.271(1)(b), F.S.

⁶⁸ *Id.*

⁶⁹ Section 322.29(2), F.S.

A person applying for the return of a license suspended under the above conditions must present the DHSMV with certification from the court that he or she has complied with all obligations and penalties imposed pursuant to the conditions, and that they have complied with all the directives of the court, and pay a nonrefundable service fee of \$60, of which \$37.50 shall be deposited into the General Revenue Fund and \$22.50 shall be deposited into the Highway Safety Operating Trust Fund.⁷⁰ If reinstated by the clerk of the court or tax collector, \$37.50 must be retained and \$22.50 must be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. Drivers whose licenses are suspended or revoked are required to pay a \$45 fee or \$75 fee under s. 322.21(8), F.S., to reinstate a suspended or revoked license, however, if the \$45 or \$75 fee is paid, the DHSMV will not charge the \$60 fee referenced above.⁷¹

III. Effect of Proposed Changes:

Section 1 amends ss. 316.305, F.S., to enhance penalties related to the “Florida Ban on Texting While Driving.” Specifically, the bill does the following:

- Increases the first offense of texting while driving from a nonmoving violation to a moving violation and provides that a person shall have 3 points assessed to his or her driver license. A person may elect to participate in a specific distracted driving program. Upon successful completion, the fine and points may be waived.
- Provides that upon a second or subsequent offense of texting while driving within 5 years the person shall have 4 points assessed to his or her driver license. A person may elect to participate in a specific distracted driving program. Upon successful completion, the fine and points may be waived.

Section 2 amends s. 316.306, F.S. to provide that a person who is in violation of the prohibition on the use of a wireless communication device in a handheld manner while driving in a school or work zone, may also opt to take a distracted driving program to waive the fine and points from his or her driver license.

Section 3 amends s. 316.88, F.S., to provide that unless authorized in writing by DHSMV or a tax collector, a person is prohibited from selling or offering to sell a service appointment with a DHSMV office, or the office of a tax collector for any DHSMV-related service authorized in law. The bill provides that any person who violates this prohibition commits a first degree misdemeanor.

Section 4 amends s. 318.14, F.S. to direct DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving. The course must include testimonials of people whose lives have been affected by death or injury caused by distracted driving.

The bill also provides that all basic driver improvement courses must dedicate at least one hour to distracted driving, and that the course must include testimonials of people whose lives have been affected by death or injury caused by distracted driving.

⁷⁰ *Id.*

⁷¹ *Id.*

Section 5 amends s. 319.24, F.S., to allow tax collectors, as authorized agents of the DHSMV, to deliver original certificates of title and corrected certificates by mail or make such certificates available to applicants at tax collectors' offices.

Section 6 amends s. 319.29, F.S., to provide that an application for a duplicate copy of a certificate of title may be fulfilled by the tax collector, acting as an authorized agent of the DHSMV. Upon the applicant's request, the duplicate copy may be issued by the tax collector and provided to the applicant at the tax collector's office or mailed by the tax collector to the applicant's address.

Section 7 amends s. 320.031, F.S., to allow tax collectors the ability to deliver in person at the request of the applicant, registration certificates, renewals, duplicate registration certificates, license plates, mobile home stickers, and validation stickers to the applicant.

Section 8 amends s. 320.084, F.S., to allow a disabled veteran who meets certain requirements to be issued a special or specialty license plate embossed with the initials "DV" in the top left-hand corner.

Section 9 amends s. 320.0848, F.S., to provide that the DHSMV must renew the disabled parking permit of a person certified as permanently disabled on the previous application for a subsequent four-year period without requiring the person to provide another certificate of disability, a United States Department of Veteran Affairs Form Letter 27-333, or its equivalent.

The bill would effectively allow a person to continue to apply for a permanently disabled parking permit decal every four years but only have to provide certification of disability from a physician every eight years.

Section 10 amends s. 322.02, F.S., to provide that the transition of all driver license issuance services from DHSMV to tax collectors, including the transition to the recently elected tax collectors in Broward and Miami-Dade counties, must be completed no later than June 30, 2027. The bill also repeals an existing provision that states that the transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.

The DHSMV has indicated that tax collector offices are largely turn-key operations, and the transition of driver license issuance services to the tax collectors should be completed by December 31, 2026. The Miami-Dade County Tax Collector has committed to transitioning at least three of its offices by June 30, 2026. The Broward County Tax Collector is continuing to assess the timeline to transition operations of the DHSMV's driver license offices. The DHSMV indicates that the budget to operate the 14 driver license offices in Miami-Dade and Broward counties is approximately \$27 million a year. The longer the transition takes, the longer the DHSMV will incur expenses associated with the operation of these driver license offices.⁷²

⁷² DHSMV, *Supra* note 20 at 6.

Section 11 amends s. 322.12, F.S., to explicitly state that a Class E driver license or a commercial driver license applicant who is found to have cheated during or otherwise circumvented any portion of the driver license examination must retake the examination.

Section 12 amends s. 322.135, F.S., to allow tax collectors to process driver license transactions using the DHSMV's online license and registration portal. It also allows tax collectors to offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount in order to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services.

According to the DHSMV, the department previously agreed it will build functionality into the myDMV Portal to allow a customer the option to order a credential online and pick it up at their local tax collector's office the same day, if the customer is willing to pay the additional \$6.25 tax collector service fee.⁷³

Section 13 amends s. 322.251, F.S., to stipulate that a person whose privilege to operate a commercial motor vehicle is temporarily disqualified, may upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial license, if eligible, at no cost.

Section 14 amends s. 322.271, F.S., to provide that a person whose driving privilege has been revoked under s. 322.27(5) F.S., as a habitual traffic offender, may upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege on a restricted basis for business or employment purposes. If the person subsequently violates the conditions of the restricted driving privilege, the restricted driving privilege must be revoked and the person is not eligible for any driving privilege for the remaining duration of the five-year period after his or her initial license revocation.

Section 15 amends s. 322.66 F.S., to conform a cross-reference.

Section 16 provides that 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.

⁷³ *Id.*

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 DHSMV reports that the bill would not have a fiscal impact related the implementation of a new distracted driving improvement course. The DHSMV currently utilizes third-party vendors to assist in developing and creating driver improvement courses and content.

To the extent the bill delays the transition of driver license issuance services in Broward and Miami-Dade counties from the DHSMV to the recently elected tax collectors in those counties the DHSMV could incur additional, indeterminate expenditures.

The DHSMV reports that the bill would have an indeterminate negative fiscal impact on the department associated with information technology programming and implementation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.305, 316.306, 316.88, 318.14, 319.24, 319.29, 320.031, 320.084, 320.0848, 322.02, 322.12, 322.135, 322.251, 322.271, and 322.66.

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

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

CS/CS by Appropriations Committee on Transportation, Tourism, and Economic Development on April 15, 2025:

- Enhances penalties related to the "Florida Ban on Texting While Driving Law." It also directs the DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving, and requires that at least one hour of all basic driver improvement courses must be dedicated to distracted driving content.
- Prohibits a person, without authorization from the DHSMV or a tax collector, from selling or offering to sell service appointments offered by the DHSMV or an authorized tax collector.
- Allows a disabled veteran who meets certain requirements to be issued a special or specialty license plate embossed with the initials "DV" in the top left-hand corner.

CS by Transportation on April 1, 2025:

- Removes the provision related to removing certain commercial motor vehicles from service and the requirement for driver reexamination and third-party testing.
- Provides that a permitholder must continue to apply for a permanently disabled parking permit every four years, but specifies that the permitholder only has to provide certification of disability from a physician every eight years.
- Provides that the transition of driver license issuance services from the DHSMV to the tax collectors must be completed by June 30, 2027.
- Retains the requirement that a driver license applicant who is found to have cheated during the examination must retake the examination but removes an associated fee.
- Removes a provision relating to driver license revocations based solely on convictions for certain nonmoving violations.
- Restores an existing statutory provision that waives a driver license service fee in specified circumstances.

B. Amendments:

None.



433154

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Transportation, Tourism, and Economic Development (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Before line 41

insert:

Section 1. Section 316.88, Florida Statutes, is created to read:

316.88 Sale of appointments prohibited.—Unless authorized in writing by the department or a tax collector acting as an authorized agent of the department, a person may not sell or offer to sell a service appointment with a department office or



433154

11 with the office of a tax collector acting as an authorized agent
12 of the department, respectively, for any service authorized by
13 chapter 319, chapter 320, chapter 322, or chapter 328. A person
14 who violates this section commits a misdemeanor of the first
15 degree, punishable as provided in s. 775.082 or s. 775.083.

16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete line 3

20 and insert:

21 and Motor Vehicles; creating s. 316.88, F.S.;

22 prohibiting a person from selling or offering to sell

23 certain service appointments without the written

24 authorization of the department or a tax collector;

25 providing criminal penalties; amending s. 319.24,

26 F.S.;



539458

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Transportation, Tourism, and Economic Development (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Before line 41

insert:

Section 1. Subsection (4) of section 316.305, Florida Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.-

(4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a noncriminal traffic infraction, punishable as a moving ~~nonmoving~~ violation as provided in chapter 318, and shall have 3 points



539458

11 assessed against his or her driver license as set forth in s.
12 322.27(3)(d)8.

13 (b) A Any person who commits a second or subsequent
14 violation of paragraph (3)(a) within 5 years after the date of a
15 prior conviction for a violation of paragraph (3)(a) commits a
16 noncriminal traffic infraction, punishable as a moving violation
17 as provided in chapter 318, and shall have 4 points assessed
18 against his or her driver license for the purposes of s. 322.27.

19 (c) In lieu of the penalty specified in s. 318.18 and the
20 assessment of points, a person who violates paragraph (3)(a) may
21 elect to participate in a distracted driving safety program
22 approved by the department. Upon the person's completion of such
23 program, the penalty specified in s. 318.18 and associated costs
24 may be waived by the clerk of the court and the assessment of
25 points must be waived.

26 Section 2. Subsection (4) of section 316.306, Florida
27 Statutes, is amended to read:

28 316.306 School and work zones; prohibition on the use of a
29 wireless communications device in a handheld manner.-

30 (4)(a) A Any person who violates this section commits a
31 noncriminal traffic infraction, punishable as a moving
32 violation~~7~~, as provided in chapter 318, and shall have 3 points
33 assessed against his or her driver license as set forth in s.
34 322.27(3)(d)8. ~~For a first offense under this section,~~ In lieu
35 of the penalty specified in s. 318.18 and the assessment of
36 points, a person who violates this section may elect to
37 participate in a distracted ~~wireless communications device~~
38 driving safety program approved by the Department of Highway
39 Safety and Motor Vehicles. Upon the person's completion of such



40 program, the penalty specified in s. 318.18 and associated costs
41 may be waived by the clerk of the court and the assessment of
42 points must be waived.

43 (b) The clerk of the court may dismiss a case and assess
44 court costs in accordance with s. 318.18(12)(a) for a nonmoving
45 traffic infraction for a person who is cited for a first time
46 violation of this section if the person shows the clerk proof of
47 purchase of equipment that enables his or her personal wireless
48 communications device to be used in a hands-free manner.

49 Section 3. Subsection (1) and paragraph (d) of subsection
50 (6) of section 318.1451, Florida Statutes, are amended to read:

51 318.1451 Driver improvement schools.—

52 (1)(a) The department shall approve and regulate the
53 courses of all driver improvement schools, as the courses relate
54 to ss. 318.14(9), 322.0261, and 322.291, including courses that
55 use technology as a delivery method.

56 (b) The department shall create a 4-hour basic driver
57 improvement course specifically related to distracted driving
58 which must include, but need not be limited to, testimonials
59 from people whose lives have been affected by death or injury
60 caused by distracted driving and which driver improvement
61 schools shall offer to persons electing to participate in a
62 distracted driving safety program pursuant to s. 316.305(4)(c)
63 or s. 316.306(4)(a).

64 (6) The department shall adopt rules establishing and
65 maintaining policies and procedures to implement the
66 requirements of this section. These policies and procedures may
67 include, but shall not be limited to, the following:

68 (d) *Course content.*—The department shall set and modify



539458

69 course content requirements to keep current with laws and safety
70 information. The department shall annually review changes made
71 to major traffic laws of this state, including s. 316.126(1)(b),
72 and shall require course content for courses referenced in this
73 section to be modified in accordance with changes relevant to
74 the courses. Course content includes all items used in the
75 conduct of the course. All basic driver improvement courses must
76 include at least 1 hour dedicated to distracted driving which
77 must include, but need not be limited to, testimonials from
78 people whose lives have been affected by death or injury caused
79 by distracted driving.

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete line 3

84 and insert:

85 and Motor Vehicles; amending s. 316.305, F.S.;

86 revising penalties for the use of a wireless

87 communications device while operating a motor vehicle;

88 authorizing certain persons to participate in a

89 distracted driving safety program approved by the

90 department; authorizing the waiver of certain

91 penalties and associated costs, and requiring the

92 waiver of the assessment of points, upon completion of

93 such program; amending s. 316.306, F.S.; authorizing a

94 person to participate in a distracted driving safety

95 program, upon completion of which certain penalties

96 and associated costs may, and the assessment of points

97 must, be waived for certain offenses; amending s.



539458

98 318.1451, F.S.; requiring the department to create a
99 specified driver improvement course related to
100 distracted driving which driver improvement schools
101 shall offer to certain persons; requiring that all
102 basic driver improvement courses include certain
103 content relating to distracted driving; amending s.
104 319.24, F.S.;



388348

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Transportation, Tourism, and Economic Development (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 140 - 162

and insert:

Section 4. Subsections (1) and (3), paragraphs (a) and (c) of subsection (4), and subsection (6) of section 320.084, Florida Statutes, are amended to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—

(1) One free disabled veteran ~~"DV"~~ motor vehicle license



388348

11 number plate shall be issued by the department for use on any
12 motor vehicle owned or leased by any disabled veteran who has
13 been a resident of this state continuously for the preceding 5
14 years or has established a domicile in this state as provided by
15 s. 222.17(1), (2), or (3), and who has been honorably discharged
16 from the United States Armed Forces, upon application,
17 accompanied by proof that:

18 (a) A vehicle was initially acquired through financial
19 assistance by the United States Department of Veterans Affairs
20 or its predecessor specifically for the purchase of an
21 automobile;

22 (b) The applicant has been determined by the United States
23 Department of Veterans Affairs or its predecessor to have a
24 service-connected 100-percent disability rating for
25 compensation; or

26 (c) The applicant has been determined to have a service-
27 connected disability rating of 100 percent and is in receipt of
28 disability retirement pay from any branch of the United States
29 Armed Services.

30 (3) The department shall, as it deems necessary, require
31 each person to whom a motor vehicle license plate has been
32 issued pursuant to subsection (1) to apply to the department for
33 reissuance of his or her registration license plate. Upon
34 receipt of the application and proof of the applicant's
35 continued eligibility, the department shall issue a new
36 permanent disabled veteran ~~"DV" numerical~~ motor vehicle license
37 plate which shall be of the colors red, white, and blue similar
38 to the colors of the United States flag. The operation of a
39 motor vehicle displaying a disabled veteran ~~"DV"~~ license plate



388348

40 from a previous issue period or a noncurrent validation sticker
41 after the date specified by the department shall subject the
42 owner if he or she is present, otherwise the operator, to the
43 penalty provided in s. 318.18(2). Such permanent license plate
44 shall be removed upon sale of the vehicle, but may be
45 transferred to another vehicle owned by such veteran in the
46 manner prescribed by law. ~~The license number of each plate~~
47 ~~issued under this section shall be identified by the letter~~
48 ~~designation "DV."~~ Upon request of any such veteran, the
49 department is authorized to issue a designation plate containing
50 only the letters "DV," to be displayed on the front of the
51 vehicle.

52 (4) (a) With the issuance of each new permanent disabled
53 veteran "DV" numerical motor vehicle license plate, the
54 department shall initially issue, without cost to the applicant,
55 a validation sticker reflecting the owner's birth month and a
56 serially numbered validation sticker reflecting the year of
57 expiration. The initial sticker reflecting the year of
58 expiration may not exceed 27 months.

59 (c) Registration under this section shall be renewed
60 annually or biennially during the applicable renewal period on
61 forms prescribed by the department, which shall include, in
62 addition to any other information required by the department, a
63 certified statement as to the continued eligibility of the
64 applicant to receive the disabled veteran ~~special "DV"~~ license
65 plate. Any applicant who falsely or fraudulently submits to the
66 department the certified statement required by this paragraph is
67 guilty of a noncriminal violation and is subject to a civil
68 penalty of \$50.



388348

69 (6) (a) A disabled veteran who meets the requirements of
70 subsection (1) may be issued, in lieu of the disabled veteran
71 "DV" license plate, a military license plate for which he or she
72 is eligible or a specialty license plate embossed with the
73 initials "DV" in the top left-hand corner. A disabled veteran
74 electing a military license plate or specialty license plate
75 under this subsection must pay all applicable fees related to
76 such license plate, except for fees otherwise waived under
77 subsections (1) and (4).

78 (b) A military license plate or specialty license plate
79 elected under this subsection:

80 ~~1. Does not provide the protections or rights afforded by~~
81 ~~ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.~~

82 ~~2.~~ is not eligible for the international symbol of
83 accessibility as described in s. 320.0842.

