

Tab 1	CS/SB 364 by ED, Osgood (CO-INTRODUCERS) Pizzo; Identical to CS/H 01051 Council on the Social Status of Black Men and Boys					
455858	A	S	RCS	FP, Osgood	Delete L.119 - 121:	04/17 03:19 PM
Tab 2	SB 398 by Burgess (CO-INTRODUCERS) Smith, Berman, Sharief; Similar to CS/H 01065 Awareness Program for Alzheimer's Disease and Dementia-related Disorders					
947542	A	S	RCS	FP, Burgess	Delete L.79 - 83.	04/17 03:31 PM
Tab 3	CS/SB 584 by HE, Garcia (CO-INTRODUCERS) Osgood; Similar to CS/CS/H 00879 Young Adult Housing Support					
750454	A	S	RCS	FP, Garcia	Delete L.50 - 87:	04/17 03:36 PM
Tab 4	SB 788 by Truenow (CO-INTRODUCERS) Gaetz; Similar to CS/H 00797 Veterans' Nursing Homes					
Tab 5	CS/SB 824 by TR, Pizzo; Similar to H 00605 Specialty License Plates/Supporting FHP Troopers					
633446	D	S	RCS	FP, Pizzo	Delete everything after	04/17 03:41 PM
Tab 6	CS/SB 830 by AEG, Rodriguez; Identical to CS/H 01285 Disposition of Migrant Vessels					
Tab 7	CS/SB 916 by TR, Rodriguez; Similar to CS/H 00867 Indemnification of Commuter Rail Transportation Providers					
Tab 8	SB 984 by Gruters; Similar to H 00693 Aggravating Factors					
Tab 9	CS/SB 988 by BI, Truenow; Similar to CS/CS/H 00379 Securities					
206852	A	S	RCS	FP, Truenow	Delete L.102 - 716:	04/17 03:43 PM
Tab 10	SB 1072 by McClain; Similar to CS/H 00847 Expedited DNA Testing Grant Program					
564950	A	S	RCS	FP, McClain	Delete L.23:	04/17 03:48 PM
Tab 11	SB 1102 by Calatayud; Similar to CS/H 00877 School Readiness Program					
261794	A	S	RCS	FP, Calatayud	Delete L.55 - 113:	04/17 03:50 PM
Tab 12	CS/CS/SB 1140 by ACJ, CJ, Gruters (CO-INTRODUCERS) Osgood; Similar to CS/CS/CS/H 01095 Criminal Offender Substance Abuse Pilot Program					
Tab 13	CS/SB 1310 by CF, Bradley; Similar to CS/CS/H 00969 Reporting of Student Mental Health Outcomes					
Tab 14	CS/CS/SB 1344 by ACJ, CJ, Simon; Similar to CS/CS/H 01405 Juvenile Justice					
934982	A	S	RS	FP, Simon	Delete L.1705 - 2583:	04/17 04:03 PM
797592	SA	S	RCS	FP, Simon	Delete L.1705 - 2583:	04/17 04:03 PM
Tab 15	CS/CS/SB 1386 by ACJ, CJ, Yarborough (CO-INTRODUCERS) Leek; Similar to CS/H 00857 Assault or Battery on a Utility Worker					

Tab 16	SB 1408 by Collins (CO-INTRODUCERS) Martin; Similar to H 00697 Transportation Facility Designations					
411176	A	S	RCS	FP, Collins	Delete L.19 - 21:	04/17 04:05 PM

Tab 17	CS/SB 1590 by AED, Burgess; Compare to CS/CS/H 00875 Educator Preparation					
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Tab 18	CS/SB 1612 by BI, Grall; Identical to CS/H 01549 Financial Institutions					
697190	A	S	RCS	FP, Gruters	Before L.25:	04/17 04:08 PM
733752	A	S	RCS	FP, Grall	Delete L.88 - 136:	04/17 04:08 PM
309838	AA	S	RCS	FP, Grall	Delete L.15 - 26:	04/17 04:08 PM

Tab 19	CS/SB 1620 by CF, Rouson; Compare to CS/H 01439 Mental Health and Substance Use Disorders					
277276	D	S	RCS	FP, Rouson	Delete everything after	04/17 04:10 PM

Tab 20	CS/SB 1654 by ACJ, Martin; Identical to CS/H 01351 Registration of Sexual Predators and Sexual Offenders					
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Tab 21	SB 1672 by Truenow; Identical to H 06033 Labor Pool Act					
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Tab 22	CS/SB 1674 by CA, Calatayud (CO-INTRODUCERS) Fine, Polsky; Identical to CS/CS/1ST ENG/H 00669 Unrated Bonds					
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Tab 23	CS/CS/SB 1800 by AHS, HP, Calatayud; Similar to CS/CS/H 01545 Parkinson's Disease					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Gruters, Chair
Senator Osgood, Vice Chair