84 Section 5. Paragraph (d) of subsection (1) and paragraph
85 (e) of subsection (2) of section 320.0848, Florida Statutes, are
86 amended to read:

87 320.0848 Persons who have disabilities; issuance of
88 disabled parking permits; temporary permits; permits for certain
89 providers of transportation services to persons who have
90 disabilities.-

91 (1)

92 (d) The department shall renew the disabled parking permit
93 of a any person certified as permanently disabled on the
94 previous application for a subsequent 4-year period without
95 requiring the person to provide another certificate of
96 disability or United States Department of Veterans Affairs Form
97 Letter 27-333, or its equivalent, as applicable. After such 4-



388348

98 year period, the department shall renew the disabled parking
99 permit if the person provides a certificate of disability issued
100 within the last 12 months pursuant to this subsection. A veteran
101 who has been previously evaluated and certified by the United
102 States Department of Veterans Affairs or any branch of the
103 United States Armed Forces as permanently and totally disabled
104 from a service-connected disability may provide a United States
105 Department of Veterans Affairs Form Letter 27-333, or its
106 equivalent, issued within the last 12 months in lieu of a
107 certificate of disability.

108 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
109 MOBILITY PROBLEMS.—

110 (e) A person who qualifies for a disabled parking permit
111 under this section may be issued an international wheelchair
112 user symbol license plate under s. 320.0843 in lieu of the
113 disabled parking permit; or, if the person qualifies for a
114 disabled veteran ~~"DV"~~ license plate under s. 320.084, such a
115 license plate may be issued to him or her in lieu of a disabled
116 parking permit.

117
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 13 - 16

121 and insert:

122 mail; amending s. 320.084, F.S.; providing for
123 disabled veteran motor vehicle license plates in lieu
124 of "DV" motor vehicle license plates; amending s.
125 320.0848, F.S.; requiring the department to renew
126 certain disabled parking permits for a specified



388348

127 period without requiring certain documentation;
128 conforming a provision to changes made by the act;
129 amending s. 322.02, F.S.; revising the

The Florida Senate
APPEARANCE RECORD

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

1348

Bill Number or Topic

433154

Amendment Barcode (if applicable)

4/15/25

Meeting Date

TED Approps

Committee

Name Tim Qualls

Phone 850-222-7206

Address 216 S. Monroe St

Email TQUALLS@YULAW.NET

Street

Tally

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 Tax Collectors 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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1348

4/15/25
Meeting Date

Bill Number or Topic

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

Appears on TED
Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH Phone 305-333-4344

Address 300 E BREVARD ST. Email W.SMITH@FLPBA.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:

FL PBA

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Health and Human Services, *Chair*
Appropriations
Appropriations Committee on Higher Education
Community Affairs
Health Policy
Judiciary
Rules

SENATOR JAY TRUMBULL

2nd District

April 1, 2025

Re: SB 1348

Dear Chair DiCeglie,

I respectfully request that Senate Bill 1348, relating to the Department of Highway Safety and Motor Vehicles, be placed on the agenda for the next meeting of the Appropriations Committee on Transportation, Tourism, and Economic Development.

I appreciate your time and consideration of this request. If you have any questions or concerns, please do not hesitate to contact my office at (850) 487-5002.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Trumbull", written in a cursive style.

Senator Jay Trumbull
District 2

REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

By the Committee on Transportation; and Senator Trumbull

596-03167-25

20251348c1

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 319.24, F.S.;
 4 authorizing tax collectors to deliver by mail or make
 5 available at the tax collector's office certificates
 6 of title; amending s. 319.29, F.S.; providing that
 7 certain applications may be fulfilled by the tax
 8 collector acting as an authorized agent of the
 9 department; amending s. 320.031, F.S.; authorizing the
 10 department and tax collectors, as agents of the
 11 department, to deliver certain documents, including
 12 duplicate registration certificates, in person or by
 13 mail; amending s. 320.0848, F.S.; requiring the
 14 department to renew certain disabled parking permits
 15 for a specified period without requiring certain
 16 documentation; amending s. 322.02, F.S.; revising the
 17 year by which the Legislature intends that the
 18 transition of certain services to certain tax
 19 collectors be completed; deleting a provision
 20 authorizing such transition of services to appointed
 21 charter county tax collectors on a limited basis;
 22 providing that the tax collector is, rather than may
 23 be, designated the exclusive agent of the department
 24 for a specified purpose; amending s. 322.12, F.S.;
 25 requiring certain driver license applicants to retake
 26 certain examinations; amending s. 322.135, F.S.;
 27 authorizing a tax collector to process certain
 28 transactions using the department's online license and
 29 registration portal; authorizing a tax collector to

Page 1 of 11

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

596-03167-25

20251348c1

30 offer to a licensee or prospective licensee a certain
 31 donation option; amending s. 322.251, F.S.;
 32 authorizing the issuance of a Class E driver license
 33 to certain persons, if eligible; amending s. 322.271,
 34 F.S.; requiring the revocation of a restricted driving
 35 privilege for a specified period in certain
 36 circumstances; amending s. 322.66, F.S.; conforming a
 37 cross-reference; providing an effective date.
 38

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

40

41 Section 1. Subsection (2) of section 319.24, Florida
 42 Statutes, is amended to read:

43

319.24 Issuance in duplicate; delivery; liens and
 44 encumbrances.—

45

(2) A duly authorized person shall sign the original
 46 certificate of title and each corrected certificate and, if
 47 there are no liens or encumbrances on the motor vehicle or
 48 mobile home, as shown in the records of the department or as
 49 shown in the application, must ~~shall~~ deliver the certificate to
 50 the applicant or to another person as directed by the applicant
 51 or person, agent, or attorney submitting such application. Tax
 52 collectors, as authorized agents of the department, may deliver
 53 original certificates of title and corrected certificates by
 54 mail or make such certificates available to applicants at tax
 55 collectors' offices. The motor vehicle dealer license number
 56 must be submitted to the department when a dealer applies for or
 57 receives a duplicate title. The current odometer reading must be
 58 submitted on an application for a duplicate title. If there are

Page 2 of 11

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596-03167-25

20251348c1

59 one or more liens or encumbrances on the motor vehicle or mobile
 60 home, the certificate must ~~shall~~ be delivered by the department
 61 to the first lienholder as shown by department records or to the
 62 owner as indicated in the notice of lien filed by the first
 63 lienholder pursuant to s. 319.27. If the notice of lien filed by
 64 the first lienholder indicates that the certificate should be
 65 delivered to the first lienholder, the department must ~~shall~~
 66 deliver to the first lienholder, along with the certificate, a
 67 form to be subsequently used by the lienholder as a
 68 satisfaction. If the notice of lien filed by the first
 69 lienholder directs the certificate of title to be delivered to
 70 the owner, then, upon delivery of the certificate of title by
 71 the department to the owner, the department must ~~shall~~ deliver
 72 to the first lienholder confirmation of the receipt of the
 73 notice of lien and the date the certificate of title was issued
 74 to the owner at the owner's address shown on the notice of lien
 75 and a form to be subsequently used by the lienholder as a
 76 satisfaction. If the application for certificate shows the name
 77 of a first lienholder different from the name of the first
 78 lienholder as shown by the records of the department or if the
 79 application does not show the name of a judgment lienholder as
 80 shown by the records of the department, the certificate may
 81 ~~shall~~ not be issued to any person until after all parties who
 82 appear to hold a lien and the applicant for the certificate have
 83 been notified of the conflict in writing by the department by
 84 certified mail. If the parties do not amicably resolve the
 85 conflict within 10 days from the date such notice was mailed,
 86 ~~then~~ the department must ~~shall~~ serve notice in writing by
 87 certified mail on all persons appearing to hold liens on that

Page 3 of 11

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596-03167-25

20251348c1

88 particular vehicle, including the applicant for the certificate,
 89 to show cause within 15 days from the date the notice is mailed
 90 why it should not issue and deliver the certificate to the
 91 person indicated in the notice of lien filed by the lienholder
 92 whose name appears in the application as the first lienholder
 93 without showing any lien or liens as outstanding other than
 94 those appearing in the application or those which may have been
 95 filed subsequent to the filing of the application for the
 96 certificate. If, within the 15-day period, any person other than
 97 the lienholder shown in the application or a party filing a
 98 subsequent lien, in answer to such notice to show cause, appears
 99 in person or by a representative, or responds in writing, and
 100 files a written statement under oath that his or her lien on
 101 that particular vehicle is still outstanding, the department may
 102 ~~shall~~ not issue the certificate to anyone until after such
 103 conflict has been settled by the lien claimants involved or by a
 104 court of competent jurisdiction. If the conflict is not settled
 105 amicably within 10 days of the final date for filing an answer
 106 to the notice to show cause, the complaining party must ~~shall~~
 107 have 10 days to obtain a ruling, or a stay order, from a court
 108 of competent jurisdiction; if no ruling or stay order is issued
 109 and served on the department within the 10-day period, it must
 110 ~~shall~~ issue the certificate showing no liens except those shown
 111 in the application or thereafter filed to the original applicant
 112 if there are no liens shown in the application and none are
 113 thereafter filed, or to the person indicated in the notice of
 114 lien filed by the lienholder whose name appears in the
 115 application as the first lienholder if there are liens shown in
 116 the application or thereafter filed. A duplicate certificate or

Page 4 of 11

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

596-03167-25 20251348c1

117 corrected certificate ~~may shall~~ only show such lien or liens as
118 were shown in the application and subsequently filed liens that
119 may be outstanding.

120 Section 2. Present subsection (4) of section 319.29,
121 Florida Statutes, is redesignated as subsection (5), and a new
122 subsection (4) is added to that section, to read:

123 319.29 Lost or destroyed certificates.-

124 (4) An application for a duplicate copy of a certificate of
125 title may be fulfilled by the tax collector acting as an
126 authorized agent of the department. Upon the applicant's
127 request, the duplicate copy may be issued by the tax collector
128 and provided to the applicant at the tax collector's office or
129 mailed by the tax collector to the applicant's address.

130 Section 3. Subsection (1) of section 320.031, Florida
131 Statutes, is amended to read:

132 320.031 Mailing or delivery of registration certificates,
133 license plates, and validation stickers.-

134 (1) The department and the tax collectors of the several
135 counties of the state, as agents of the department, may at the
136 request of the applicant deliver in person or use United States
137 mail service to deliver registration certificates and renewals
138 thereof, duplicate registration certificates, license plates,
139 mobile home stickers, and validation stickers to applicants.

140 Section 4. Paragraph (d) of subsection (1) of section
141 320.0848, Florida Statutes, is amended to read:

142 320.0848 Persons who have disabilities; issuance of
143 disabled parking permits; temporary permits; permits for certain
144 providers of transportation services to persons who have
145 disabilities.-

596-03167-25 20251348c1

146 (1)
147 (d) The department shall renew the disabled parking permit
148 of a ~~any~~ person certified as permanently disabled on the
149 previous application for a subsequent 4-year period without
150 requiring the person to provide another certificate of
151 disability or United States Department of Veterans Affairs Form
152 Letter 27-333, or its equivalent, as applicable. After such 4-
153 year period, the department shall renew the disabled parking
154 permit if the person provides a certificate of disability issued
155 within the last 12 months pursuant to this subsection. A veteran
156 who has been previously evaluated and certified by the United
157 States Department of Veterans Affairs or any branch of the
158 United States Armed Forces as permanently and totally disabled
159 from a service-connected disability may provide a United States
160 Department of Veterans Affairs Form Letter 27-333, or its
161 equivalent, issued within the last 12 months in lieu of a
162 certificate of disability.

163 Section 5. Subsections (1) and (5) of section 322.02,
164 Florida Statutes, are amended to read:

165 322.02 Legislative intent; administration.-

166 (1) The Legislature finds that over the past several years
167 the department and individual county tax collectors have entered
168 into contracts for the delivery of full and limited driver
169 license services where such contractual relationships best
170 served the public interest through state administration and
171 enforcement and local government implementation. It is the
172 intent of the Legislature that the complete transition of all
173 driver license issuance services to tax collectors who are
174 constitutional officers under s. 1(d), Art. VIII of the State

596-03167-25

20251348c1

175 Constitution be completed no later than June 30, ~~2027~~ 2015. The
 176 ~~transition of services to appointed charter county tax~~
 177 ~~collectors may occur on a limited basis as directed by the~~
 178 ~~department.~~

179 (5) The tax collector in and for his or her county is ~~may~~
 180 ~~be~~ designated the exclusive agent of the department to implement
 181 and administer ~~the provisions of~~ this chapter as provided by s.
 182 322.135.

183 Section 6. Subsections (3) and (4) of section 322.12,
 184 Florida Statutes, are amended to read:

185 322.12 Examination of applicants.-

186 (3) (a) For an applicant for a Class E driver license, such
 187 examination must ~~shall~~ include all of the following:

188 1. (a) A test of the applicant's eyesight given by the
 189 driver license examiner designated by the department or by a
 190 licensed ophthalmologist, optometrist, or physician.

191 2. (b) A test of the applicant's hearing given by a driver
 192 license examiner or a licensed physician.

193 3. (c) A test of the applicant's ability to read and
 194 understand highway signs regulating, warning, and directing
 195 traffic; his or her knowledge of the traffic laws of this state,
 196 including laws regulating driving under the influence of alcohol
 197 or controlled substances, driving with an unlawful blood-alcohol
 198 level, and driving while intoxicated; and his or her knowledge
 199 of the effects of alcohol and controlled substances upon persons
 200 and the dangers of driving a motor vehicle while under the
 201 influence of alcohol or controlled substances. At least 25
 202 questions within the bank of test questions must address bicycle
 203 and pedestrian safety.

596-03167-25

20251348c1

204 4. (a) An actual demonstration of ability to exercise
 205 ordinary and reasonable control in the operation of a motor
 206 vehicle.

207 (b) An applicant who is found to have cheated during, or to
 208 have otherwise circumvented, any portion of the examination must
 209 retake the examination.

210 (4) (a) The examination for an applicant for a commercial
 211 driver license must ~~shall~~ include all of the following:

212 1. A test of the applicant's eyesight given by a driver
 213 license examiner designated by the department or by a licensed
 214 ophthalmologist, optometrist, or physician. ~~and~~

215 2. A test of the applicant's hearing given by a driver
 216 license examiner or a licensed physician.

217 3. ~~The examination shall also include~~ A test of the
 218 applicant's ability to read and understand highway signs
 219 regulating, warning, and directing traffic; his or her knowledge
 220 of the traffic laws of this state pertaining to the class of
 221 motor vehicle which he or she is applying to be licensed to
 222 operate, including laws regulating driving under the influence
 223 of alcohol or controlled substances, driving with an unlawful
 224 blood-alcohol level, and driving while intoxicated; his or her
 225 knowledge of the effects of alcohol and controlled substances
 226 and the dangers of driving a motor vehicle after having consumed
 227 alcohol or controlled substances; and his or her knowledge of
 228 any special skills, requirements, or precautions necessary for
 229 the safe operation of the class of vehicle which he or she is
 230 applying to be licensed to operate.

231 4. ~~In addition, the examination shall include~~ An actual
 232 demonstration of the applicant's ability to exercise ordinary

596-03167-25

20251348c1

233 and reasonable control in the safe operation of a motor vehicle
 234 or combination of vehicles of the type covered by the license
 235 classification which the applicant is seeking, including an
 236 examination of the applicant's ability to perform an inspection
 237 of his or her vehicle.

238 (b)(a) The portion of the examination required under
 239 subparagraph (a)4. which tests an applicant's safe driving
 240 ability shall be administered by the department or by an entity
 241 authorized by the department to administer such examination,
 242 pursuant to s. 322.56. Such examination shall be administered at
 243 a location approved by the department.

244 (c)(b) A person who seeks to retain a hazardous-materials
 245 endorsement must, upon renewal, pass the test for such
 246 endorsement as specified in s. 322.57(1)(e), if the person has
 247 not taken and passed the hazardous-materials test within 2 years
 248 preceding his or her application for a commercial driver license
 249 in this state.

250 (d) An applicant who is found to have cheated during, or to
 251 have otherwise circumvented, any portion of the examination must
 252 retake the examination.

253 Section 7. Paragraph (a) of subsection (1) of section
 254 322.135, Florida Statutes, is amended, and paragraph (d) is
 255 added to that subsection, to read:

256 322.135 Driver license agents.—

257 (1) The department shall, upon application, authorize by
 258 interagency agreement any or all of the tax collectors who are
 259 constitutional officers under s. 1(d), Art. VIII of the State
 260 Constitution in the several counties of the state, subject to
 261 the requirements of law, in accordance with rules of the

596-03167-25

20251348c1

262 department, to serve as its agent for the provision of specified
 263 driver license services.

264 (a) These services shall be limited to the issuance of
 265 driver licenses and identification cards as authorized by this
 266 chapter, transactions for which may be processed by the tax
 267 collector using the department's online license and registration
 268 portal.

269 (d) A tax collector may offer a licensee or prospective
 270 licensee the option to increase the amount of his or her
 271 transaction to the next whole dollar amount in order to donate
 272 the amount of the increase to a charity registered with the
 273 Department of Agriculture and Consumer Services.

274 Section 8. Subsection (4) of section 322.251, Florida
 275 Statutes, is amended to read:

276 322.251 Notice of cancellation, suspension, revocation, or
 277 disqualification of license.—

278 (4) A person whose privilege to operate a commercial motor
 279 vehicle is temporarily disqualified may, upon surrendering his
 280 or her commercial driver license, be issued a Class E driver
 281 license, valid for the length of his or her unexpired commercial
 282 driver license, if eligible, at no cost. Such person may, upon
 283 the completion of his or her disqualification, be issued a
 284 commercial driver license, of the type disqualified, for the
 285 remainder of his or her unexpired license period. Any such
 286 person must ~~shall~~ pay the reinstatement fee provided in s.
 287 322.21 before being issued a commercial driver license.

288 Section 9. Paragraph (b) of subsection (1) of section
 289 322.271, Florida Statutes, is amended to read:

290 322.271 Authority to modify revocation, cancellation, or

596-03167-25

20251348c1

291 suspension order.-

292 (1)

293 (b) A person whose driving privilege has been revoked under
294 s. 322.27(5) may, upon expiration of 12 months from the date of
295 such revocation, petition the department for reinstatement of
296 his or her driving privilege. Upon such petition and after
297 investigation of the person's qualification, fitness, and need
298 to drive, the department shall hold a hearing pursuant to
299 chapter 120 to determine whether the driving privilege shall be
300 reinstated on a restricted basis solely for business or
301 employment purposes. If such person is granted a limited driving
302 privilege and subsequently violates the conditions of the
303 restricted driving privilege, the restricted driving privilege
304 must be revoked and the person is not eligible for any driving
305 privilege for the remaining duration of the 5-year period after
306 his or her initial license revocation.

307 Section 10. Section 322.66, Florida Statutes, is amended to
308 read:

309 322.66 Vehicles permitted to be driven during driving
310 skills tests.-A person who does not possess a valid driver
311 license may drive a noncommercial or commercial motor vehicle
312 during a driving skills test conducted in accordance with s.
313 322.12(3) and (4)(b) ~~s. 322.12(3) and (4)(a)~~, if the person has
314 passed the vision, hearing, road rules, and road signs tests
315 ordinarily administered to applicants for a Class E license,
316 and, if required, has passed the commercial driver license
317 knowledge and appropriate endorsement tests.

318 Section 11. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1524

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Department of State

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>Wells</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1524 amends chapters 257, 265, and 267, F.S., which govern the Department of State’s (DOS) Division of Library and Information Services, Division of Arts and Culture, and Division of Historical Resources. The bill additionally eliminates the \$10 fee required for commissions issued by the Governor for elected officials and notaries.

The bill grants the Secretary of the DOS the ability to comment on recommended recipients for grants administered by the above three divisions. The bill also requires that the grants awarded are expended in compliance with local, state, and federal laws and regulations and are not used for programs that are harmful to minors. “Harmful to minors” is defined as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001, F.S.

The bill eliminates the following councils or grants:

- The individual artist fellowship grant program.
- The General Program Support and Specific Cultural Program.
- The state touring grant program.
- The cultural endowment program.
- The Grove Advisory Council.
- The Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011, F.S, manuscripts, international judgments involving

disputes between domestic and foreign businesses, and all other public matters that the department or the Florida Council of International Development deems relevant to international issues.

- The Florida Museum of Black History Task Force, which issued its recommendations on June 28, 2024, and therefore fulfilled its statutory duty.

The bill reconfigures the membership of the Florida Council on Arts and Culture and its statutory duties.

The bill generally eliminates mandatory rulemaking regarding the award of grant funding for specified grants administered by the Division of Arts and Culture.

The bill has an indeterminate fiscal impact on state revenues and expenditures and local government. **See Section V. Fiscal Impact Statement.**

The bill takes effect upon becoming law.

II. Present Situation:

Section 20.10, F.S., creates the Department of State (DOS) within the executive branch, headed by the Secretary of State (Secretary) who serves at the pleasure of the Governor. There are six divisions within the DOS:

- Division of Elections.
- Division of Historical Resources.
- Division of Corporations.
- Division of Library and Information Services.
- Division of Arts and Culture.
- Division of Administration.¹

The Division of Historical Resources, Division of Arts and Culture, and Division of Library and Information Services administer grants pursuant to ch. 265, F.S., and promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity.²

The remainder of the present situation relative to each section of the bill is discussed in the Effect of Proposed Changes section of this bill analysis. Generally, there will be a heading or subheading, a discussion of the present situation, then a discussion of the effect of the proposed changes.

¹ Section 20.10(2), F.S.

² Section 15.18, F.S.

III. Effect of Proposed Change

Commissions for Elected Officers and Notaries

A "commission" is a written authority from a competent source, given to an officer as a warrant for the exercise of the powers and duties of the office to which the officer was commissioned. Public officers, particularly those who receive their office by appointment, are required to be commissioned by the proper authority, which is usually the Florida Governor.

Sections 1-3 repeal ss. 113.01, 113.02, and 113.03, F.S., respectively, to eliminate the \$10 fee charged on each commission of an elected officer and notary by the governor.

Section 4 amends s. 113.051, F.S., to prohibit a commission from being issued by the governor, attested to by the Secretary or bearing the state seal until the oath of office is filed.

Sections 5 and 6 amend ss. 117.01 and 117.225, F.S., respectively, to eliminate references to the \$10 fee repealed by section 1 of the bill.

Section 7 amends s. 117.295, F.S., to update cross-reference.

Public Libraries and State Archives

The Division of Library and Information Services (Division), among its many functions, assists public libraries throughout the state, coordinates with the Division of Blind Services of the Department of Education to provide library services to the blind and physically handicapped persons of Florida, maintains a library for state employees, helps state agencies with relevant research, controls the State Library, and receives materials and funds and coordinates its distribution for the benefit of Floridians.³

With regard to its functions and duties pertaining to funding, the Division:

- May give aid and assistance—financial, advisory, or otherwise—to all school, state institutional, academic, free, and public libraries and to all Florida communities that propose to establish libraries, as to the best means of establishing and administering libraries, selecting and cataloging books, and other facets of library management;⁴
- Must establish operating standards under which libraries will be eligible to receive state moneys;⁵ and
- May accept, receive, administer, and expend any moneys, materials, or any other aid granted, appropriated, or made available by the United States or any of its agencies for the purpose of giving aid to libraries and providing educational library services in Florida.⁶

³ Section 257.04, F.S.

⁴ *Id.*

⁵ Section 257.15, F.S.

⁶ Section 257.12, F.S.

State Librarian and Library Council

The Secretary appoints the State Librarian, who serves as the director of the Division. The State Librarian manages the Division's programs.⁷ The nine members of the State Library Council, all appointed by the Secretary, advise and assist the Division on its programs and activities.⁸

Sections 8 and 10, amend ss. 257.031 and 257.031, F.S., respectively, relating to the education qualifications for the State Librarian and administrative heads of libraries that receive an operating grant,⁹ require graduation from programs accredited by "a national library professional association," rather than a program accredited by the American Library Association.

Sections 8 and 10 amend the education qualifications for the State Librarian and administrative heads of libraries receiving an operating grant so that they only need to complete a program accredited by "a national library professional association," as opposed to the American Library Association. No accreditation program other than the American Library Association appears to exist.

Section 9 amends s. 257.12, F.S., to require the State Library Council to develop recommendations for providing available federal funds to public libraries. The Secretary may then "review and identify the funding recommendation list to identify whether federal grant funds" are expended in compliance with laws and not used to support programs that are appropriate for all ages.

The State and International Archives

The Florida State Archives (Archives), established pursuant to s. 257.35, F.S., is responsible for the preservation of those public records,¹⁰ manuscripts, and other archival material that have been determined by the Division (1) to have sufficient historical or other value to warrant their continued preservation; and (2) have been accepted by the Division for deposit. The Archive conducts, promotes, and encourages research in Florida history, government, and culture.¹¹ The Florida International Archive and Repository (Repository), by comparison, preserves materials, including public records, relevant to *international* issues. To the extent practical, the Repository assists state and local public entities and individuals engaged in international related activities—including research and business.¹²

Section 13 repeals s. 257.34, F.S., which created the Repository, thereby eliminating the Repository.

It is unclear what will happen to the documents and information stored by the Florida International Archive and Repository eliminated in section 13, if and how the files will be

⁷ Section 257.031(1), F.S.

⁸ Section 257.02, F.S.

⁹ Discussed further *infra*.

¹⁰ Defined in s. 119.011(12), F.S., as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

¹¹ Section 257.35, F.S.

¹² Section 257.34, F.S.

transported to a new storage institution before the International Repository closes, and whether the Florida State Archives or other agency will absorb the responsibilities and expectations of the International Repository.

Division of Library and Information Services Grants

Section 257.14, F.S., explicitly grants the Division authority to adopt administrative rules. The Division administers numerous grants with guidelines containing formation on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms, in rules.

State Aid to Libraries Grant Programs

The State Aid to Libraries grant program encompasses three statutorily designated grants—operating, equalization, and multicounty library grants. An Operating Grant is an annual grant provided to single library administrative units in an amount equal to no more than 25% of all local funds expended by the relevant political subdivision for the operation and maintenance of the library during the second preceding fiscal year.¹³ An Equalization Grant is available to counties that qualify for an operating grant and have limited tax resources.¹⁴ The equalization formula, set forth in statute, was structured to provide an effective supplement to local funds for libraries serving counties with limited local tax resources, especially to those that choose to support their library at exceptionally high levels when compared to local resources and the investment of other counties.¹⁵ A Multicounty Library Grant is available to the administrative unit of a multicounty library that serves a population of 50,000 or more and serves two or more counties, at least one of which qualifies for an equalization grant.¹⁶

Grants are prorated among eligible libraries if the appropriation by the Legislature does not fully fund the State Aid to Libraries Grant Program.¹⁷

Library Cooperative Grants

Library cooperatives are any combination of academic, school, special, state institutional, and public libraries that form a nonprofit “for the purpose of sharing library resources.” The Library Cooperative Grant supports libraries participating in library cooperatives.¹⁸ In order to receive a Library Cooperative Grant, cooperatives must obtain 10 percent matching cash funds, be a nonprofit organization consisting of more than one type of library, headed and administered by a full-time librarian, and in good standing with the DOS.¹⁹

Public Library Construction Grants

¹³ Division of Library & Information Services, Florida Dep’t of State, *State Aid to Libraries Grant Guidelines*, 18-21, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15322> (last visited Nov. 14, 2024) [hereinafter *State Aid to Libraries Grant Guidelines*].

¹⁴ *State Aid to Libraries Grant Guidelines*, at 4.

¹⁵ *Id.* at 2; s. 257.18, F.S.

¹⁶ Section 257.172, F.S.

¹⁷ *State Aid to Libraries Grant Guidelines*, at 3.

¹⁸ Section 257.41(1), F.S.

¹⁹ Section 257.42, F.S.

Public Library Construction Grants give a maximum of \$500,00 matching funds to a county, municipality, special district, or special tax district for the remodeling or construction of a free, publicly-available library.²⁰ Applications are scored on a scale of a maximum of 100 points, with different points allocated based on the type of building, project narrative and library function in the community, building uses and needs, and community need.²¹

Effects of Proposed Changes

Sections 11, 12, and 14 amend ss. 257.191, 257.23, and 257.42, F.S., respectively, relating to the library construction grants, the applicants of such grants, and the library cooperative grants, respectively, to allow the Secretary to identify whether the grants awarded or expended pursuant to those programs comply with law or are appropriate for all ages.

Memorials, Museums, and Arts and Culture

The Division of Arts and Culture (Division) is Florida's designated state arts agency and oversees programs relating to memorials, museums, and arts and culture. To encourage access to cultural opportunities, the Division provides funding, programs, and resources, including grants for programs and projects in arts in education, local arts agencies, state service organizations, museums, theater, dance, folk arts, literature, media arts, multidisciplinary, music, sponsor or presenter, and visual arts.²²

The Secretary currently serves as the "chief cultural officer of the state;" **section 16**, however, amends s. 265.284, F.S., to change the title to the "chief arts and culture officer."

Florida Council on Arts and Culture

The Florida Council on Arts and Culture (FCOAC) is a 15-member panel consisting of:

- Seven members appointed by the Governor for 4-year terms;
- Four members appointed by the President of the Senate for 2-year terms; and
- Four members appointed by the Speaker of the House of Representatives for 2-year terms.

Appointments must "recognize the need for geographical representation," and should be individuals with:

a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theater, dance, folk arts, music, architecture, photography, literature, and media arts, or in the areas of science, history, or children's museums. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts.^[23]

²⁰ See ss. 288.0656 and 288.06561, F.S.

²² Florida Department of State, Division of Arts and Culture, *Mission*, <https://DoS.fl.gov/cultural/about-us/mission/> (last visited Mar. 30, 2025).

²³ Section 265.285(1)(a), F.S.

Section 17 amends s. 265.285, F.S., to provide that members of the FCOAC cannot receive any financial compensation as an employee or officer of an entity that receives grant funding (unless the entity is a state college or university).

The section also adds a general requirement that the appointed FCOAC representatives demonstrate an interest in and knowledge of the arts, culture, museums, folklore, and cultural heritage conditions. Additionally, five of the Governor's appointments must now qualify as follows:

- A licensed architect with expertise in cultural facilities;
- A member of the Seminole Tribe of Florida;
- A professional public folklorist;
- A university-affiliated public folklorist; and
- A practicing or former professional artist.²⁴

Sections 17 and 19 amend ss. 265.285 and 265.2865, F.S., respectively, to modify the duties of the FCOAC.

Section 17 changes the FCOAC's duty to "encourage arts and cultural development within communities" rather than "assist in the freedom of artistic expression that is essential for the well-being of the arts."

Section 17 also eliminates the FCOAC's involvement in the nomination for the Poet Laureate, an honorary position within the DOS; and duty to promote poetry throughout the state.²⁵ This is replaced with a duty to promote and assist Division programs, "such as the Major John Leroy Haynes Florida Veterans' History Program, the Arts and Culture recognition award program, and the apprenticeship program." The Major John Leory Haynes Florida Veteran's History Program is a Florida Folklife Program within the Division created to "collect and preserve the stories and experiences of Florida's veterans and the State of Florida's military contributions throughout the nation's history."²⁶ The Division's folklorists seek out and identify those veterans willing to share their stories via interview or written submission.²⁷ The "Arts and Culture recognition award program and the apprenticeship program," also added to the bill, do not currently exist in statute and are not created in the bill.

Currently, the FCOAC accepts nominations for persons to be recommended to the Secretary to be named as a members of the Florida Artists Hall of Fame. The Florida Artist Hall of Fame recognizes and honors "those persons, living or dead, who have made significant contributions to the arts in this state, either as performing artists, or practicing artists in individual disciplines."²⁸ Currently, the Secretary names up to four members to the Florida Artists Hall of Fame annually from a list of nominations considered and recommended by the FCOAC.²⁹ Section 19 amends

²⁴ The Governor can meet these specific appointment responsibilities within the existing number of appointments he or she has and still have remaining seats to appoint.

²⁵ See ss. 265.285 and 265.2863, F.S.

²⁶ Section 265.8021(2), F.S.

²⁷ Section 265.8021(3), F.S.

²⁸ Section 265.2865(1), F.S.

²⁹ Section 265.2865(3) and (4), F.S.

s. 265.2865, F.S., to decrease the number of annual nominations from four to three, and to make their nominations permissive rather than required. Consequently, the Secretary “may” (as opposed to shall) annually request an appropriation to carry out the section. This permits the DOS to effectively discontinue the activity if DOS does not accept any further applications.

Florida Folklife Council

The Florida Folklife Council advises and assists the Division and the State Folklorist to encourage statewide public interest in folk arts and folklore; promote Florida folk artists, performers, festivals, folklife projects, and folk resources; recommend projects; and develop proposals for grant applications to support the Florida folklife program.³⁰ Currently, the Secretary appoints the seven members of the Florida Folklife Council.

Section 22 amends s. 265.803, F.S., to make the Florida Folklife Council a sub-council within the FCOAC. As a consequence, the seven members of the council will come from the membership of the FCOAC. Appointed members currently provide a “geographical, ethnic, and professional representation.” This section changes “ethnic” to “cultural and traditional.”

Citizen Support Organizations

Section 265.703, F.S., permits the Division to establish citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, and museum programs. Citizen support organizations, in this instance, are nonprofit corporations organized under the provisions of ch. 617, F.S., approved by the Division in writing, operated for the direct or indirect benefit of the Division, and organized to perform specific tasks in the best interests of the state.

Section 21 amends s. 265.703, F.S., to permit citizen support organizations to support international and intergovernmental programs as well as the currently permitted support for cultural, historical, and museum programs.

Grants, generally

The Florida Arts and Culture Act (Act) is set forth in ss. 265.281-265.709, F.S., to provide state support for, and to gain national and international recognition of, the efforts, works, and performances of Florida artists, art agencies, museums, and nonprofit organizations.³¹ The Division must administer and oversee all programs authorized by the Act and may adopt rules to do so.³² This includes:

- Arts and culture grants to support science museums, youth and children’s museums, historical museums, local arts agencies, Florida artists, state service organizations, and organizations that have cultural program activities;³³
- An endowment to provide matching funds to local sponsoring organizations that engage in programs directly related to cultural activities;³⁴ and

³⁰ Section 265.803, F.S.