MEETING DATE: Thursday, April 17, 2025
TIME: 9:00 a.m.—6:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Gruters, Chair; Senator Osgood, Vice Chair; Senators Arrington, Avila, Bernard, Boyd, Bradley, Burton, Calatayud, Davis, Gaetz, Ingoglia, Jones, Leek, Passidomo, Rodriguez, Simon, Truenow, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 364 Education Pre-K - 12 / Osgood (Identical CS/H 1051)	Council on the Social Status of Black Men and Boys; Establishing the council within Florida Memorial University, rather than the Department of Legal Affairs; requiring Florida Memorial University, rather than the Office of the Attorney General, to provide staff and administrative support to the council; providing that members of the council may be reimbursed for certain expenses by Florida Memorial University, rather than the Department of Legal Affairs, etc. ED 03/17/2025 Fav/CS AED 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 17 Nays 0
2	SB 398 Burgess (Similar CS/H 1065)	Awareness Program for Alzheimer's Disease and Dementia-related Disorders; Requiring the Department of Elderly Affairs to contract for the development and implementation of the Alzheimer's Disease Awareness Program; requiring the Alzheimer's Disease Advisory Committee to evaluate the program and make certain recommendations, etc. CF 03/04/2025 Favorable AHS 03/18/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 16 Nays 0
3	CS/SB 584 Education Postsecondary / Garcia (Similar CS/H 879)	Young Adult Housing Support; Requiring each Florida College System institution and state university to develop plans for prioritizing the placement of certain students; requiring the Department of Children and Families, community-based care lead agencies, and housing authorities to take any action required by the United States Department of Housing and Urban Development to administer the federal Foster Youth to Independence initiative; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study of the barriers to housing faced by young adults who are homeless or were formerly in foster care, etc. HE 03/31/2025 Fav/CS AHS 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 17, 2025, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 788 Truenow (Similar CS/H 797)	Veterans' Nursing Homes; Defining the term "veteran- and spouse-designated nursing home beds"; authorizing the executive director of the Department of Veterans' Affairs to approve requests to create or modify veteran- and spouse-designated nursing home beds if certain conditions are met; authorizing the department to adopt rules, etc. MS 03/25/2025 Favorable AHS 04/10/2025 Favorable FP 04/17/2025 Favorable	Favorable Yeas 16 Nays 0
5	CS/SB 824 Transportation / Pizzo (Similar H 605)	Specialty License Plates/Supporting FHP Troopers; Directing the Department of Highway Safety and Motor Vehicles to develop a Supporting FHP Troopers license plate; providing for distribution and use of fees collected from the sale of the plate, etc. TR 03/19/2025 Fav/CS ATD 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 16 Nays 0
6	CS/SB 830 Appropriations Committee on Agriculture, Environment, and General Government / Rodriguez (Identical CS/H 1285)	Disposition of Migrant Vessels; Defining the term "migrant vessel"; revising provisions concerning relocation or removal of certain vessels to include migrant vessels; providing procedures for law enforcement officers concerning disposition of migrant vessels, etc. EN 03/17/2025 Favorable AEG 04/10/2025 Fav/CS FP 04/17/2025 Favorable	Favorable Yeas 17 Nays 0
7	CS/SB 916 Transportation / Rodriguez (Similar CS/H 867)	Indemnification of Commuter Rail Transportation Providers; Creating the "Coastal Link Commuter Rail Service Act"; authorizing an agency to assume the obligation to protect, defend, indemnify, and hold harmless certain entities from and against certain liabilities, costs, and expenses in certain circumstances; providing that an employee of an operator is not a coastal link corridor invitee of such operator in certain circumstances; specifying the circumstances under which certain passengers are coastal link corridor invitees of certain operators; requiring that the allocation of liability between certain agencies be allocated as agreed and limited by certain provisions, etc. TR 03/19/2025 Fav/CS JU 04/01/2025 Favorable FP 04/17/2025 Favorable	Favorable Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 17, 2025, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 984 Gruters (Similar H 693)	Aggravating Factors; Providing an additional aggravating factor for capital felonies, etc. CJ 03/18/2025 Favorable ACJ 04/10/2025 Favorable FP 04/17/2025 Favorable	Favorable Yeas 14 Nays 3
9	CS/SB 988 Banking and Insurance / Truenow (Similar CS/CS/H 379)	Securities; Revising the circumstances under which securities transactions are exempt from registration requirements; revising the filing requirements for securities issuers under the Florida Invest Local Exemption law; revising the list of persons who must submit fingerprints for live-scan processing for registration applications; defining the term “restitution order”, etc. BI 03/10/2025 Fav/CS AEG 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 16 Nays 0
10	SB 1072 McClain (Similar CS/H 847)	Expedited DNA Testing Grant Program; Defining the term “private lab”; creating the Expedited DNA Testing Grant Program within the Department of Law Enforcement; specifying potential grant recipients; providing purposes for the grants under the program; specifying eligible uses for such grant funds, etc. CJ 04/01/2025 Favorable ACJ 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 17 Nays 0
11	SB 1102 Calatayud (Identical H 877)	School Readiness Program; Revising the criteria for a child to receive priority for participation in the school readiness program; providing requirements for a school readiness program provider to be eligible for specified funding beginning on a specified date, etc. ED 03/17/2025 Favorable AED 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 17 Nays 0
12	CS/CS/SB 1140 Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Gruters (Similar CS/CS/CS/H 1095)	Criminal Offender Substance Abuse Pilot Program; Creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; providing for design and implementation of the program in the county; authorizing subgrants for personnel needs; requiring a report to certain officials by a specified date, etc. CJ 04/01/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP 04/17/2025 Favorable	Favorable Yeas 17 Nays 0