³¹ Section 265.282, F.S.

³² Section 265.284(3)(j), F.S.

³³ Section 265.286, F.S.

³⁴ Sections 265.601-265.606, F.S.

- Grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of cultural facilities.³⁵

Generally, eligibility for grants administered by the Division requires the applicant:³⁶

- Be in good standing with the Division and the DOS at the time of the application;
- Be a public entity or a Florida non-profit, tax exempt corporation that is registered and in active status with Florida's Division of Corporations;
- Have at least one year of experience in arts and cultural programming; and
- Be registered as a vendor with the Department of Financial Services to whom they provide their most recent Federal 990 form.

Section 265.284, F.S., explicitly requires the DOS to adopt rules. Each program must be governed by guidelines, adopted as rules, which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, applicable grant administration procedures, and application forms.

Sections 18 and 19, for grants administered by the Division of Arts and Culture, eliminates review panels that evaluate grant applications or the grants themselves and empowers the Secretary to review and make comments on the recommended list of grants determined by review panels and the FCOAC.

Members of review panels are appointed by the Secretary and seven of the members of the FCOAC are appointed by the Governor.

Similar review panels and bodies, however, continue to exist for the grants administered by the DOS's other divisions—the Division of Library and Information Services and Division of Historical Resources.

Arts and Culture Grants

Section 265.286, F.S., is the art and cultural grants statute and directs the Division of Arts and Culture to adopt rules establishing eligibility requirements, procedures, and panel review processes, including criteria for reviewing grant applications.³⁷ The arts and cultural grants statute, in part, speaks to four grant programs: the General Program Support, the Specific Cultural Program, the state touring program, and individual artist fellowship program grants.

General Program Support and Specific Culture Program Grants

Section 265.286, F.S., creates:³⁸

- The General Program Support Grant program, which provides funding to directly support arts and cultural programming, including museums and local arts organizations, in statutorily

³⁵ Section 265.701(1), F.S.

³⁶ Division of Arts & Culture, Florida Dep't of State, *General Program Support Grant Guidelines*, 5, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15677> (last visited Nov. 13, 2024) [hereinafter *General Program Support Grant Guidelines*].

³⁷ Section 265.286(6), F.S.

³⁸ Section 265.286(3) and (5), F.S.; see rule 1T-1.036(2), F.A.C.

authorized disciplines that “include, but are not limited to, music, dance, theater, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, programs of museums, and other such allied, major art forms;”³⁹ and

- The Specific Cultural Program Grant, which provides up to \$25,000 to fund a specific cultural project, program, exhibition, or series that furthers the state’s cultural objectives, has four permissible proposal types established in rule:
 - Arts in Education projects that promote arts and culture in education;
 - Discipline-Based cultural or artistic projects that further the state’s cultural objectives through a pre-approved list of disciplines;
 - Underserved Cultural Community Development projects that assist with the development of underserved cultural organizations; or
 - Artist Projects that provide public benefit through the creation or presentation of new artistic work.⁴⁰

The review process for both the General Program Support and Specific Cultural Program grants involves four steps of review, beginning with Division staff who determine eligibility before passing eligible applications to review panels.⁴¹

After the staff’s eligibility determination, review panels provide the first substantive review of applications; the panels are made up of an unspecified number of volunteer professionals appointed by the Secretary of State for one-year terms. Panels “consist of practicing artists or other professionals actively involved in the specific discipline or program for which the panel has been appointed.” Statute directs the Division to adopt rules establishing scoring criteria for the review panels. The panels must provide a forum for public comments before voting on an application. The panel then forwards its recommendations to the FCOAC.

The FCOAC has the power to amend and recalculate the review panels’ recommendations and must provide a forum for public comments before voting on any application. The FCOAC reviews the review panel’s recommendations before merging the recommendations and ranking them in a list provided to the Secretary.⁴² The Secretary reviews and approves (but cannot change) the ranked lists from the FCOAC and includes those lists in the DOS’s legislative budget request submitted to the Legislature.⁴³

State Touring Program Grants

State Touring Program Grants are “used to provide performances, activities, and exhibitions by Florida artists to communities,”⁴⁴ with a “selection procedure that ensures the maximum

³⁹ Sections 265.286(5)(b) and 265.283(1), F.S.

⁴⁰ Division of Arts & Culture, Florida Dep’t of State, *Specific Cultural Project Grant Guidelines*, 6, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15678> (last visited Mar. 31, 2024) [hereinafter *Specific Cultural Project Grant Guidelines*].

⁴¹ *General Program Support Grant Guidelines*, 23-26; *Specific Cultural Project Grant Guidelines*, 30-33.

⁴² Section 265.286, F.S.; *General Program Support Grant Guidelines* at 25; *Specific Cultural Project Grant Guidelines* at 32.

⁴³ Section 265.286(3), F.S.

⁴⁴ Section 265.283(16), F.S.

opportunity for Florida artists and cultural groups.”⁴⁵ The program⁴⁶ creates an Artist Roster of approved artists chosen by the Secretary, as recommended by the FCOAC and a multidisciplinary panel which selects artists based on criteria set forth in the guidelines required by s. 265.286, F.S., and incorporated in Rule 1T-1.037(2). The program further provides Presenter Fee Support to any not-for-profit organization or unit of city, county, or state government in Florida, including school boards, to host an artist on the Artist Roster.⁴⁷ The State Touring Presenter Guidelines,⁴⁸ incorporated by the relevant administrative rule,⁴⁹ provide for how much financial support an applicant may qualify, but not criteria or scoring on how applicants are ranked.

The reviewing process for the State Touring Roster Guidelines is essentially identical to that for General Program Support and Specific Cultural Program grants; the primary difference being that panel members are explicitly described in rule as a “multidisciplinary panel.”⁵⁰

Individual Artist Fellowship Program

The Division is statutorily charged with administering an individual artist fellowship program with a “selection procedure that identifies individual artists of exceptional talent and demonstrated ability.” The selection procedure, adopted in rule, “identifies individual artists of exceptional talent and demonstrated ability.”⁵¹ Applicants are scored by a review panel based on artistic excellence, tradition and authenticity, and community impact and engagement.⁵² The Division distributes grant funding as provided by rule, which provides that the Individual Artist Fellowship Program “fosters the development of individual artists.”⁵³ Funding is limited to Florida residents practicing in pre-determined disciplines. Fellowships are in the amount of \$2,500 or \$5,000, in order of score, until funds are depleted.⁵⁴ Grant recipients are required to submit a grant report that details expenditures and activities during the grant period.⁵⁵

⁴⁵ Section 265.286(5)(c), F.S.

⁴⁶ Rule 1T-1.037(1), F.A.C.

⁴⁷ Division of Arts and Culture, Florida Dep’t of State, *State Touring Artist Roster Guidelines*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-01033> (last visited Nov. 14, 2024) [hereinafter *State Touring Artist Roster Guidelines*].

⁴⁸ Division of Arts and Culture, Florida Dep’t of State, *State Touring Presenter Guidelines*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-01034> (last visited Nov. 14, 2024) [hereinafter *State Touring Presenter Guidelines*].

⁴⁹ Rule 1T-1.037(3), F.A.C.

⁵⁰ *State Touring Artist Roster Guidelines*; *State Touring Presenter Guidelines*.

⁵¹ Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

⁵² Rule 1T-1.038(4), F.A.C.

⁵³ Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

⁵⁴ Rule 1T-1.038(2), (3), and (6), F.A.C.

⁵⁵ Rule 1T-1.038(8), F.A.C.

Effects of Proposed Changes

Consolidation of Art and Culture Grants

Section 18 amends s. 265.286, F.S., relating to art and cultural grants, to consolidate the General Program Support, Specific Cultural Program, individual fellowship, and touring grant programs into one larger program. This consolidation also eliminates each grant's described purposes, award eligibility, and criteria for award.

Section 15 also deletes a definition of "state touring program grants." This provides the Division broader discretion in administering grants supplementing financial support for artistic and cultural activities that are appropriate for all age groups. Programs receiving funds cannot be harmful to minors. The changes additionally require the FCOAC to consider whether applications are for programs that are harmful to minors when advising the secretary about grant awards.

Section 15 and 18 delete the Division's required administration of the underserved arts community assistance program grant, defined as a grant used by qualified organizations under the Rural Economic Development Initiative, pursuant to ss. 288.0656 and 288.06561, for the purpose of economic and organizational development for underserved cultural organizations. It is unclear, however, if this grant is currently being administered.

Section 18 allows the Secretary to re-distribute grant monies returned to applicants on his or her list. Previously, the applicants had to be "approved," but this requirement is eliminated in the bill. The bill additionally provides provisions that prohibit an applicant seeking a recommendation from a reviewer from having have a substantial interest in any of its requested recommendations.

Review Panels for Art and Culture Grants

Review panels currently serve in almost all grant application review processes as the first body that provides a substantive review of the applications. They utilize grading rubrics and scoring requirements set forth by statute or rule. **Sections 15, 17, and 18** delete references to and the definition of "panels" for Arts and Culture Grants. Section 18, specifically, amends s. 265.286, F.S., to delete the use of qualified review panels in the process of determining the award of Art and Culture Grants and instead provides for "reviewers" the Secretary may appoint. While these reviewers appear to serve a similar purpose as the previously required review panels, the bill eliminates:

- Required qualifications and standards for panel members or reviewers, such as the requirement for panelist to come from relevant disciplines;
- Statutory language mandating the Division to create rules providing rubrics and scoring the panel or reviewers must us; and
- One year term limits.

The bill still requires the Division to administer awards to "activities and programs that meet the professional standards or standards of authenticity of significant merit."

2025-2026 General Appropriations Funding List

Effective upon the bill becoming law, **section 18** requires the Secretary to request, and the council to submit, an updated list of activities and programs that comply with the updated grant requirements as provided in the bill. After reviewing and making comments to the grant awardee recommendations, the secretary must submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The FCOAC and Secretary may provide another list for programs and activities that support America250 and celebrate the 50th anniversary of the signing of the Declaration of Independence. This subsection expires on July 1, 2026.

Rural Communities

As further discussed *infra*, many of the grant programs eliminated (or combined into one grant) by **sections 15 and 18** are ones that specifically target, or provide special consideration and allowances for, rural communities.

Cultural Facilities Grants⁵⁶

The Cultural Facilities Grants program coordinates support and funding of renovation, new construction, or acquisition of “cultural facilities.”⁵⁷ Eligible applicants must use or plan to use the facility to conduct arts and cultural programming and have unrestricted use of the land and buildings associated with the project, appropriate matching funds, and the support of local officials.

Section 20 amends s. 265.701, F.S., to discontinue the use of grant funds to acquire a cultural facility. The entities may still use the funds to renovate or construct a facility. Additionally, the section removes the requirement that unfunded grant applications that are approved and recommended by the Secretary be retained on the projects list for a year. The changes additionally require the Secretary to consider whether the program applying for grant money is appropriate for all ages and complies with federal, state, and local laws. It appears this empowers the Secretary to change the list recommended by the FCOAC.

Effective upon the bill becoming law, the Secretary shall request, and the council shall submit, an updated list of activities and programs that comply with the requirements of this section. After reviewing and making comments, the secretary shall submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The FCOAC and Secretary may provide another list for programs and activities that support America250 and celebrate the 50th anniversary of the signing of the Declaration of Independence. This subsection expires on July 1, 2026.

⁵⁶ Numerous states have similar grant or funding programs or mechanisms, including but not limited to Massachusetts (MASS. GEN. LAWS ch. 23G, § 42), Ohio (OHIO REV. CODE ANN. §§ 154.23, 123.201, and 3381.07 (West 2025)), Vermont (VT. STAT. ANN. tit. 24, § 5604), Washington (WASH. REV. CODE § 23.63A.750), Nevada (NEV. REV. STAT. § 268.450), New Jersey (N.J. STAT. ANN. § 34:1B-389 (West 2025)), and New Hampshire (N.H. REV. STAT. ANN. § 19-A:13).

⁵⁷ Note that cultural facilities are not defined in statute, regulation, or materials referenced and incorporated into regulation.

Historical Resources

The Division of Historical Resources (Division), led by a director who serves at the pleasure of the Secretary, is charged with encouraging the identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.⁵⁸ This includes cooperating with federal and state agencies, local governments, and private entities to accomplish its duties.

The Division, in relevant part:

- Accepts and administers funding received by public and private sources and advances these funds and other grants on a quarterly basis;
- Enters into agreements for awarding grants or other contracts with any person, firm, performing arts company, educational institution, arts organization, corporation, or governmental agency as may be necessary or advisable;
- Consults with and advises individuals, groups, or public entities with the acquisition, acceptance, display, and care of fine art;
- Sponsors performances and exhibits;
- Promotes and encourages the study and appreciation of arts and culture; and
- Advertises arts and cultural programs available throughout the state.⁵⁹

The Florida Historical Resources Act⁶⁰ was established to preserve archaeological sites and objects of antiquity for the public benefit.⁶¹ The Act recognizes Florida's historic properties as an important legacy to be valued and conserved for present and future generations. Accordingly, it is Florida's policy to lead, assist, administer, and encourage public entities and private citizens to preserve the state's historic environment and resources.⁶²

The Division director is advised by the Florida Historical Commission, which, in addition to several other advising roles, is specifically charged with advising and providing recommendations on awards of special category historic preservation grant-in-aid administered by the Division.⁶³ Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State; two are appointed by the President of the Senate; and two are appointed by the Speaker of the House of Representatives.⁶⁴

Sections 267.031, 267.0617, and 267.21, F.S., allows the Division to adopt rules pursuant to the Administrative Procedures Act. Each program must be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms.

⁵⁸ Florida Department of State, Division of Historical Resources, *About*, <https://dos.fl.gov/historical/about/> (last visited Mar. 25, 2025). *See also*, s. 267.031, F.S.

⁵⁹ Section 265.284, F.S.

⁶⁰ Sections 267.011-267.1736, F.S.

⁶¹ Section 267.14, F.S.

⁶² Section 267.061(2)(a), F.S.

⁶³ Section 267.0612(6)(c), F.S.

⁶⁴ Section 267.0612(1)(a)1., F.S.

The Grove Advisory Council

The Call/Collins House, commonly known as “The Grove,” is a museum located in Tallahassee used to educate the public on the lives and accomplishments of The Grove’s first owner and builders of the estate, Richard Keith Call, Florida’s last Territorial Governor; as well as LeRoy Collins, Florida’s 33rd Governor, who, with his wife, Mary Call Darby Collins (a descendant of Call’s), were the last private owners of The Grove. The Grove is now listed on the National Register of Historic Places.⁶⁵

The Grove Advisory Council advises the Division on the operation, maintenance, preservation, and protection of the Grove’s house, grounds, cemeteries, and all other structures thereon; the furniture and furnishing located therein; any changes in the architecture, structure, furnishings, and landscaping; and the design and development of interpretive programs and exhibits in connection therewith.⁶⁶ Five members of the council are appointed by the Secretary; the remainder of the council membership is made up of the Secretary of Management Services, or his or her designee; the director of the Division; and a direct descendent of Mary Call Darby Collins. The members appointed by the Secretary consist of individuals with curatorial and museum expertise, professional architectural historic preservation expertise, and professional landscaping experience. Council members serve without compensation but receive per diem for travel expenses, and the council receives clerical support from the Division.⁶⁷

Section 25 repeals s. 267.075, F.S., to eliminate the Grove Advisory Council.

Florida Museum of Black History Task Force

In 2023, the Legislature created the Florida Museum of Black History Task Force to advise the Division on the planning, construction, operation, and administration of the yet established Florida Museum of Black History. The Florida Museum of Black History is a yet to be established museum that is supposed to be a self-sustaining museum that functions on the revenues of the museum and meeting rooms, banquet facilities, and performing arts theater therein.⁶⁸ After its tenth meeting on June 28, 2024, the Task Force issued its final report, thereby completing the purpose of the Task Force.⁶⁹

Section 25 repeals s. 267.0722, F.S., to eliminate the Florida Museum of Black History Task Force.

The Historic Preservation Grant Program

The Division administers the Historic Preservation Grant Program pursuant to s. 267.0617, F.S., which authorizes grants of moneys appropriated by the Legislature and other contributions for

⁶⁵ Section 267.075(1), F.S.; Dep’t of State, *Richard Kieth Call*, <https://DoS.fl.gov/florida-facts/florida-history/florida-governors/richard-keith-call/#:~:text=Call%20led%20the%20Florida%20militia,and%20the%20national%20business%20depression> (last visited Mar. 19, 2025).

⁶⁶ Section 267.075(2), F.S.

⁶⁷ Section 267.075(3), F.S.

⁶⁸ Section 267.0722, F.S.

⁶⁹ *Id.*; Division of Historical Resource, Dep’t of State, *The Florida Museum of Black History Task Force*, <https://DoS.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Mar. 18, 2025).

the purpose of historic preservation.⁷⁰ The Division adopts rules setting forth the criteria applied by the Florida Historical Commission and grant review panels in reviewing and recommending grant application.⁷¹ Grant review panels are appointed by the Secretary and chaired by a member or designee of the Florida Historical Commission. Grant money is appropriated from the Historical Resources Operating Trust Fund.⁷²

There are two relevant types of Historic Preservation Programs:

- Small Matching Grants, which provide matching funding to assist local, regional, and state-wide efforts to preserve significant historic and archaeological resources and promote knowledge and appreciation of the history of Florida.⁷³
- Special Category Grants, which provide funding to assist major local, regional, and state-wide efforts to preserve significant historic and archaeological resources, to assist major archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida.⁷⁴

Section 23 amends s. 267.0612, F.S., to consolidate the grant review processes for the special category historic preservation grants-in-aid under the Historic Preservation Grant Program provisions of s. 267.617, F.S. This does not represent a change in law.

Section 24 amends s. 267.0617, F.S, relating to the Historic Preservation Grant Program, to remove reference to the Historical Resources Operating Trust Fund, which is the current fund for all money received and paid by the Historic Preservation Grant Program. This section additionally allows the Secretary to review and provide comments on the recommended list of grants-in-aid recipients. Funds awarded must be expended in compliance with law and regulation and cannot be used for activities or programs that are appropriate for all ages.

Abandoned African-American Cemeteries Program

The Division administers the Historic Cemeteries Program, directed by the State Historic Preservation Officer, and addresses historic and abandoned cemeteries throughout the state—including coordinating with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.⁷⁵ Subject to legislative appropriations, the Historic Cemeteries Program provides grants to research institutions, colleges and universities, non-profits, and local governments to assist efforts to protect, preserve, repair, and restore abandoned African-American cemeteries in the State of Florida.⁷⁶ Members of the Historic Cemeteries Program Advisory Council serve as the application review panel for the Abandoned African-American Cemeteries Grant program. The Historic Cemeteries Program Advisory Council consists of nine members, all appointed by the Secretary.⁷⁷

⁷⁰ Section 267.0617, F.S.

⁷¹ Section 267.0617(5), F.S.

⁷² Section 267.0617(3), F.S.

⁷³ Section 267.0617(2), F.S.; Rule 1A-39.001(3)(a), F.A.C.

⁷⁴ Section 267.0617(3), F.S.; Rule 1A-39.001(3)(b), F.A.C.

⁷⁵ Section 267.21(1), F.S.

⁷⁶ Section 267.21, F.S.; Rule 1A-39.001(3)(C), F.A.C.

⁷⁷ Section 267.22, F.S.

Sections 27 and 28 amend ss. 267.21 and 267.22, F.S., respectively, which in relevant part address the abandoned African-American cemeteries grant program and corresponding task force.

As to the abandoned African-American cemeteries grant program, section 27 allows the Secretary to review recommended grant recipients and provide comments on whether the grant awardee program is harmful to minors and complies with federal, state, and local laws; and section 28 makes a conforming change.

Section 27 requires the council to review each application and submit a list to the Secretary of recommended awardees. The recommended list, with any comments made by the Secretary, is submitted as a part of the DOS legislative funding request.

Section 28 amends s. 267.22, F.S., relating to the Historic Cemeteries Program Advisory Council, to codify the review requirements currently promulgated by the DOS in their guidelines. Section 28 also reorganizes the Historic Cemeteries Program Advisory Council (Advisory Council) as a sub-council within the Florida Historical Commission, who may become members of the Advisory Council; and provides that the Advisory Council only needs five members (as opposed to the current nine required) who would now be appointed by the Florida Historical Commission (as opposed to the Secretary). Terms are shortened from four to two years. Current members of the Advisory Council may serve out the rest of their turn.

Effective Date

Section 29 provides that the bill takes effect upon becoming law.

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 identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Single Subject

Article III, section 6 of the State Constitution requires every law to “embrace but one subject and matter properly connected therewith.” The purpose of this requirement is to prevent logrolling, which combines multiple unrelated measures in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.⁷⁸ The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title.⁷⁹ The subject matter to consider when determining whether a bill embraces a single subject is the bill title’s subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.⁸⁰

The bill relates to fees paid for commissions issued by the Governor, in addition to the DOS grants administered by, and officers and bodies existing in, the Division of Library and Information Services, Division of Arts and Culture, and Divisions of Historical Resources. While the Secretary is required to attest to these commissions and is appointed by the Governor, this may not be sufficient to establish a natural or logical connection to the rest of the bill to meet the single subject requirement in the State Constitution.

Agency Action and Rulemaking

Constitutional law holds state and agency action to an arbitrary and capricious standard.⁸¹ Arbitrary and capricious means “founded on prejudice or preference rather than on reason or fact.”⁸² Agency action passes the arbitrary and capricious standard “only if it rests on a consideration of the relevant factors,” but is unlawful if it “entirely failed to consider an important aspect of the problem.”⁸³ A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.⁸⁴

Overall, the bill decreases the DOS’ required rulemaking and eliminates or reduces current statutory criteria for the DOS’ award of state funds. These changes may allow the DOS to award grants in an arbitrary fashion, should the DOS make such awards without a clear standard outlined in rule or statutory guidelines.

Accordingly, while the present bill eliminates required rule making, this may constitutionally be problematic because it may lead to arbitrary and capricious decisions.

⁷⁸ *Santos v. State*, 380 So.2d 1284 (Fla. 1980).

⁷⁹ *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).

⁸⁰ *See Ex parte Knight*, 41 So. 786 (Fla. 1906); *Brd. of Public Instruction of Broward Cnty. v. Doran*, 224 So.2d 693 (Fla. 1969).

⁸¹ FLA. CONST., Art. IX, s. 9; U.S. CONST. amend. XIV, s. 1.

⁸² ARBITRARY, Black’s Law Dictionary (11th ed. 2019).

⁸³ *Bidi Vapor LLC v. U.S. Food & Drug Admin.*, 47 F.4th 1191, 1202 (11th Cir. 2022)

⁸⁴ Section 120.52(8), F.S.

Review panels currently serve in almost all grant application review processes as the first body providing substantive review. They utilize grading rubrics and scoring requirements set forth by statute or the DOS in statutorily required rules. The bill not only substitutes these review panels but also eliminates the statutory requirement to adopt rules to establish a scoring system formula for such determinations. This may also result in grant applicants not knowing the criteria considered in the review of their applications, which could raise constitutional due process concerns.

In particular, section 18, amending s. 265.286, F.S., lists criteria that the Division may consider in awarding grants, namely including allowable and nonallowable costs, program quality, artistic quality, potential public exposure and benefit, professional excellence, fiscal stability, state or regional impact, but the permitted criteria is relatively broad and subject to personal interpretation.⁸⁵ However, these permitted criteria may not provide enough guidance to be implemented without rule, and are ultimately permissible rather than required criteria. This may result in arbitrary and capricious grant awards by the DOS.

Excess Delegation of Authority to Determine or Override Appropriations

The Legislature is the sole branch of government with the inherent power to create laws.⁸⁶ The State Constitution vests the “power of the purse” in the Legislature by granting it exclusive and plenary power to raise and appropriate state funds. The power to appropriate funds, therefore, rests with the Legislature alone.⁸⁷

On lines 224-231, the Secretary is granted authority to “review the funding recommendation list to identify whether federal grant funds awarded under this section (to libraries) are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors.”

Lines 272-276, 306-309, 332-335, 482-485, 648-651, 789-792, and 931-934 grant similar authority to the Secretary for the various grants funded by state funds and administered by the DOS. The placement of this language is consistently in provisions regarding the recommended lists prior to submission to the Legislature.

The Legislature may not delegate to the secretary the power to effectively veto or withhold the grants. However, the use of the terms “awarded” and “expended” may suggest that the Secretary can change the grants the Legislature already “approved” for funding. If this language does apply to the list of grantees selected as a part of the

⁸⁵ The bill provides that “The division may adopt rules establishing [e]ligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, allowable and nonallowable costs, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact and economic development, matching requirements, and other requirements to further the purposes of this act.”

⁸⁶ FLA. CONST. art., III, s. 1. *See also* FLA. CONST. art. II, s. 3.

⁸⁷ FLA. CONST. art. VII, s. 1(c, d); *Graham v. Haridopolos*, 75 So. 3d 315, 318 (Fla. 1st DCA 2011), approved, 108 So. 3d 597 (Fla. 2013); *Chiles v. Child. A, B, C, D, E, & F*, 589 So. 2d 260, 267 (Fla. 1991) (explicitly providing that the Legislature and not the executive branch is entrusted with appropriating state funds).

Legislature’s decision on appropriations, these provisions empowering the Secretary may be violative of the Legislature’s power to appropriate (subject only to gubernatorial veto).

In addition, if the provisions are applied to deny a legislative appropriation, the grant applicant must be given some level of due process to appeal the Secretary’s decision. This is particularly important when the Legislature has taken action to fund a particular applicant, notwithstanding whether a state or local law applies. No such process is established or discussed in the bill.

Lines 585-598 and 667-680, relating to arts and cultural grants, require the FCOAC to submit an updated list to the legislature for FY 2025-26 that comply with the requirements of this act. This may be problematic to the extent that the Legislature bases its funding decisions on the originally submitted list and the Secretary attempts to fund the grants based on a newly submitted list that was not contemplated by the Legislature during the appropriations process. Under ch. 216, F.S., the Secretary had the opportunity to submit such a list in the agency legislative budget request. Moreover, the DOS continues to have the authority to amend its legislative budget request. Thus, this language, in practical terms, merely grants the FCOAC the additional opportunity to submit a specific list.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

It is difficult to identify how the private sector may be impacted. Many administrative rules that will no longer be required provide ways for grant applicants to demonstrate return on investment. It is unclear how, without such rules, the DOS will continue to monitor the return on investment.

C. Government Sector Impact:

The fiscal impact of a majority of the bill on state and local governments is indeterminate at this time. Fees collected by the DOS for commissions under 113.01, F.S., for Fiscal Year 2024-2025 were \$22,765 and were deposited into the General Revenue Fund.⁸⁸

VI. Technical Deficiencies:

At lines 226-227, the bill allows the Secretary to “review *and identify* the funding recommendations on the list *to identify*...”⁸⁹ This appears to be a drafting error. Moreover, it is unclear to whom the identifications are sent to, how they are sent, and the results of such identifications.

⁸⁸ Email from Katherine Woodby, Legislative Analyst, Dep’t of State, to Mackensee White, Attorney, the Florida Senate (Apr. 2, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

⁸⁹ (Emphasis added.)

At lines 379-384, the language appears to require each appointed member to be a public representative with demonstrated interest in all five areas of arts, culture, museums, folklore, and cultural heritage traditions. The Legislature may want to change the 'and' to an 'or' so qualifications for the FCOAC members are public representatives with demonstrated interests in any of the areas of interest.

Section 17 (lines 431-437) amends the FCOAC's duties to include promotion of the Arts and Culture Recognition award and apprenticeship programs. These programs do not exist in statute. The Legislature may wish to codify the Arts and Culture Recognition award and apprenticeship programs and provide the DOS the statutory authority to administer these programs. This would provide a statutory basis for the FCOAC's promotion of the programs.

Throughout the various grant program implementing statutes, the bill permits, rather than mandates, the DOS to adopt administrative rules to implement the application and review process. With this change, and assuming the DOS repeals any rules that are merely permissive, it is unclear how reviewers' recommendations and Council recommendations will be made and applied consistently across the applicants.

VII. Related Issues:

Effect on Rural Communities

Most of the specific statutory language requiring, referencing, or mandating rules that provide special considerations or focuses on rural communities for the purpose of grants administered by the Division of Arts and Culture are eliminated in the bill.

The Rural Economic Development Initiative (REDI) recognizes that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases. Among other things, REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.

Section 22 amends s. 265.283, F.S., to delete the definitions for the state touring grant and underserved arts community assistance program grants. This presumably ends the state touring program and underserved arts community assistance program grants.

Both the General Program Support and Specific Cultural Program grants give areas involved in the REDI either a complete waiver of matching fund requirements (General Program Support grant), or a decrease in the percentage of the matching required (Specific Cultural Program grants).⁹⁰ These two grants are eliminated by the bill.

⁹⁰ *General Program Support Grant Guidelines* at 17; *Specific Cultural Grant Guidelines* at 7.

The state touring program grants and underserved community⁹¹ grants mainly support rural communities. For touring grants in particular, underpopulated counties can request twice as much fee support as other counties, and underpopulated counties are given priority.

VIII. Statutes Affected:

This bill repeals the following sections of the Florida Statutes: 113.01, 113.02, 113.03, 257.34, and 267.0722.

This bill substantially amends the following sections of the Florida Statutes: 113.051, 117.01, 117.225, 117.295, 257.031, 257.12, 257.17, 257.191, 257.23, 257.42, 265.283, 265.284, 265.285, 265.286, 265.2865, 265.701, 265.703, 265.803, 267.0612, 267.0617, 267.075, 267.21, and 267.22.

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:

- Amends language giving the Secretary of DOS the authority to alter lists of recommended grant awardees given to the Legislature to instead provide comments on the list;
- Uses and defines “harmful to minors” to replace “appropriate for all ages” language; and
- Adds sections amending or repealing ss. 113.01, 113.02, 113.03, 113.051, 177.01, 177.225, and 177.295, F.S., to eliminate a \$10 fee on commissions issued by the Governor.

B. Amendments:

None.

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

⁹¹ Underpopulated counties refer to counties with a population of 75,000 or less in the 2010 Census. Currently, 31 Florida counties qualify as an underpopulated county. These counties are Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Monroe, Nassau, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.



The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Appropriations Committee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1524**, relating to Duties of the Department of State, 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".

Senator Erin Grall
Florida Senate, District 29

By the Committee on Governmental Oversight and Accountability;
and Senator Grall

585-03150-25

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1 A bill to be entitled
2 An act relating to the Department of State; repealing
3 s. 113.01, F.S., relating to a fee for commissions
4 issued by the Governor; repealing s. 113.02, F.S.,
5 relating to fees to be paid before commissions are
6 issued; repealing s. 113.03, F.S., relating to
7 disposition of proceeds; amending s. 113.051, F.S.;
8 prohibiting commissions from being issued by the
9 Governor, attested to by the Secretary of State, or
10 bearing the seal of the state until the oath of office
11 is filed as required; amending ss. 117.01 and 117.225,
12 F.S.; conforming provisions to changes made by the
13 act; amending s. 117.295, F.S.; conforming a cross-
14 reference; amending s. 257.031, F.S.; revising the
15 entity that accredits a specified library school
16 program; amending s. 257.12, F.S.; revising duties of
17 the State Library Council; authorizing the Secretary
18 of State to review and identify certain funding
19 recommendations made by the council; defining the term
20 "harmful to minors"; amending s. 257.17, F.S.;
21 conforming provisions to changes made by the act;
22 amending s. 257.191, F.S.; requiring the Secretary of
23 State to identify whether construction grant funds
24 meet certain criteria and are used for certain
25 purposes; defining the term "harmful to minors";
26 requiring the secretary to submit a recommended list
27 to the Legislature for funding consideration; amending
28 s. 257.23, F.S.; requiring the secretary to identify
29 whether construction grant funds meet certain criteria

Page 1 of 34

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30 and are used for certain purposes; defining the term
31 "harmful to minors"; repealing s. 257.34, F.S.,
32 relating to the Florida International Archive and
33 Repository; amending s. 257.42, F.S.; requiring the
34 secretary to identify whether library cooperative
35 grant funds meet certain criteria and are used for
36 certain purposes; defining the term "harmful to
37 minors"; amending s. 265.283, F.S.; deleting the
38 definitions of the terms "panel," "state touring
39 program grants," and "underserved arts community
40 assistance program grants"; amending s. 265.284, F.S.;
41 providing that the secretary is the chief arts and
42 culture officer of the state; amending s. 265.285,
43 F.S.; revising the membership of the Florida Council
44 on Arts and Culture; prohibiting council members from
45 receiving financial compensation under specified
46 circumstances; providing an exception; revising duties
47 of the council; defining the term "harmful to minors";
48 amending s. 265.286, F.S.; defining the term "harmful
49 to minors"; requiring the Division of Arts and Culture
50 to accept applications for arts and cultural grants
51 for specified purposes; specifying eligibility
52 criteria; deleting review panel member appointments
53 and criteria; authorizing the secretary to review a
54 specified list and provide comments to the
55 Legislature; requiring that specified grant funds meet
56 certain criteria and are used for certain purposes;
57 requiring the secretary to submit a recommended list
58 to the Legislature for funding consideration;

Page 2 of 34

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59 providing activities and programs for which the
 60 division may award grants; revising items for which
 61 the division may adopt rules; prohibiting applicants
 62 for grant funding from having substantial interests
 63 for certain recommendations; requiring the secretary
 64 to submit a recommended list to the Legislature for
 65 funding consideration; authorizing the council and
 66 secretary to provide a separate list for certain
 67 activities and programs; providing applicability;
 68 providing expiration dates for certain purposes;
 69 amending s. 265.2865, F.S.; authorizing, rather than
 70 requiring, the council to accept and recommend
 71 nominations for certain purposes annually; reducing
 72 the number of members the secretary may name to the
 73 Florida Artists Hall of Fame in any nomination year;
 74 authorizing, rather than requiring, the secretary to
 75 annually request an appropriation for certain
 76 purposes; amending s. 265.701, F.S.; deleting an
 77 authorization for certain grant funds to be used to
 78 acquire cultural facilities; authorizing the secretary
 79 to review a specified list and provide comments to the
 80 Legislature; requiring that grant funds meet certain
 81 criteria and are used for certain purposes; defining
 82 the term "harmful to minors"; requiring the secretary
 83 to submit a recommended list to the Legislature for
 84 funding considerations; authorizing the council and
 85 secretary to provide a separate list for certain
 86 activities and programs; providing applicability;
 87 providing expiration dates for a certain purpose;

Page 3 of 34

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88 amending s. 265.703, F.S.; revising the programs for
 89 which citizen support organizations may provide
 90 support; amending s. 265.803, F.S.; revising
 91 programmatic set-up and functions of the Florida
 92 Folklife Council; amending s. 267.0612, F.S.;
 93 requiring the secretary to review special category
 94 historic preservation grants-in-aid recommendations of
 95 the Florida Historical Commission; amending s.
 96 267.0617, F.S.; deleting a provision that requires
 97 certain funds to be credited to the Historical
 98 Resources Operating Trust Fund; authorizing the
 99 secretary to review specified lists and provide
 100 comments to the Legislature; requiring that grant
 101 funds meet certain criteria and are used for certain
 102 purposes; requiring the secretary to submit
 103 recommended lists to the Legislature for funding
 104 consideration; defining the term "harmful to minors";
 105 repealing s. 267.0722, F.S., relating to the Florida
 106 Museum of Black History; amending s. 267.075, F.S.;
 107 deleting provisions relating to The Grove Advisory
 108 Council; amending s. 267.21, F.S.; revising mechanisms
 109 by which state funds to assist abandoned African-
 110 American cemeteries may be awarded; authorizing the
 111 secretary to review a specified list and provide
 112 comments to the Legislature; requiring that grant
 113 funds meet certain criteria and are used for certain
 114 purposes; requiring the secretary to submit a
 115 recommended list to the Legislature for funding
 116 consideration; defining the term "harmful to minors";

Page 4 of 34

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117 amending s. 267.22, F.S.; revising programmatic duties
 118 and composition of the Historic Cemeteries Program
 119 Advisory Council; requiring the council to evaluate
 120 proposals for awards of grants relating to abandoned
 121 African-American cemeteries; providing an effective
 122 date.