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Fiscal Policy

Thursday, April 17, 2025, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	CS/SB 1310 Children, Families, and Elder Affairs / Bradley (Similar CS/CS/H 969)	Reporting of Student Mental Health Outcomes; Requiring the Office of Program Policy Analysis and Government Accountability to submit an initial specified evaluation to the Governor and Legislature by a specified date; providing evaluation requirements; requiring the office to submit a final review and evaluation to the Governor and Legislature by a specified date, etc. CF 03/25/2025 Temporarily Postponed CF 04/01/2025 Fav/CS FP 04/17/2025 Favorable	Favorable Yeas 16 Nays 0
14	CS/CS/SB 1344 Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Simon (Similar CS/H 1405)	Juvenile Justice; Providing for appointment of counsel in certain circumstances; providing for payment of counsel; revising provisions for a child's punishment for contempt of court; requiring parents to use health care insurance to the extent that it is available; authorizing that a child be taken into custody pursuant to a finding of contempt; providing for early truancy intervention; specifying when a guardian ad litem may be appointed, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP 04/17/2025 Fav/CS	Fav/CS Yeas 17 Nays 0
15	CS/CS/SB 1386 Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Yarborough (Similar CS/H 857)	Assault or Battery on a Utility Worker; Defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker engaged in work on critical infrastructure, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP 04/17/2025 Favorable	Favorable Yeas 17 Nays 0
16	SB 1408 Collins (Similar H 697, Compare CS/CS/H 987)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc. TR 03/19/2025 Favorable ATD 03/26/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 17, 2025, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	CS/SB 1590 Appropriations Committee on Pre-K - 12 Education / Burgess (Compare CS/CS/H 875)	Educator Preparation; Requiring the Department of Education to establish a workgroup to update and revise the Florida Educator Accomplished Practices; requiring the department to submit workgroup findings to the Governor and the Legislature by a certain date; establishing guidelines for teacher preparation program uniform core curricula, etc. ED 03/31/2025 Favorable AED 04/10/2025 Fav/CS FP 04/17/2025 Favorable	Favorable Yeas 16 Nays 0
18	CS/SB 1612 Banking and Insurance / Grall (Identical CS/H 1549)	Financial Institutions; Requiring state financial institutions to pay a semiannual assessment for specified time periods; authorizing the office to issue a specified certificate under certain circumstances; authorizing elected officers, directors, or committee members of a credit union to be reimbursed for certain expenses, etc. BI 03/17/2025 Fav/CS AEG 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 14 Nays 3
19	CS/SB 1620 Children, Families, and Elder Affairs / Rouson (Compare CS/H 1439)	Mental Health and Substance Use Disorders; Defining the term "person-first language"; revising the minimum standards for a mobile crisis response service; requiring that an individualized treatment plan be reevaluated within a specified timeframe to ensure the recommended care remains necessary for a patient; requiring the Department of Children and Families to review and evaluate the discharge procedures and policies for all receiving facilities; requiring the department to reevaluate assessment services at specified intervals to ensure a patient's clinical needs are being met, etc. CF 03/25/2025 Fav/CS AHS 04/10/2025 Favorable FP 04/17/2025 Fav/CS	Fav/CS Yeas 16 Nays 0
20	CS/SB 1654 Appropriations Committee on Criminal and Civil Justice / Martin (Identical CS/H 1351)	Registration of Sexual Predators and Sexual Offenders; Revising reporting requirements for sexual predators; revising reporting requirements for sexual offenders; revising verification requirements, etc. CJ 03/18/2025 Favorable ACJ 04/10/2025 Fav/CS FP 04/17/2025 Favorable	Favorable Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 17, 2025, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
21	SB 1672 Truenow (Identical H 6033)	Labor Pool Act; Repealing provisions relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively, etc. CM 03/31/2025 Favorable FP 04/17/2025 Temporarily Postponed RC	Temporarily Postponed
22	CS/SB 1674 Community Affairs / Calatayud (Identical CS/CS/H 669)	Unrated Bonds; Prohibiting local governments from requiring minimum bond ratings for certain investments, etc. CA 03/31/2025 Fav/CS FP 04/17/2025 Favorable RC	Favorable Yeas 17 Nays 0
23	CS/CS/SB 1800 Appropriations Committee on Health and Human Services / Health Policy / Calatayud (Similar CS/CS/H 1545, Compare H 1547, Linked S 1802)	Parkinson's Disease; Creating the "Parkinson's Disease Research Act"; establishing the Consortium for Parkinson's Disease Research within the University of South Florida; establishing the Parkinson's Disease Research Board; requiring the board to direct the operations of the consortium; requiring the board to award funds to board members for certain purposes, etc. HP 04/01/2025 Fav/CS AHS 04/10/2025 Fav/CS FP 04/17/2025 Favorable	Favorable Yeas 17 Nays 0
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 Committee on Fiscal Policy

BILL: CS/CS/SB 364

INTRODUCER: Fiscal Policy Committee; Education Pre-K - 12 Committee; and Senators Osgood and Pizzo

SUBJECT: Council on the Social Status of Black Men and Boys

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Fav/CS
2.	Gray	Elwell	AED	Favorable
3.	Jahnke	Siples	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 364 transfers the Council on the Social Status of Black Men and Boys (the council) from the Department of Legal Affairs to Florida Memorial University. The bill also shifts administrative responsibilities, including staffing support and expense reimbursements, from the Department of Legal Affairs and the Office of the Attorney General to Florida Memorial University.

The bill reduces the number of members necessary to constitute a quorum for the council. Members of the council are authorized to appear at meetings electronically and still count towards the council's quorum requirements for purposes of conducting business. The bill also adds notice requirements for the council's public meetings or workshops that will be conducted using communications media technology.

Additionally, the bill designates the authority to approve the council's meeting times from the Attorney General to the president of Florida Memorial University.

If no direct appropriation is provided to the university to support the council, the university would incur a cost to implement the various provisions of the bill. **See Section V., Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

The 2006 Florida Legislature established the Florida Council on the Social Status of Black Men and Boys (the council) to study conditions negatively affecting black males in our state. The council is housed within the Department of Legal Affairs in the Office of the Attorney General.¹

The council is comprised of 19 appointed members who serve four-year terms. These members include representatives of state agencies and the Legislature, as well as citizens who represent relevant areas of interest. The members include:

- Two members of the Senate who are not members of the same political party, appointed by the President of the Senate with the advice of the minority leader of the Senate.
- Two members of the House of Representatives who are not members of the same political party, appointed by the Speaker of the House of Representatives with the advice of the minority leader of the House of Representatives.
- The Secretary of Children and Family Services (DCF), or his or her designee.
- The director of the Mental Health Program Office within the DCF, or his or her designee.
- The State Surgeon General, or his or her designee.
- The Commissioner of Education, or his or her designee.
- The Secretary of Corrections, or his or her designee.
- The Attorney General, or his or her designee.
- The Secretary of Management Services, or his or her designee.
- The Secretary of Commerce, or his or her designee.
- A businessperson who is an African American appointed by the Governor.
- Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of these appointments must be a clinical physiologist.
- Two persons appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of these appointments must be an Africana studies professional.
- The deputy secretary for Medicaid in the Agency for Health Care Administration, or his or her designee.
- The Secretary of Juvenile Justice, or his or her designee.²

The council is tasked with conducting a systematic study of the social and economic conditions affecting black men and boys, including, but not limited to:

- Homicide rates;
- Arrest and incarceration rates;
- Poverty;
- Violence;
- Drug use;
- Death rates;
- Disparate annual income levels;

¹ Section 16.615, F.S.; Florida Council on the Social Status of Black Men and Boys, *About the Council*, <https://cssbmb.com/about-the-council/> (last visited Mar. 20, 2025).