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

126 Section 1. Section 113.01, Florida Statutes, is repealed.
 127 Section 2. Section 113.02, Florida Statutes, is repealed.
 128 Section 3. Section 113.03, Florida Statutes, is repealed.
 129 Section 4. Section 113.051, Florida Statutes, is amended to
 130 read:

131 113.051 Grants and commissions.—All grants and commissions
 132 shall be in the name and under the authority of the State of
 133 Florida, sealed with the great seal of the state, signed by the
 134 Governor, and countersigned by the Secretary of State. A
 135 commission may not be issued by the Governor or attested to by
 136 the Secretary of State and may not bear the seal of the state
 137 until the oath of office is filed as required by s. 113.06.

138 Section 5. Subsection (2) of section 117.01, Florida
 139 Statutes, is amended to read:

140 117.01 Appointment, application, suspension, revocation,
 141 application fee, bond, and oath.—

142 (2) The application for appointment must shall be signed
 143 and sworn to by the applicant and must shall be accompanied by a
 144 fee of \$25, ~~together with the \$10 commission fee required by s.~~
 145 ~~113.01,~~ and a surcharge of \$4, which \$4 is appropriated to the

585-03150-25

20251524c1

146 Executive Office of the Governor to be used to educate and
 147 assist notaries public. The Executive Office of the Governor may
 148 contract with private vendors to provide the services set forth
 149 in this section. However, ~~a no~~ commission fee is not shall be
 150 required for the issuance of a commission as a notary public to
 151 a veteran who served during a period of wartime service, as
 152 defined in s. 1.01(14), and who has been rated by the United
 153 States Government or the United States Department of Veterans
 154 Affairs or its predecessor to have a disability rating of 50
 155 percent or more; such a disability is subject to verification by
 156 the Secretary of State, who has authority to adopt reasonable
 157 procedures to implement this act. The oath of office and notary
 158 bond required by this section must shall also accompany the
 159 application and must shall be in a form prescribed by the
 160 Department of State which must shall require, but is not be
 161 limited to, the following information: full name, residence
 162 address and telephone number, business address and telephone
 163 number, date of birth, race, sex, social security number,
 164 citizenship status, driver license number or the number of other
 165 official state-issued identification, affidavit of good
 166 character from someone unrelated to the applicant who has known
 167 the applicant for 1 year or more, a list of all professional
 168 licenses and commissions issued by the state during the previous
 169 10 years and a statement as to whether ~~or not~~ the applicant has
 170 had such license or commission revoked or suspended, and a
 171 statement as to whether ~~or not~~ the applicant has been convicted
 172 of a felony, and, if there has been a conviction, a statement of
 173 the nature of the felony and restoration of civil rights. The
 174 applicant may not use a fictitious or assumed name other than a

585-03150-25 20251524c1

175 nickname on an application for commission. The application must
 176 ~~shall~~ be maintained by the Department of State for the full term
 177 of a notary commission. A notary public shall notify, in
 178 writing, the Department of State of any change in his or her
 179 business address, home telephone number, business telephone
 180 number, home address, or criminal record within 60 days after
 181 such change. The Governor may require any other information he
 182 or she deems necessary for determining whether an applicant is
 183 eligible for a notary public commission. Each applicant must
 184 swear or affirm on the application that the information on the
 185 application is true and correct.

186 Section 6. Subsection (3) of section 117.225, Florida
 187 Statutes, is amended to read:

188 117.225 Registration; qualifications.—A notary public, a
 189 civil-law notary appointed under chapter 118, or a commissioner
 190 of deeds appointed under part IV of chapter 721 may complete
 191 registration as an online notary public with the Department of
 192 State by:

193 ~~(3) Paying a notary public registration fee as required by~~
 194 ~~s. 113.01.~~

195 Section 7. Paragraph (b) of subsection (2) of section
 196 117.295, Florida Statutes, is amended to read:

197 117.295 Standards for electronic and online notarization;
 198 rulemaking authority.—

199 (2) The Department of State shall:

200 (b) Publish on its website a list containing each online
 201 notary public, the online notary public's RON service providers
 202 from January 1, 2022, and thereafter, the effective dates during
 203 which the online notary public used each RON service provider,

585-03150-25 20251524c1

204 as identified pursuant to ss. 117.225(4) and 117.265(5) (b) ~~ss.~~
 205 ~~117.225(5) and 117.265(5) (b)~~, any secure repositories to which
 206 the online notary public may have delegated his or her duties
 207 pursuant to s. 117.245(4) from January 1, 2022, and thereafter,
 208 and the effective dates of that delegation.

209 Section 8. Subsection (1) of section 257.031, Florida
 210 Statutes, is amended to read:

211 257.031 State Librarian; appointment and duties.—

212 (1) The State Librarian shall be appointed by the Secretary
 213 of State, shall have completed a library school program
 214 accredited by a national library professional ~~the American~~
 215 ~~Library~~ association, and shall serve as the director of the
 216 Division of Library and Information Services of the Department
 217 of State. The Secretary of State may, in making the appointment
 218 of State Librarian, consult the members of the State Library
 219 Council.

220 Section 9. Subsection (4) is added to section 257.12,
 221 Florida Statutes, to read:

222 257.12 Division of Library and Information Services
 223 authorized to accept and expend federal funds.—

224 (4) The State Library Council, as provided in s. 257.02,
 225 shall develop recommendations for providing available federal
 226 funds to public libraries. The secretary may review and identify
 227 the funding recommendation list to identify whether federal
 228 grant funds awarded under this section are expended in
 229 compliance with all federal, state, and local laws and
 230 regulations and are used only for activities and programs that
 231 are not harmful to minors. For purposes of this subsection, the
 232 term "harmful to minors" means any reproduction, imitation,

585-03150-25

20251524c1

233 characterization, description, exhibition, presentation, or
 234 representation, in any manner or form, depicting sexual conduct
 235 or sexual excitement as those terms are defined in s. 847.001.

236 Section 10. Paragraph (a) of subsection (2) of section
 237 257.17, Florida Statutes, is amended to read:

238 257.17 Operating grants.—A political subdivision that has
 239 been designated by a county or municipality as the single
 240 library administrative unit is eligible to receive from the
 241 state an annual operating grant of not more than 25 percent of
 242 all local funds expended by that political subdivision during
 243 the second preceding fiscal year for the operation and
 244 maintenance of a library, under the following conditions:

245 (2) The library established or maintained by such political
 246 subdivision shall:

247 (a) Be operated under a single administrative head who is
 248 an employee of the single library administrative unit and who
 249 has completed a library education program accredited by a
 250 national library professional ~~the American Library~~ association.
 251 The single administrative head shall have at least 2 years of
 252 full-time paid professional experience, after completing the
 253 library education program, in a public library that is open to
 254 the public for a minimum of 40 hours per week.

255 Section 11. Section 257.191, Florida Statutes, is amended
 256 to read:

257 257.191 Construction grants.—

258 (1) The Division of Library and Information Services may
 259 accept and administer library construction moneys appropriated
 260 to it and shall allocate such appropriation to municipal,
 261 county, and regional libraries in the form of library

585-03150-25

20251524c1

262 construction grants on a matching basis. The local matching
 263 portion shall be no less than the grant amount, on a dollar-for-
 264 dollar basis, up to the maximum grant amount, unless the
 265 matching requirement is waived by s. 288.06561. Initiation of a
 266 library construction project 12 months or less prior to the
 267 grant award under this section shall not affect the eligibility
 268 of an applicant to receive a library construction grant. The
 269 division shall adopt rules for the administration of library
 270 construction grants. For the purposes of this section, s. 257.21
 271 does not apply.

272 (2) (a) The secretary shall identify whether the library
 273 construction grants awarded under this section are expended in
 274 compliance with all federal, state, and local laws and
 275 regulations and are used only for activities and programs that
 276 are not harmful to minors. For purposes of this paragraph, the
 277 term "harmful to minors" means any reproduction, imitation,
 278 characterization, description, exhibition, presentation, or
 279 representation, in any manner or form, depicting sexual conduct
 280 or sexual excitement as those terms are defined in s. 847.001.

281 (b) The secretary shall submit a recommended list to the
 282 Legislature for funding consideration.

283 Section 12. Section 257.23, Florida Statutes, is amended to
 284 read:

285 257.23 Application for grant.—

286 (1) The board of county commissioners of any county, the
 287 chief executive officer of a municipality, or the governing body
 288 of a special district or a special tax district desiring to
 289 receive a grant under the provisions of ss. 257.14–257.25 shall
 290 apply therefor to the Division of Library and Information

585-03150-25

20251524c1

291 Services on or before October 1 of each year on a form to be
 292 provided by the division. The application shall be signed by the
 293 chair of the board of county commissioners and attested by the
 294 clerk of the circuit court or the appropriate officer in a
 295 charter county, by the chief executive officer of a municipality
 296 and attested by the clerk of the municipality, or by the chair
 297 of the governing body and attested by the chief financial
 298 officer of a special district or a special tax district. The
 299 county, municipality, special district, or special tax district
 300 shall agree to observe the standards established by the division
 301 as authorized in s. 257.15. On or before December 1 each year,
 302 the applicant shall certify the annual tax income and the rate
 303 of tax or the annual appropriation for the free library or free
 304 library service, and shall furnish such other pertinent
 305 information as the division may require.

306 (2) The secretary shall identify whether grants awarded
 307 under this section are expended in compliance with all federal,
 308 state, and local laws and regulations and are used only for
 309 activities and programs that are not harmful to minors. For
 310 purposes of this subsection, the term "harmful to minors" means
 311 any reproduction, imitation, characterization, description,
 312 exhibition, presentation, or representation, in any manner or
 313 form, depicting sexual conduct or sexual excitement as those
 314 terms are defined in s. 847.001.

315 Section 13. Section 257.34, Florida Statutes, is repealed.

316 Section 14. Section 257.42, Florida Statutes, is amended to
 317 read:

318 257.42 Library cooperative grants.—

319 (1) The administrative unit of a library cooperative is

585-03150-25

20251524c1

320 eligible to receive an annual grant from the state for the
 321 purpose of sharing library resources based upon an annual plan
 322 of service and expenditure and an annually updated 5-year, long-
 323 range plan of cooperative library resource sharing. Those plans,
 324 which must include a component describing how the cooperative
 325 will share technology and the use of technology, must be
 326 submitted to the division for evaluation and possible
 327 recommendation for funding in the division's legislative budget
 328 request. Grant funds may not be used to supplant local funds or
 329 other funds. A library cooperative must provide from local
 330 sources matching cash funds equal to 10 percent of the grant
 331 award.

332 (2) The secretary shall identify whether state grant funds
 333 awarded under this section are expended in compliance with all
 334 federal, state, and local laws and regulations and are used only
 335 for activities and programs that are not harmful to minors. For
 336 purposes of this subsection, the term "harmful to minors" means
 337 any reproduction, imitation, characterization, description,
 338 exhibition, presentation, or representation, in any manner or
 339 form, depicting sexual conduct or sexual excitement as those
 340 terms are defined in s. 847.001.

341 Section 15. Subsections (12), (16) and (17) of section
 342 265.283, Florida Statutes, are amended to read:

343 265.283 Definitions.—The following definitions shall apply
 344 to ss. 265.281-265.703:

345 ~~(12) "Panel" means a grant review panel.~~

346 ~~(16) "State touring program grants" means grants used to~~
 347 ~~provide performances, activities, and exhibitions by Florida~~
 348 ~~artists to communities.~~

585-03150-25 20251524c1

349 ~~(17) "Underserved arts community assistance program grants"~~
 350 ~~means grants used by qualified organizations under the Rural~~
 351 ~~Economic Development Initiative, pursuant to ss. 288.0656 and~~
 352 ~~288.06561, for the purpose of economic and organizational~~
 353 ~~development for underserved cultural organizations.~~

354 Section 16. Subsection (1) of section 265.284, Florida
 355 Statutes, is amended to read:

356 265.284 Chief arts and culture ~~cultural~~ officer; director
 357 of division; powers and duties.—

358 (1) The secretary ~~of State~~ is the chief arts and culture
 359 cultural officer of the state.

360 Section 17. Paragraphs (a) and (c) of subsection (1) and
 361 paragraphs (c), (e), (f), and (g) of subsection (2) of section
 362 265.285, Florida Statutes, are amended to read:

363 265.285 Florida Council on Arts and Culture; membership,
 364 duties.—

365 (1) (a) The Florida Council on Arts and Culture is created
 366 within the department as an advisory body, as defined in s.
 367 20.03(7). The council shall be composed of, consisting of 15
 368 members. Seven members shall be appointed by the Governor in
 369 consultation with the Secretary of State, four members shall be
 370 appointed by the President of the Senate, and four members shall
 371 be appointed by the Speaker of the House of Representatives. Of
 372 the seven members appointed by the Governor, one member must be
 373 a licensed architect who has expertise in cultural facilities;
 374 one member must be an enrolled member of the Seminole Tribe of
 375 Florida; one member must be a professional public folklorist;
 376 one member must be a university affiliated folklorist; one
 377 member must be a practicing or former professional artist; and

585-03150-25 20251524c1

378 one member must be a retired chief executive officer of a
 379 Florida-based accredited museum. The remaining member appointed
 380 by the Governor and the four members appointed by the President
 381 of the Senate and the Speaker of the House of Representatives,
 382 respectively, must be representatives of the public with
 383 demonstrated interest in and knowledge of the arts, culture,
 384 museums, folklore, and cultural heritage traditions. The
 385 appointments that are, to be made in consultation with the
 386 Secretary of State, shall recognize the need for geographical
 387 representation. Council members appointed by the Governor shall
 388 be appointed for 4-year terms beginning on January 1 of the year
 389 of appointment. Council members appointed by the President of
 390 the Senate and the Speaker of the House of Representatives shall
 391 be appointed for 2-year terms beginning on January 1 of the year
 392 of appointment. A member of the council who serves two 4-year
 393 terms or two 2-year terms is not eligible for reappointment for
 394 1 year following the expiration of the member's second term. A
 395 member whose term has expired shall continue to serve on the
 396 council until such time as a replacement is appointed. Any
 397 vacancy on the council shall be filled for the remainder of the
 398 unexpired term in the same manner as for the original
 399 appointment. Members should have a substantial history of
 400 community service in the performing or visual arts, which
 401 includes, but is not limited to, theater, dance, folk and
 402 traditional arts, music, architecture, photography, literature,
 403 and media arts, or in the areas of science, history, or
 404 children's museums. In addition, it is desirable that members
 405 have successfully served on boards of cultural institutions such
 406 as museums and performing arts centers or are recognized as

585-03150-25

20251524c1

407 patrons of the arts. A member may not receive financial
 408 compensation as an employee or officer of an entity that has
 409 received grant funds or an applicant for division grant funding
 410 recommendations. This prohibition does not apply to an employee
 411 or officer of a state college or university.