² Section 16.615(1), F.S.

- School performance in all grade levels including postsecondary levels; and
- Health issues.

Based on these findings, the council proposes legislative and nonlegislative measures to alleviate and correct the underlying causes of these conditions. In addition to its mandated studies, the council may explore additional topics at the direction of the Legislature or its chair. It also receives input from legislators, government agencies, advocacy organizations, and private citizens. Furthermore, the council is responsible for developing a strategic program and funding initiative to establish local councils dedicated to addressing these issues at the community level. Additionally, it is tasked with developing a strategic program and funding initiative for the establishment of local councils.³

The council has statutory authority to access public records from state agencies, request research assistance from the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability, seek assistance from state or local government entities, and apply for and accept funding from public and private sources to support its work. It may also collaborate with Florida's Historically Black Colleges and Universities (HBCUs) to address education-related issues.⁴

The Office of the Attorney General provides staffing and administrative support and oversees the council's meeting schedule. The council meets quarterly and may hold additional meetings with the approval of the Attorney General.⁵ A quorum of 11 members is required for official actions, with a majority vote needed for final decisions.⁶ The council must submit an annual report by December 15 to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the relevant legislative committees outlining its findings and recommendations.⁷

As a public entity, the council and any subcommittees it forms are subject to Florida's public records law and public meetings law, ensuring transparency.⁸ Additionally, members not already required to file a financial disclosure statement must submit a disclosure of financial interests.⁹

Council members serve without compensation but are eligible for reimbursement for per diem and travel expenses. State officers and employees receive reimbursement through their respective agencies, while other members may be reimbursed through the Department of Legal Affairs.¹⁰

³ Section 16.615(4), F.S.

⁴ Section 16.615(5), F.S.

⁵ Section 16.615(6) and (7), F.S.

⁶ Section 16.615(8), F.S.

⁷ Section 16.615(9), F.S.

⁸ Section 16.615(11), F.S.

⁹ Section 16.615(12), F.S.

¹⁰ Section 16.615(10), F.S.

Use of Electronic Media and Public Meetings

Section 120.54(5)(b)2., F.S., requires the Administration Commission¹¹ to create uniform rules for state agencies to use when conducting public meetings, hearings or workshops, including procedures for conducting meetings in person and by means of communications media technology (CMT).¹² Specifically, a notice for a public meeting, hearing, or workshop that will use CMT must state:

- That the public meeting will be conducted using CMT;
- If attendance may be provided for through CMT;
- How persons who wish to attend¹³ the meeting may do so; and
- The locations at which CMT facilities will be available to allow participation in the meeting.

Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, apply to meetings conducted by means of CMT, and must be “liberally construed in their application to such public meetings, hearings, and workshops.”¹⁴

A body subject to public meetings laws that will conduct its meeting exclusively using CMT must provide a means for a member of the public to attend, which must include physical attendance if the available technology is insufficient to permit all interest persons to attend.¹⁵ The public access to the meeting must be provided via a “designated place where a person interested in attending a CMT proceeding may go for the purpose of attending the proceeding.”¹⁶

Unless otherwise authorized by the Legislature, these procedures for communications media technology apply only to state agencies and not to local boards or commissions. In the absence of any law otherwise, local government bodies that require a quorum to conduct their business may only use communications media technology to do so if either a statute permits a quorum to be present by means other than in-person or the in-person requirement for constituting a quorum is lawfully suspended.¹⁷

III. Effect of Proposed Changes:

CS/CS/SB 364 transfers the Council on the Social Status of Black Men and Boys (the council) from the Department of Legal Affairs to Florida Memorial University. The bill also shifts

¹¹ Section 14.202, F.S. The Administration Commission is composed of the Governor and the Cabinet (The Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture compose the Cabinet. Section 20.03(1), F.S.).

¹² Section 120.54(5)(b)2., F.S. The term “communications media technology” means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available. *See also* Rules 28-109.001-.006, F.A.C.

¹³ Rule 28-109.002 of the Florida Administrative Code defines attendance as having access to the CMT network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues considered at the proceeding. The entity must also publish a public meeting notice which includes the address of each access point (a designated place where a person interested in attending a CMT proceeding may go for the purpose of attending). *See*, Rules 28-109.002, and .005, Fla. Admin. Code.

¹⁴ Section 120.54(5)(b)2., F.S.

¹⁵ *See* Rule 28-109.004, F.A.C.

¹⁶ Rule 28-109.002(1), F.S.

¹⁷ Op. Att’y Gen. Fla. 2020-03.

administrative responsibilities, including staffing support and expense reimbursements, from the Department of Legal Affairs and the Office of the Attorney General to Florida Memorial University.

Additionally, the bill designates the authority to approve the council's meeting times from the Attorney General to the president of Florida Memorial University.

The bill reduces the number of council members needed to constitute a quorum from eleven to nine. The bill also allows council members who appear by communications media technology to count towards quorum requirements. For the purposes of the bill, "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.¹⁸ This presumably allows the council to hold meetings and take action with fewer members in physical attendance and voting for the proposition. For example, under current law, with 19 members, 11 are needed to meet quorum requirements, and six are needed to approve council action. Under the bill, with 19 members but only nine needed to meet quorum requirements, only five are needed to approve council action.

The bill additionally requires that the council provide notice when it conducts a public meeting or workshop using communications media technology, specifically requiring that it state how an interested person may participate, and where facilities with communications media technology will be available during the meeting or workshop.

No substantive changes are made to the council's composition, powers, or duties, aside from shifting oversight to the Florida Memorial University.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Section 286.011, F.S., the Government in the Sunshine Law, ensures a right of access to government proceedings. A fundamental requirement of the Government in the Sunshine Law is that meetings of entities subject to its provisions are "open to the public," which means open to all persons who choose to attend.¹⁹ Therefore, the Council must, in its use of CMT for the purpose of allowing its members to attend Council meetings, ensure that members of the public are afforded access not only to the physical meeting, but also to the portions held via CMT.

¹⁸ See s. 120.54(5)(b)2., F.S.

¹⁹ Op. Att'y Gen. Fla. 2009-56.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article I, section 24(b) of the Florida Constitution and the Sunshine Law “aim[s] to prevent the evil of closed door operation of government without permitting public scrutiny and participation.”²⁰ The bill provides procedural safeguards through the Administrative Procedures Act for public notice and participation in meetings that employ CMT.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Council will be able to conduct its meetings and take action via communications media technology (CMT), such as Zoom. This may reduce costs associated with the Council’s meetings by lowering travel expense reimbursements to members who participate via CMT.

The Department of Legal Affairs is appropriated \$350,000 to support the Council on the Social Status of Black Men and Boys. It is anticipated that Florida Memorial University would need a similar amount of money to implement the provisions of the council. If no direct appropriation is provided to the university to support the council, the university would incur a cost to implement the various provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁰ *Transparency for Fla. v. City of Port St. Lucie*, 240 So.2d 780, 784 (Fla. Dist. Ct. App. 2018), quoting *City of Miami Beach v. Berns*, 245 So.2d 38, 41 (Fla. 1971).

VIII. Statutes Affected:

This bill transfers, renumbers, and amends section 16.615 of the Florida Statutes as section 1001.216 of the Florida Statutes.

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

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

CS/CS by Fiscal Policy on April 17, 2025:

The committee substitute maintains the provisions of CS/SB 364, with the following modifications:

- Reduces the number of members necessary to constitute a quorum for a meeting to be held and for voting on final actions.
- Allows members to appear at meetings electronically and count toward the quorum requirements to conduct business.
- Adds notice requirements for the Council's public meetings or workshops that will be conducted using communications media technology.

CS by Education Pre-K - 12 on March 17, 2025:

The committee substitute:

- Transfers the Council on the Social Status of Black Men and Boys at the Department of Legal Affairs to Florida Memorial University, instead of the Department of Education.
- Shifts staffing and administrative support responsibilities from the Office of the Attorney General to Florida Memorial University, instead of the Department of Education
- Designates the authority to approve the council's meeting times from the Attorney General to the president of Florida Memorial University, instead of the Commissioner of Education.
- Reassigns responsibility for reimbursing council members for expenses from the Department of Legal Affairs to Florida Memorial University, instead of the Department of Education.

B. Amendments:

None.



455858

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Osgood) recommended the following:

Senate Amendment (with title amendment)

Delete lines 119 - 121

and insert:

(8) Nine ~~Eleven~~ of the members of the council constitute a quorum, and an affirmative vote of a majority of the members present is required for final action. Members may appear by communications media technology as defined in s. 120.54(5)(b)2.
Members who appear by communications media technology are considered present and may be counted toward the quorum



455858

requirement. A notice for a public meeting or workshop must
state whether the meeting or workshop will be conducted using
communications media technology, how an interested person may
participate, and the location of facilities where communications
media technology will be available during the meeting or
workshop.

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

And the title is amended as follows:

Between lines 11 and 12
insert:

revising the quorum requirements to reduce the number
of members required for a quorum; authorizing members
to appear by communications media technology;
providing that members who appear by such technology
are considered present and may be counted toward the
quorum requirement; providing notice requirements for
public meetings or workshops conducted by means of
communications media technology;

By the Committee on Education Pre-K - 12; and Senator Osgood

581-02505-25

2025364c1

A bill to be entitled

An act relating to the Council on the Social Status of Black Men and Boys; transferring, renumbering, and amending s. 16.615, F.S.; establishing the council within Florida Memorial University, rather than the Department of Legal Affairs; requiring Florida Memorial University, rather than the Office of the Attorney General, to provide staff and administrative support to the council; providing that the council's meeting times are approved by the president of Florida Memorial University, rather than the Attorney General; providing that members of the council may be reimbursed for certain expenses by Florida Memorial University, rather than the Department of Legal Affairs; providing an effective date.

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

Section 1. Section 16.615, Florida Statutes, is transferred, renumbered as section 1001.216, Florida Statutes, and amended to read:

1001.216 ~~16.615~~ Council on the Social Status of Black Men and Boys.—

(1) The Council on the Social Status of Black Men and Boys is established within Florida Memorial University ~~the Department of Legal Affairs~~ and shall be composed ~~consist~~ of 19 members appointed as follows:

(a) Two members of the Senate who are not members of the same political party, appointed by the President of the Senate

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

581-02505-25

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with the advice of the Minority Leader of the Senate.

(b) Two members of the House of Representatives who are not members of the same political party, appointed by the Speaker of the House of Representatives with the advice of the Minority Leader of the House of Representatives.

(c) The Secretary of Children and Families, or his or her designee.

(d) The director of the Mental Health Program Office within the Department of Children and Families, or his or her designee.

(e) The State Surgeon General, or his or her designee.

(f) The Commissioner of Education, or his or her designee.

(g) The Secretary of Corrections, or his or her designee.

(h) The Attorney General, or his or her designee.

(i) The Secretary of Management Services, or his or her designee.

(j) The Secretary of Commerce, or his or her designee.

(k) A businessperson who is an African American, as defined in s. 760.80(2)(a), appointed by the Governor.

(l) Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of the appointees must be a clinical psychologist.

(m) Two persons appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of the appointees must be an Africana studies professional.

(n) The deputy secretary for Medicaid in the Agency for Health Care Administration, or his or her designee.

(o) The Secretary of Juvenile Justice, or his or her

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designee.