412 (c) Members of the council ~~and panels~~ may not receive any
 413 compensation for their services but shall be reimbursed for
 414 travel and expenses incurred in the performance of their duties,
 415 as provided in s. 112.061.

416 (2) The council shall:

417 (c) Encourage the participation in and appreciation of
 418 arts, ~~and~~ culture, ~~and~~ folklife to meet the needs and
 419 aspirations of persons in all parts of the state.

420 (e) Encourage arts and culture development within
 421 communities and assist freedom of artistic expression that is
 422 essential for the well-being of the arts.

423 (f) Advise the secretary in matters concerning the awarding
 424 of grants for arts and culture as authorized in this act and
 425 make funding recommendations for activities and programs that
 426 are not harmful to minors. For purposes of this paragraph, the
 427 term "harmful to minors" means any reproduction, imitation,
 428 characterization, description, exhibition, presentation, or
 429 representation, in any manner or form, depicting sexual conduct
 430 or sexual excitement as those terms are defined in s. 847.001.

431 (g) Promote and assist with division programs, such as the
 432 Major John Leroy Haynes Florida Veterans' History Program, the
 433 Arts and Culture recognition award program, and the
 434 apprenticeship program ~~the reading, writing, and appreciation of~~
 435 ~~poetry throughout the state and accept nominations and recommend~~

Page 15 of 34

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585-03150-25

20251524c1

436 ~~nominees for appointment as the State Poet Laureate under s.~~
 437 ~~265.2863.~~

438 Section 18. Section 265.286, Florida Statutes, is amended
 439 to read:

440 265.286 Arts ~~Art~~ and cultural grants.-

441 (1) For purposes of this section, the term "harmful to
 442 minors" means any reproduction, imitation, characterization,
 443 description, exhibition, presentation, or representation, in any
 444 manner or form, depicting sexual conduct or sexual excitement as
 445 those terms are defined in s. 847.001.

446 (2) The division shall accept applications for arts and
 447 cultural grants for activities and programs identified in
 448 subsection (8) and based on the rules adopted under this
 449 section.

450 (3) To be eligible for a grant, an applicant must:

451 (a) Be a nonprofit, tax-exempt Florida corporation or a
 452 local or state governmental entity, school district, community
 453 college, college, university, agency of state government, or
 454 artist engaged in or concerned with arts and cultural
 455 activities.

456 (b) Conduct activities and programs that are not harmful to
 457 minors.

458 (c) Strictly conform with all applicable local, state, and
 459 federal laws and regulations.

460 (4)(1) The secretary may appoint reviewers ~~review panels~~
 461 ~~consisting of members from various art and cultural disciplines~~
 462 ~~and programs~~ to assist the council in the grant application
 463 review process. Appointed reviewers shall review ~~Each panel~~
 464 ~~member shall be appointed to a 1-year term. Each panel shall~~

Page 16 of 34

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585-03150-25

20251524c1

465 ~~consist of practicing artists or other professionals actively~~
 466 ~~involved in the specific discipline or program for which the~~
 467 ~~panel has been appointed. Each panel shall review and score~~
 468 ~~grant applications and recommend to the council the applicants~~
 469 ~~to which grants may should be awarded. The panels shall submit~~
 470 ~~lists of eligible applicants by score. The division shall adopt~~
 471 ~~rules establishing a formula for such scoring.~~

472 ~~(5)(2)~~ The council ~~and each panel~~ shall provide a forum for
 473 public comment before voting on any grant application.

474 ~~(6)(3)~~ After the council reviews the recommended lists of
 475 eligible applicants submitted by each review panel, it shall
 476 develop a list of recommended arts and culture grants two lists,
 477 one of which must consist of eligible applicants for general
 478 program support funding and one of which must consist of
 479 eligible applicants for specific cultural project funding, and
 480 submit the list lists to the secretary. The secretary may review
 481 and provide comments to the Legislature concerning the
 482 recommended applicants. Funds awarded under this section must be
 483 expended in compliance with all federal, state, and local laws
 484 and regulations and used only for activities and programs that
 485 are not harmful to minors. The secretary shall submit the
 486 recommended list to the Legislature annually for funding
 487 consideration shall review the council's recommendations and,
 488 beginning July 1, 2010, include the lists of approved applicants
 489 in the department's legislative budget request submitted to the
 490 Legislature.

491 ~~(7)(4)~~ Arts and cultural Project grants shall be funded
 492 from the secretary's submitted approved list by score until all
 493 appropriated funds are depleted. If specific project grant funds

585-03150-25

20251524c1

494 are returned to the division, it must shall award such funds to
 495 the next grant applicant on the secretary's list of approved
 496 applicants. General program support grants shall be awarded to
 497 applicants on the secretary's list in amounts determined by
 498 rule.

499 ~~(8)(5)~~ The division shall administer awarded grants fund:

500 (a) To supplement the financial support of artistic and
 501 cultural activities and programs that, without the assistance,
 502 may otherwise be unavailable to Florida residents Grants for
 503 general program support for science museums, youth and
 504 children's museums, historical museums, local arts agencies,
 505 state service organizations, and organizations that have
 506 cultural program activities in any of the art and cultural
 507 disciplines defined in s. 265.283.

508 (b) To activities and programs that have substantial
 509 artistic and cultural significance and emphasize creativity and
 510 professional excellence Grants for specific cultural projects
 511 for arts in education, museums, Culture Builds Florida, or
 512 nonprofit public or private organizations having cultural
 513 project activity in any of the art and cultural disciplines.

514 (c) To activities and programs that meet the professional
 515 standards or standards of authenticity of significant merit,
 516 regardless of origin Grants for a touring program that has a
 517 selection procedure that ensures the maximum opportunity for
 518 Florida artists and cultural groups.

519 (d) To activities and programs that are not harmful to
 520 minors An individual artist fellowship program. The division
 521 shall establish a selection procedure that identifies individual
 522 artists of exceptional talent and demonstrated ability and

585-03150-25 20251524c1

523 ~~distribute grant appropriations as provided by rule.~~

524 (e) To other programs consistent with the purpose of this
525 act.

526 ~~(9)(6)~~ The division ~~may shall~~ adopt rules establishing:

527 (a) Eligibility criteria for the award of grants, which may
528 include, but need not be limited to, application requirements,
529 allowable and nonallowable costs, program quality, artistic
530 quality, creativity, potential public exposure and benefit, the
531 ability to properly administer grant funds, professional
532 excellence, fiscal stability, state or regional impact and
533 economic development, matching requirements, and other
534 requirements to further the purposes of this act.

535 (b) Particular grant programs, categories of grants, and
536 procedures necessary for the prudent administration of the grant
537 programs.

538 (c) The ~~panel~~ review process, including, but not limited
539 to, criteria for reviewing grant applications to identify
540 whether there is ensure compliance with applicable federal and
541 state law, including those related to discrimination and
542 conflicts of interest and whether the activities and programs
543 are harmful to minors. The division may not award any new grant
544 that will, in whole or in part, inure to the personal benefit of
545 any council ~~or review panel~~ member during the member's term of
546 office or reviewer if the council ~~or panel~~ member or reviewer
547 participated in the vote of the council or reviewer panel
548 recommending the award. This paragraph does not prohibit the
549 division from awarding a grant to an entity with which a council
550 ~~or panel~~ member or reviewer is associated.

551 ~~(7) The division shall award grants:~~

585-03150-25 20251524c1

552 ~~(a) To supplement the financial support of artistic and~~
553 ~~cultural activities and programs that, without the assistance,~~
554 ~~may otherwise be unavailable to Florida residents.~~

555 ~~(b) To activities and programs that have substantial~~
556 ~~artistic and cultural significance and emphasize creativity and~~
557 ~~professional excellence.~~

558 ~~(c) To activities and programs that meet the professional~~
559 ~~standards or standards of authenticity of significant merit,~~
560 ~~regardless of origin.~~

561 ~~(d) For other reasons consistent with this act.~~

562 ~~(8) Eligible grantees must:~~

563 ~~(a) Be a nonprofit, tax exempt Florida corporation; or~~

564 ~~(b) A local or state governmental entity, school district,~~
565 ~~community college, college, university, agency of state~~
566 ~~government, or artist engaged in or concerned with arts and~~
567 ~~cultural activities.~~

568 ~~(10)(9)~~ In order to equitably distribute limited state
569 funding, applicants may apply for and be awarded only one grant
570 per annual grant cycle, except for cultural facilities, ~~a~~
571 ~~cultural endowment, or touring program grants and individual~~
572 ~~artist fellowships.~~

573 ~~(11)(10)~~ Of the total amount of grant funds available from
574 all sources for grants, except cultural facilities ~~and cultural~~
575 ~~endowments~~, 70 percent shall be awarded on at least a dollar-to-
576 dollar matching basis. Up to 50 percent of the grantee's match
577 may consist of in-kind funds. Up to 30 percent of all grant
578 funds may be awarded on a nonmatching basis, ~~including~~
579 ~~individual fellowships.~~

580 (12) An applicant seeking a recommendation from a reviewer

585-03150-25

20251524c1

581 for grant funding may not have a substantial interest as set
 582 forth in s. 120.569 in any of its requested recommendations.

583 ~~(13)(11)~~ The division may ~~shall~~ adopt rules to administer
 584 and implement this section.

585 (14) Effective upon this act becoming a law, the secretary
 586 shall request, and the council shall submit, an updated list of
 587 activities and programs that comply with the requirements of
 588 this section. After reviewing and making comments, the secretary
 589 shall submit a recommended list to the Legislature for funding
 590 consideration in the General Appropriations Act for fiscal year
 591 2025-2026. This subsection expires July 1, 2026.

592 (15) The council and the secretary may provide a separate
 593 list for activities and programs that support America250 and
 594 celebrate the 250th anniversary of the signing of the
 595 Declaration of Independence on July 4, 1776. This subsection
 596 applies only if the date this act becomes law occurs before the
 597 Legislature passes the General Appropriations Act for fiscal
 598 year 2025-2026. This subsection expires July 4, 2026.

599 Section 19. Subsections (3), (4), and (7) of section
 600 265.2865, Florida Statutes, are amended to read:

601 265.2865 Florida Artists Hall of Fame.—

602 (3) The Florida Council on Arts and Culture may ~~shall~~
 603 accept nominations annually for persons to be recommended as
 604 members of the Florida Artists Hall of Fame. The council may
 605 ~~shall~~ recommend to the Secretary of State persons to be named as
 606 members of the Florida Artists Hall of Fame. The council's
 607 recommended council shall recommend as members to ~~of~~ the Florida
 608 Artists Hall of Fame must be persons who were born in Florida or
 609 adopted Florida as their home state and base of operation and

Page 21 of 34

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585-03150-25

20251524c1

610 who have made a significant contribution to the enhancement of
 611 the arts in this state.

612 (4) The Secretary of State shall name no more than three
 613 ~~four~~ members to the Florida Artists Hall of Fame in any one
 614 nomination year.

615 (7) The Secretary of State may ~~shall~~ annually request an
 616 appropriation sufficient to carry out the purposes of this
 617 section.

618 Section 20. Subsections (1), (2), and (3) of section
 619 265.701, Florida Statutes, are amended, and subsections (6) and
 620 (7) are added to that section, to read:

621 265.701 Cultural facilities; grants for ~~acquisition,~~
 622 ~~renovation,~~ or construction; funding; approval; allocation.—

623 (1) The Division of Arts and Culture may accept and
 624 administer moneys appropriated to it for providing grants to
 625 counties, municipalities, and qualifying nonprofit corporations
 626 for the ~~acquisition,~~ ~~renovation,~~ or construction of cultural
 627 facilities.

628 (2) A county, municipality, or qualified corporation may
 629 apply for a grant of state funds for the ~~acquisition,~~
 630 ~~renovation,~~ or construction of a cultural facility. For the
 631 purposes of this section, a "qualified corporation" is a
 632 corporation which is designated a not-for-profit corporation
 633 pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of
 634 1954, and which is described in, and allowed to receive
 635 contributions pursuant to the provisions of, s. 170 of the
 636 Internal Revenue Code of 1954, and which is a corporation not
 637 for profit incorporated pursuant to chapter 617. The state grant
 638 must be matched by a contribution from the county, municipality,

Page 22 of 34

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585-03150-25 20251524c1

639 or nonprofit corporation in an amount to be determined by the
640 Department of State.

641 (3) The Florida Council on Arts and Culture shall review
642 each application for a grant to ~~acquire, renovate,~~ or construct
643 a cultural facility which is submitted pursuant to subsection
644 (2) and shall submit annually to the Secretary of State for
645 approval lists of all applications that are recommended by the
646 council for the award of grants, arranged in order of priority.
647 The secretary may review and provide comments to the Legislature
648 concerning the recommended applicants. Funds awarded under this
649 section must be expended in compliance with all federal, state,
650 and local laws and regulations and used only for activities and
651 programs that are not harmful to minors. The secretary shall
652 submit the recommended list to the Legislature for funding
653 consideration. For purposes of this subsection, the term
654 "harmful to minors" means any reproduction, imitation,
655 characterization, description, exhibition, presentation, or
656 representation, in any manner or form, depicting sexual conduct
657 or sexual excitement as those terms are defined in s. 847.001.
658 The division may allocate grants only for projects that are
659 approved or for which funds are appropriated by the Legislature.
660 ~~Projects approved and recommended by the Secretary of State~~
661 ~~which are not funded by the Legislature shall be retained on the~~
662 ~~project list for the following grant cycle only. All projects~~
663 ~~that are retained shall be required to submit such information~~
664 ~~as may be required by the department as of the established~~
665 ~~deadline date of the latest grant cycle in order to adequately~~
666 ~~reflect the most current status of the project.~~

667 (6) Effective upon this act becoming a law, the secretary

Page 23 of 34

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585-03150-25 20251524c1

668 shall request, and the council shall submit, an updated list of
669 projects that comply with the requirements of this section.
670 After reviewing and making comments, the secretary shall submit
671 the recommended list to the Legislature for funding
672 consideration in the General Appropriations Act for fiscal year
673 2025-2026. This subsection expires July 1, 2026.

674 (7) The council and the secretary may provide a separate
675 list for activities and programs that support America250 and
676 celebrate the 250th anniversary of the signing of the
677 Declaration of Independence on July 4, 1776. This subsection
678 applies only if the date this act becomes law occurs before the
679 Legislature passes the General Appropriations Act for fiscal
680 year 2025-2026. This subsection expires July 4, 2026.

681 Section 21. Subsection (1) of section 265.703, Florida
682 Statutes, is amended to read:

683 265.703 Citizen support organizations; use of state
684 administrative services and property; audit.—

685 (1) CITIZEN SUPPORT ORGANIZATIONS.—The division may support
686 the establishment of citizen support organizations to provide
687 assistance, funding, and promotional support for the cultural,
688 arts, historical, ~~and~~ museum, and international and
689 intergovernmental programs of the division. For the purposes of
690 this section, a "citizen support organization" means an
691 organization which is:

692 (a) A Florida corporation not for profit incorporated under
693 the provisions of chapter 617 and approved by the Department of
694 State.

695 (b) Organized and operated to conduct programs and
696 activities; raise funds; request and receive grants, gifts, and

Page 24 of 34

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585-03150-25 20251524c1

697 bequests of money; acquire, receive, hold, invest, and
 698 administer, in its own name, securities, funds, objects of
 699 value, or other property, real or personal; and make
 700 expenditures to or for the direct or indirect benefit of the
 701 division, ~~or~~ individual program units, or international and
 702 intergovernmental programs of the division.

703 (c) Determined by the division to be consistent with the
 704 goals of the division and in the best interests of the state.

705 (d) Approved in writing by the division to operate for the
 706 direct or indirect benefit of the division. Such approval shall
 707 be given in a letter of agreement from the division.

708 Section 22. Paragraph (a) of subsection (1) of section
 709 265.803, Florida Statutes, is amended to read:

710 265.803 Florida Folklife Council.—

711 (1)(a) The Florida Folklife Council is created as a sub-
 712 council within part of the Florida Council on Arts and Culture
 713 created by s. 265.285 Department of State, to be composed of
 714 consist of seven members appointed by the Secretary of State
 715 from the membership of the Florida Council on Arts and Culture.
 716 The Secretary of State shall appoint each member for a 4-year
 717 term and shall appoint a successor for each member within 90
 718 days after the expiration of the member's term. The Secretary of
 719 State shall fill any vacancy for the remainder of the unexpired
 720 term within 90 days after the vacancy occurs. Members shall be
 721 appointed to provide geographical, cultural, traditional ~~ethnic~~,
 722 and professional representation on the council.

723 Section 23. Paragraph (c) of subsection (6) of section
 724 267.0612, Florida Statutes, is amended to read:

725 267.0612 Florida Historical Commission; creation;

585-03150-25 20251524c1

726 membership; powers and duties.—In order to enhance public
 727 participation and involvement in the preservation and protection
 728 of the state's historic and archaeological sites and properties,
 729 there is created within the Department of State the "Florida
 730 Historical Commission." The commission shall serve in an
 731 advisory capacity to the director of the Division of Historical
 732 Resources to assist the director in carrying out the purposes,
 733 duties, and responsibilities of the division, as specified in
 734 this chapter.