(2) Each member of the council shall be appointed to a 4-year term; however, for the purpose of providing staggered terms, of the initial appointments, 9 members shall be appointed to 2-year terms and 10 members shall be appointed to 4-year terms. A member of the council may be removed at any time by the member's appointing authority who shall fill the vacancy on the council.

(3)(a) At the first meeting of the council each year, the members shall elect a chair and a vice chair.

(b) A vacancy in the office of chair or vice chair must ~~shall~~ be filled by vote of the remaining members.

(4)(a) The council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

(b) The council shall propose measures to alleviate and correct the underlying causes of the conditions described in paragraph (a). These measures may consist of changes to the law or systematic changes that can be implemented without legislative action.

(c) The council may study other topics suggested by the Legislature or as directed by the chair of the council.

(d) The council shall receive suggestions or comments pertinent to the applicable issues from members of the Legislature, governmental agencies, public and private organizations, and private citizens.

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581-02505-25

2025364c1

(e) The council shall develop a strategic program and funding initiative to establish local Councils on the Social Status of Black Men and Boys.

(5) The council may:

(a) Access data held by any state departments or agencies, which data is otherwise a public record.

(b) Make requests directly to the Joint Legislative Auditing Committee for assistance with research and monitoring of outcomes by the Office of Program Policy Analysis and Government Accountability.

(c) Request, through council members who are also legislators, research assistance from the Office of Economic and Demographic Research within the Florida Legislature.

(d) Request information and assistance from the state or any political subdivision, municipal corporation, public officer, or governmental department thereof.

(e) Apply for and accept funds, grants, gifts, and services from the state, the Federal Government or any of its agencies, or any other public or private source for the purpose of defraying clerical and administrative costs as may be necessary for carrying out its duties under this section.

(f) Work directly with, or request information and assistance on issues pertaining to education from, Florida's historically black colleges and universities.

(6) Florida Memorial University ~~The Office of the Attorney General~~ shall provide staff and administrative support to the council.

(7) The council shall meet quarterly and at other times at the call of the chair or as determined by a majority of council

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members and approved by the president of Florida Memorial University Attorney General.

(8) Eleven of the members of the council constitute a quorum, and an affirmative vote of a majority of the members present is required for final action.

(9) The council shall issue its annual report by December 15 each year, stating the findings, conclusions, and recommendations of the council. The council shall submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the standing committees of jurisdiction in each chamber.

(10) Members of the council shall serve without compensation. Members are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061. State officers and employees shall be reimbursed from the budget of the agency through which they serve. Other members may be reimbursed by Florida Memorial University ~~the Department of Legal Affairs~~.

(11) The council and any subcommittees it forms are subject to the provisions of chapter 119, related to public records, and the provisions of chapter 286, related to public meetings.

(12) Each member of the council who is not otherwise required to file a financial disclosure statement pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, must file a disclosure of financial interests pursuant to s. 112.3145.

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 Committee on Fiscal Policy

BILL: CS/SB 398

INTRODUCER: Fiscal Policy Committee and Senator Burgess and others

SUBJECT: Awareness Program for Alzheimer's Disease and Dementia-related Disorders

DATE: April 17, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	Favorable
2.	Gerbrandt	McKnight	AHS	Favorable
3.	Rao	Siples	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 398 requires the Department of Elderly Affairs (DOEA) to contract for the development and implementation of the Alzheimer's Disease Awareness Program. The bill specifies requirements for the program and conditions for the contracted entity.

The bill requires the Alzheimer's Disease Advisory Committee to annually evaluate the program and determine if future funding is needed.

The bill has a significant negative impact on state expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Alzheimer's Disease and Dementia-Related Disorders

Dementia is a general term for an individuals' decline in memory, language, and problem-solving capabilities.¹ Common causes of dementia include:²

- Alzheimer's disease;
- Cerebrovascular disease;
- Frontotemporal degeneration;
- Hippocampal sclerosis;
- Lewy body disease;
- Mixed pathologies; and
- Parkinson's Disease.

Alzheimer's disease is the most common type of dementia and is considered a progressive disease, which means symptoms worsen with time.³ Alzheimer's disease causes damage to the brain's neurons, which can lead to decreased cognitive functioning and an increased need for assistance in performing daily tasks.⁴ Individuals with Alzheimer's disease may develop changes in their mood or engage in behaviors that could be dangerous, such as wandering from a safe location and being unable to retrace their steps back to safety.⁵ Due to the damage to the brain's neurons, individuals lose the ability to engage in bodily functions such as walking or swallowing and require continual care.⁶ On average, individuals live with Alzheimer's disease four to eight years after a diagnosis.⁷ However, the lifespan of an individual with Alzheimer's disease is contingent on factors such as age and co-occurring health conditions. Some individuals have lived over twenty years after receiving an Alzheimer's disease diagnosis.⁸

¹ Alzheimer's Association, *2024 Alzheimer's Disease Facts and Figures*, available at: <https://www.alz.org/getmedia/76e51bb6-c003-4d84-8019-e0779d8c4e8d/alzheimers-facts-and-figures.pdf> (last visited 2/17/25).

² Alzheimer's Association, *2024 Alzheimer's Disease Facts and Figures*, available at: <https://www.alz.org/getmedia/76e51bb6-c003-4d84-8019-e0779d8c4e8d/alzheimers-facts-and-figures.pdf> (last visited 2/17/25).

³ U.S. Department of Health and Human Services National Health Statistics Reports, *Diagnosed Dementia in Adults Age 65 and Older: United States, 2022*, available at: <https://www.cdc.gov/nchs/fastats/alzheimers.htm> (last visited 2/17/25) and Alzheimer's Association, *2024 Alzheimer's Disease Facts and Figures*, available at: <https://www.alz.org/getmedia/76e51bb6-c003-4d84-8019-e0779d8c4e8d/alzheimers-facts-and-figures.pdf> (last visited 2/17/25).

⁴ Alzheimer's Association, *2024 Alzheimer's Disease Facts and Figures*, available at: <https://www.alz.org/getmedia/76e51bb6-c003-4d84-8019-e0779d8c4e8d/alzheimers-facts-and-figures.pdf> (last visited 2/17/25).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

It is estimated that there are more than six million Americans that currently live with Alzheimer's disease.⁹ Research predicts that by 2060, there will be an expected 13 million individuals living with Alzheimer's disease nationwide.¹⁰

There are an estimated 580,000 Floridians over the age of 65 that are living with Alzheimer's disease.¹¹ Due to Florida's high population of individuals over the age of 65 (21% of Florida's population), this number is expected to grow in the coming years.¹²

The Department of Elderly Affairs

The Department of Elderly Affairs (DOEA) is charged with administering programs and services for elders across the state of Florida, including services for those affected by Alzheimer's disease.¹³ The DOEA contracts with Area Agencies on Aging¹⁴ that are required to ensure prevention, early intervention, and long-term care services to the elderly population in Florida.¹⁵ There are currently eleven Area Agencies on Aging across the state, which operate as Aging and Disability Resource Centers (ADRCs).¹⁶ The ADRCs provide residents with information about state, federal, and local programs and benefits.¹⁷

Alzheimer's Disease Initiative

In 1985, the Legislature established the Alzheimer's Disease Initiative (ADI), intended to provide services for individuals and families that have been affected by Alzheimer's disease.¹⁸ The Dementia Director, appointed by the Secretary of Elderly Affairs, is responsible for providing support to memory disorder clinics throughout the state, facilitating coordination for services between a variety of providers, and monitoring data on the impact of Alzheimer's disease in Florida.¹⁹

⁹ U.S. Department of Health and Human Services, *National Plan to Address Alzheimer's Disease: 2024 Update*, available at: <https://aspe.hhs.gov/collaborations-committees-advisory-groups/napa/napa-documents/napa-national-plan> (last visited 2/17/25).

¹⁰ *Id.*

¹¹ Florida Department of Elderly Affairs, *Alzheimer's Disease Advisory Committee Annual Report (2023)*, available at: <https://elderaffairs.org/programs-services/bureau-of-elder-rights/alzheimers-disease-initiative/> (last visited 2/17/25).

¹² *Id.*

¹³ Chapter 430, F.S.; Florida Department of Elderly Affairs, *About Us*, available at: <https://elderaffairs.org/> (last visited 2/14/25).

¹⁴ Florida law defines an "area agency on aging" as a public or nonprivate private agency or office designated by the DOEA to coordinate and administer the DOEA's programs and to provide, through contracting agencies, services within a planning and service area. Area Agencies on Aging serve as both the advocate and the visible focal point in its planning and service area to foster the development of comprehensive and coordinated service systems to serve older individuals.

¹⁵ Section 20.41, F.S.

¹⁶ Florida Department of Elderly Affairs, *About Us*, available at: <https://elderaffairs.org/> (last visited 2/14/25).

¹⁷ *Id.*

¹⁸ Florida Department of Elderly Affairs, *Alzheimer's Disease Initiative (ADI)*, available at: <https://elderaffairs.org/programs-services/bureau-of-elder-rights/alzheimers-disease-initiative/> (last visited 2/17/25); Ch. 85-145, L.O.F.

¹⁹ Section 430.5015, F.S.

Services for Individuals and Families affected by Alzheimer's Disease

Memory disorder clinics throughout the state provide diagnostic and therapeutic settings for individuals with Alzheimer's disease. These settings allow for the research of Alzheimer's disease and training of professionals that care for individuals with Alzheimer's disease.²⁰

Respite care provides temporary relief for caregivers and may be provided in conjunction with a memory disorder clinic.²¹ Respite options for caregivers of individuals with Alzheimer's disease may include:²²

- In-home care.
- Facility-based care.
- Specialized adult day care.
- Emergency respite care.
- Extended care for up to 30 days.

Other supportive services for caregivers may include:²³

- Case management.
- Specialized medical equipment and supplies.
- Caregiver counseling and support groups.
- Caregiver training and relief.

Alzheimer's Disease Advisory Committee

The Alzheimer's Disease Advisory Committee (committee) is composed of stakeholders, including Ph.D. researchers, caregivers of persons with Alzheimer's disease, medical professionals, and legislative representatives.²⁴ Each year, the committee submits a report that details the current state-funded efforts in Alzheimer's disease research and provides recommendations for improving Alzheimer's disease policy.²⁵

The committee makes various recommendations surrounding policy, research, clinical care, institutional care, and home and community-based services for Alzheimer's disease policy.²⁶ In 2023, one of the committee's recommendations identified a need for improving the distribution of information on Alzheimer's disease research findings.²⁷

Alzheimer's Disease and Related Dementias Resource Guide

The DOEA is required to provide public education on Alzheimer's disease and related forms of dementia.²⁸ The DOEA compiles information for the public and publishes the Alzheimer's

²⁰ Section 430.502, F.S.

²¹ Section 430.502, F.S.

²² Florida Department of Elderly Affairs, *Alzheimer's Disease Initiative (ADI)*, available at: <https://elderaffairs.org/programs-services/bureau-of-elder-rights/alzheimers-disease-initiative/> (last visited 2/17/25).

²³ *Id.*

²⁴ Section 430.501, F.S.

²⁵ *Id.*

²⁶ Florida Department of Elder Affairs, *Alzheimer's Disease Advisory Committee Annual Report (2023)*, available at: <https://elderaffairs.org/programs-services/bureau-of-elder-rights/alzheimers-disease-initiative/> (last visited 2/17/25).

²⁷ *Id.*

²⁸ Section 430.5025, F.S.

Disease and Related Dementias Resource Guide.²⁹ Information provided in the resource guide includes information such as:³⁰

- Warning signs of Alzheimer's;
- Protecting and improving brain health;
- Next steps after an Alzheimer's diagnosis; and
- Service providers in each area throughout the state.

This information is published online and is available to the public.³¹

III. Effect of Proposed Changes:

Section 1 creates s. 430.5016, F.S., to require the Department of Elderly Affairs to contract for the development and implementation of the Alzheimer's Disease Awareness Program. The program will assist Florida residents that are affected by Alzheimer's disease and dementia-related disorders with obtaining reputable national research.