735 (6) It shall be the responsibility of the commission to
 736 provide assistance, advice, and recommendations to the division
 737 in:

738 (c) Evaluating proposals for awards of special category
 739 historic preservation grants-in-aid administered by the
 740 division. Pursuant thereto, the commission shall review and
 741 evaluate proposals for special category grants and shall make
 742 recommendations, including a priority ranking, reflecting such
 743 evaluation. In making such evaluation and recommendations, the
 744 commission shall, at a minimum, consider the purpose, economic
 745 and other public benefit, location, compatibility with statewide
 746 historic preservation priorities, and cost of each proposal for
 747 special category grant assistance. Special category historic
 748 preservation grants-in-aid recommendations of the commission
 749 shall be reviewed by the Secretary of State as provided in s.
 750 267.0617.

751 Section 24. Subsections (2) and (3) of section 267.0617,
 752 Florida Statutes, are amended to read:

753 267.0617 Historic Preservation Grant Program.—

754 (2) The division is authorized to conduct and carry out a

585-03150-25 20251524c1

755 program of historic preservation grants-in-aid, including
 756 matching grants, to any department or agency of the state; any
 757 unit of county, municipal, or other local government; any
 758 corporation, partnership, or other organization, whether public
 759 or private or whether or not for profit; or any individual for
 760 projects having as their purpose the identification,
 761 acquisition, protection, preservation, rehabilitation,
 762 restoration, or construction of historic sites and properties,
 763 or Florida history, or the planning of such activities. Funds
 764 appropriated from general revenue for the historic preservation
 765 grants-in-aid program shall not be provided for a project owned
 766 by private individuals or owned by for-profit corporations. ~~All~~
 767 ~~moneys received from any source as appropriations, deposits, or~~
 768 ~~contributions to this program shall be paid and credited to the~~
 769 ~~Historical Resources Operating Trust Fund.~~

770 (3) All grants of state funds to assist in the preservation
 771 of historic properties ~~shall be made from the Historical~~
 772 ~~Resources Operating Trust Fund and~~ may be awarded only pursuant
 773 to applications for such assistance made to the Division of
 774 Historical Resources. The Florida Historical Commission shall
 775 review each application for a special category historic
 776 preservation grant-in-aid. ~~Special category historic~~
 777 ~~preservation grants-in-aid are those reviewed and recommended by~~
 778 ~~the Secretary of State for submission for legislative funding~~
 779 ~~consideration.~~ Grant review panels appointed by the Secretary of
 780 State and chaired by a member of the Florida Historical
 781 Commission or a designee appointed by the commission's presiding
 782 officer shall review each application for other historic
 783 preservation grants-in-aid. ~~Each~~ The reviewing body shall submit

Page 27 of 34

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585-03150-25 20251524c1

784 annually to the Secretary of State ~~for approval~~ lists of all
 785 historic preservation grant-in-aid applications that are
 786 recommended by the reviewing body for the award of grants,
 787 arranged in order of priority. The Secretary of State may review
 788 and provide comments to the Legislature concerning the
 789 recommended applicants. Funds awarded under this section must be
 790 expended in compliance with all federal, state, and local laws
 791 and regulations and used only for activities and programs that
 792 are not harmful to minors. The Secretary shall submit the
 793 recommended lists to the Legislature for funding consideration.
 794 For purposes of this subsection, the term "harmful to minors"
 795 means any reproduction, imitation, characterization,
 796 description, exhibition, presentation, or representation, in any
 797 manner or form, depicting sexual conduct or sexual excitement as
 798 those terms are defined in s. 847.001.

799 Section 25. Section 267.0722, Florida Statutes, is
 800 repealed.

801 Section 26. Section 267.075, Florida Statutes, is amended
 802 to read:

803 267.075 The Grove; management; stewardship Advisory
 804 Council; creation; membership; purposes.-

805 (1) The Call/Collins House, commonly known as "The Grove,"
 806 located in Tallahassee, Leon County, shall be utilized as a
 807 house museum of history for the educational benefit of the
 808 citizens of this state. The utilization of The Grove as a museum
 809 of history shall emphasize the lives and accomplishments of The
 810 Grove's first owner, Richard Keith Call, Florida's last
 811 Territorial Governor, and LeRoy Collins, Florida's 33rd
 812 Governor, who, with his wife, Mary Call Darby Collins, were the

Page 28 of 34

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585-03150-25

20251524c1

813 last owners of The Grove. The faithful restoration and
 814 maintenance of The Grove undertaken by LeRoy Collins and Mary
 815 Call Darby Collins during the nearly six decades of Collins
 816 family ownership and stewardship which has preserved the
 817 original plan of construction and design of The Grove shall be
 818 continued as provided for in this section.

819 ~~(2) There is created within the Department of State The~~
 820 ~~Grove Advisory Council for the purpose of advising the Division~~
 821 ~~of Historical Resources on the operation, maintenance,~~
 822 ~~preservation, and protection of the Call/Collins House, commonly~~
 823 ~~known as "The Grove," its grounds, cemetery, and all structures~~
 824 ~~thereon; the furniture and furnishings located therein; any~~
 825 ~~changes in the architecture, structure, furnishings, or~~
 826 ~~landscaping deemed necessary or desirable by the council; and~~
 827 ~~the design and development of interpretive programs and exhibits~~
 828 ~~in connection therewith.~~

829 ~~(3) (a) The Grove Advisory Council shall be composed of~~
 830 ~~eight members, as follows:~~

831 ~~1. Five members shall be private citizens appointed by the~~
 832 ~~Secretary of State.~~

833 ~~2. One member shall be the Secretary of Management Services~~
 834 ~~or his or her designee.~~

835 ~~3. One member shall be the director of the Division of~~
 836 ~~Historical Resources of the Department of State.~~

837 ~~4. At least one member shall be a direct descendant of Mary~~
 838 ~~Call Darby Collins appointed by the Secretary of State with the~~
 839 ~~advice of the oldest living generation of lineal descendants of~~
 840 ~~Mary Call Darby Collins.~~

841

585-03150-25

20251524c1

842 ~~Of the citizen members, at least one member shall have~~
 843 ~~professional curatorial and museum expertise, one member shall~~
 844 ~~have professional architectural expertise in the preservation of~~
 845 ~~historic buildings, and one member shall have professional~~
 846 ~~landscape expertise. The five citizen members of the council~~
 847 ~~appointed by the Secretary of State and the member of the~~
 848 ~~council who is a direct descendant of Mary Call Darby Collins~~
 849 ~~appointed by the Secretary of State shall be appointed for~~
 850 ~~staggered 4-year terms. The Secretary of State shall fill the~~
 851 ~~remainder of unexpired terms for the five citizen members of the~~
 852 ~~council and the member of the council who is a direct descendant~~
 853 ~~of Mary Call Darby Collins.~~

854 ~~(b) The council shall annually elect a chair from among the~~
 855 ~~five citizen members of the council appointed by the Secretary~~
 856 ~~of State and the member of the council who is a direct~~
 857 ~~descendant of Mary Call Darby Collins appointed by the Secretary~~
 858 ~~of State. The chair shall serve for a term of 1 year. Meetings~~
 859 ~~of the council shall be held at the call of the chair, at the~~
 860 ~~request of a majority of its membership, at the request of the~~
 861 ~~Secretary of State, or at such times as may be prescribed by~~
 862 ~~rules of the council. The council shall meet at least twice~~
 863 ~~annually. A majority of the council shall constitute a quorum~~
 864 ~~for the transaction of business.~~

865 ~~(c) The council shall obtain clerical, expert, technical,~~
 866 ~~or other services from the Division of Historical Resources. The~~
 867 ~~Department of Management Services shall provide reasonable~~
 868 ~~assistance to the Department of State in carrying out the~~
 869 ~~purposes of this section.~~

870 ~~(d) Members of the council shall serve without compensation~~

585-03150-25

20251524c1

871 ~~or honorarium but shall be entitled to receive reimbursement for~~
 872 ~~per diem and travel expenses as provided in s. 112.061. All~~
 873 ~~expenses of the council shall be paid from appropriations to be~~
 874 ~~made by the Legislature to the Department of State. All vouchers~~
 875 ~~shall be approved by the Division of Historical Resources before~~
 876 ~~being submitted to the Chief Financial Officer for payment.~~

877 (2)(4)(a) The Division of Historical Resources, ~~with the~~
 878 ~~advice and assistance of the council,~~ shall maintain the
 879 structure, style, character, and landscaping of The Grove, its
 880 grounds, its private family cemetery, and all structures thereon
 881 consistent with the character, plan, and design of The Grove at
 882 the time the state takes physical possession of The Grove and
 883 its surrounding property from Mary Call Darby Collins. It shall
 884 preserve and protect the antique furnishings and other articles
 885 of furniture, fixtures, and decorative objects and articles used
 886 or displayed in the premises.

887 (b) The Division of Historical Resources shall catalog and
 888 maintain a descriptive, photographic inventory of the
 889 furnishings, fixtures, and decorative objects and articles used
 890 or displayed in the premises.

891 (c) The Division of Historical Resources may receive, on
 892 behalf of the state, contributions, bequests, and gifts of
 893 money, furniture, works of art, memorabilia, or other property
 894 consistent with the use of The Grove as described in this
 895 section. Title to all property which is received in this manner
 896 shall vest in the state and shall be held in trust by the
 897 Division of Historical Resources solely to further the purposes
 898 of this section. No furniture, furnishings, fixtures, or
 899 decorative objects acquired from the Collins family or any of

585-03150-25

20251524c1

900 its members shall be used for any purpose except as a permanent
 901 part of The Grove's furniture, furnishings, fixtures, or
 902 decorative objects, and any such item not so utilized shall
 903 forthwith revert to the Collins family member or members from
 904 whom it was acquired. ~~No gifts, contributions, or bequests shall~~
 905 ~~be accepted for The Grove without the advice and recommendation~~
 906 ~~of the council.~~

907 Section 27. Subsection (2) of section 267.21, Florida
 908 Statutes, is amended to read:

909 267.21 Historic Cemeteries Program.—

910 (2) (a) The Historic Cemeteries Program shall, subject to
 911 legislative appropriation, provide grants to the following
 912 entities:

913 1.~~(a)~~ Research institutions, colleges and universities, and
 914 qualified nonprofit organizations, for the purpose of conducting
 915 genealogical and historical research necessary to identify and
 916 contact the relatives and descendants of persons buried in
 917 abandoned African-American cemeteries.

918 2.~~(b)~~ Local governments and qualified nonprofit
 919 organizations, for the purposes of repairing, restoring, and
 920 maintaining abandoned African-American cemeteries.

921 (b) All grants of state funds to assist abandoned African-
 922 American cemeteries may be awarded only pursuant to applications
 923 for such assistance made to the division. The Florida Historic
 924 Cemeteries Program Advisory Council shall review each
 925 application for an abandoned African-American cemeteries grant
 926 made under this section. The council shall submit annually to
 927 the Secretary of State a list of all abandoned African-American
 928 cemeteries applications that it recommends for the award of

585-03150-25 20251524c1

929 grants, arranged in order of priority. The Secretary of State
 930 may review and provide comments to the Legislature concerning
 931 the recommended applicants. Funds awarded under this section
 932 must be expended in compliance with all federal, state, and
 933 local laws and regulations and used only for activities and
 934 programs that are not harmful to minors. The Secretary of State
 935 shall submit a recommended list to the Legislature for funding
 936 consideration. For purposes of this paragraph, the term "harmful
 937 to minors" means any reproduction, imitation, characterization,
 938 description, exhibition, presentation, or representation, in any
 939 manner or form, depicting sexual conduct or sexual excitement as
 940 those terms are defined in s. 847.001.

941 Section 28. Subsections (1) and (2) of section 267.22,
 942 Florida Statutes, are amended to read:

943 267.22 Historic Cemeteries Program Advisory Council.—

944 (1) The Historic Cemeteries Program Advisory Council, an
 945 advisory council as defined in s. 20.03(7), is created as a sub-
 946 council within the Florida Historical Commission created by s.
 947 267.0612 ~~division~~ and shall be composed ~~consist~~ of at least five
 948 but no more than nine members appointed by the Florida
 949 Historical Commission ~~Secretary of State~~ after considering the
 950 recommendations of the director of the division. The council
 951 must be composed of an inclusive group of members who are
 952 regionally distributed and representative of communities
 953 throughout this state and may include members of the Florida
 954 Historical Commission. Members in place on July 1, 2025, may
 955 serve for the remainder of their respective terms. New
 956 appointments to the council may not be made until the
 957 retirement, resignation, removal, or expiration of the terms of

585-03150-25 20251524c1

958 the initial members results in fewer than five members
 959 remaining. Members shall serve 4-year terms; however, for the
 960 purpose of providing staggered terms, four of the appointees
 961 initially shall be appointed to 2-year terms and the remaining
 962 five shall be appointed to 4-year terms. All new subsequent
 963 appointments shall be for 2-year ~~4-year~~ terms. Annually ~~As soon~~
 964 as practicable after July 1, 2023, the council shall ~~meet to~~
 965 elect a chair from its membership. Except as otherwise provided
 966 in this section, the council shall operate in a manner
 967 consistent with s. 20.052.

968 (2) The council shall provide guidance and recommendations
 969 to the division and the Florida Historical Commission regarding
 970 the duties and responsibilities of the Historic Cemeteries
 971 Program created under s. 267.21. The council must also evaluate
 972 proposals for awards of abandoned African-American cemeteries
 973 grants, as authorized by s. 267.21(2). Pursuant thereto, the
 974 council must review and evaluate proposals for abandoned
 975 African-American cemeteries grants and make recommendations to
 976 the Secretary of State, including providing a priority ranking,
 977 reflecting the evaluation. In making its evaluation and
 978 recommendations, the council shall, at a minimum, consider the
 979 purpose, public benefit, location, and cost of each proposal for
 980 grant assistance. Abandoned African-American cemeteries grants
 981 recommendations of the council shall be reviewed by the
 982 Secretary of State in accordance with s. 267.21(2).

983 Section 29. This act shall take effect upon becoming a law.

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee on Transportation, Tourism and Economic Development

Judge:

Started: 4/15/2025 8:30:23 AM

Ends: 4/15/2025 9:08:25 AM

Length: 00:38:03

8:30:23 AM Sen. DiCeglie (Chair)
8:31:07 AM S 1264
8:31:47 AM Sen. Collins
8:33:58 AM Sen. DiCeglie
8:34:01 AM Am. 435260
8:34:11 AM Sen. Collins
8:34:27 AM Sen. DiCeglie
8:34:35 AM S 1264 (Cont.)
8:34:55 AM Lindsey Pierce, Space Florida (waives in support)
8:35:02 AM Cissy Proctor, Leonardo Helicopters (waives in support)
8:35:08 AM Stephen Marante, Florida Commerce (waives in support)
8:35:15 AM JD White, Ark Innovation (waives in support)
8:35:20 AM Chris Doolin, Small County Coalition
8:38:11 AM Sen. DiCeglie
8:39:27 AM Kristin Dozier, Florida Regional Councils Association
8:41:38 AM Sen. DiCeglie
8:41:56 AM Darryl Register
8:44:43 AM Sen. DiCeglie
8:44:48 AM Sen. Ingoglia
8:44:54 AM D. Register
8:45:09 AM Sen. Ingoglia
8:45:21 AM D. Register
8:45:37 AM Sen. Ingoglia
8:45:41 AM D. Register
8:46:23 AM Sen. Ingoglia
8:46:30 AM D. Register
8:46:44 AM Sen. Ingoglia
8:47:03 AM D. Register
8:47:15 AM Sen. DiCeglie
8:47:31 AM Rana Brown, Florida Regional Planning Council
8:48:36 AM Sen. DiCeglie
8:48:41 AM Colton Madmill, Florida Chamber of Commerce (waives in support)
8:48:45 AM Chadwick Leonard, 1000 Friends of Florida
8:50:09 AM Sen. DiCeglie
8:50:17 AM Sen. Sharief
8:53:23 AM Sen. DiCeglie
8:53:28 AM Sen. Bernard
8:55:06 AM Sen. DiCeglie
8:56:28 AM Sen. Collins
8:58:14 AM Sen. DiCeglie
8:58:47 AM S 1348
8:58:56 AM Sen. Trumbull
8:59:47 AM Sen. DiCeglie
8:59:52 AM Am. 433154
9:00:00 AM Sen. Trumbull
9:00:33 AM Sen. DiCeglie
9:00:47 AM Am. 539458
9:01:00 AM Sen. Ingoglia
9:01:49 AM Sen. DiCeglie
9:01:59 AM Sen. Ingoglia
9:02:20 AM Sen. DiCeglie
9:02:27 AM Am. 388348

9:02:34 AM Sen. Collins
9:02:55 AM Tim Qualls, Florida Tax Collectors Association (waives in support)
9:03:08 AM S 1348 (cont.)
9:03:24 AM William B Smith, Florida PBA (waives in support)
9:03:56 AM Sen. Sharief
9:04:46 AM Sen. Bernard
9:04:54 AM Sen. DiCeglie
9:05:24 AM S 936
9:05:46 AM Sen. Davis
9:06:41 AM Sen. DiCeglie