At a minimum, the program is required to:

- Include a website and other related electronic resources that address:
 - The advantages of early detection and diagnosis;
 - Methods for reducing risk factors;
 - The importance of brain health;
 - Scheduling screenings and assessments for Alzheimer's disease and dementia-related disorders with a licensed health care provider;
 - Healthy aging;
 - Recent developments in Alzheimer's research and dementia-related disorders and the availability of clinical trials;
 - Community resources available for those affected by Alzheimer's disease and dementia-related disorders; and
 - Any related topics as deemed appropriate by the DOEA.
- Use the DOEA's Alzheimer's Disease and Related Dementias Resource Guide as part of the program materials.
- Promote health care provider education in partnership with the Department of Health to help improve care for patients with Alzheimer's disease and dementia-related disorders.
- Include print and digital advertising.
- Include a statewide, mobile, in-person outreach program that prioritizes those in underserved communities and provides information on issues relating to Alzheimer's disease and dementia-related disorders.
- Provide referrals to the DOEA.
- Provide information regarding available community resources for Alzheimer's disease or dementia-related disorders.

²⁹ Department of Elder Affairs State Health Improvement Plan, *Alzheimer's Disease and Related Dementias Resource Guide*, available at: https://www.floridahealth.gov/provider-and-partner-resources/research/florida-health-grand-rounds/SHIPPA9ADRDRResourceGuide_final.pdf (last visited 2/17/25).

³⁰ *Id.*

³¹ *Id.*

The bill requires the DOEA to contract for the development and implementation of the program. The contracted entity must be statewide nonprofit organization must have a history of focusing on those affected by Alzheimer's disease and dementia-related disorders and have the organizational capacity to successfully manage a statewide program. The contracted entity is required to collaborate with other relevant state agencies and private organizations to develop and implement the program.

The bill requires the Alzheimer's Disease Advisory Committee to annually evaluate the program and make recommendations to the DOEA and the Legislature concerning the need for future funding for the program.

Section 2 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is a significant negative fiscal impact on the Department of Elderly Affairs to contract for the development and implementation of the Alzheimer's Disease Awareness Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 430.5016 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Fiscal Policy on April 17, 2025:

Removes the appropriation of \$1.5 million in nonrecurring funds from the General Revenue Fund to the Department of Elderly Affairs for the purpose of administering the Alzheimer's Disease Awareness Program.

B. Amendments:

None.



947542

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 79 - 83.

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

And the title is amended as follows:

Delete line 13

and insert:

effective date.

By Senator Burgess

23-00520-25

2025398__

1 A bill to be entitled
 2 An act relating to an awareness program for
 3 Alzheimer's disease and dementia-related disorders;
 4 creating s. 430.5016, F.S.; requiring the Department
 5 of Elderly Affairs to contract for the development and
 6 implementation of the Alzheimer's Disease Awareness
 7 Program; providing requirements for the program;
 8 providing requirements for the entity with which the
 9 department contracts for the development and
 10 implementation of the program; requiring the
 11 Alzheimer's Disease Advisory Committee to evaluate the
 12 program and make certain recommendations; providing an
 13 appropriation; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Section 430.5016, Florida Statutes, is created
 18 to read:
 19 430.5016 Alzheimer's Disease Awareness Program.—
 20 (1) The Department of Elderly Affairs shall contract for
 21 the development and implementation of the Alzheimer's Disease
 22 Awareness Program. The program shall assist the residents of
 23 this state affected by Alzheimer's disease and dementia-related
 24 disorders in obtaining information that is validated by
 25 reputable national research.
 26 (2) The program must, at a minimum:
 27 (a) Include a website and other related electronic
 28 resources that address:
 29 1. The advantages of early detection and diagnosis;

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

23-00520-25

2025398__

30 2. Methods for reducing risk factors;
 31 3. The importance of brain health;
 32 4. Scheduling screenings and assessments for Alzheimer's
 33 disease and dementia-related disorders with a licensed health
 34 care provider;
 35 5. Healthy aging;
 36 6. Recent developments in Alzheimer's research and
 37 dementia-related disorders and the availability of clinical
 38 trials;
 39 7. Community resources available for those affected by
 40 Alzheimer's disease and dementia-related disorders; and
 41 8. Any related topics as deemed appropriate by the
 42 department.
 43 (b) Use the department's Alzheimer's Disease and Related
 44 Dementias Resource Guide as a part of the program materials.
 45 (c) Promote health care provider education in partnership
 46 with the Department of Health to help improve care and services
 47 for patients with Alzheimer's disease and dementia-related
 48 disorders in accordance with s. 381.825.
 49 (d) Include print and digital advertising.
 50 (e) Include a statewide, mobile, in-person outreach program
 51 that prioritizes those in underserved communities and provides
 52 information on issues relating to Alzheimer's disease and
 53 dementia-related disorders, including, but not limited to, brain
 54 health, risk education, and early detection and diagnosis. The
 55 program may also provide referrals to the Department of Elderly
 56 Affairs and provide information regarding any available
 57 community resources relating to Alzheimer's disease or dementia-
 58 related disorders.

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

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2025398__

59 (3) (a) The entity with which the department contracts for
60 the development and implementation of the program must be a
61 statewide nonprofit organization that meets all of the following
62 requirements:

63 1. Has a history of focusing on those affected by
64 Alzheimer's disease and dementia-related disorders and their
65 care and support, including providing online resources to
66 caregivers and people living with the disease and through
67 community-based events.

68 2. Has the organizational capacity to manage a statewide
69 program and successfully carry out the requirements of this
70 section.

71 (b) The entity shall collaborate with other relevant state
72 agencies and private organizations to develop and implement the
73 program.

74 (4) The Alzheimer's Disease Advisory Committee shall
75 annually evaluate and make recommendations to the Department of
76 Elderly Affairs and the Legislature concerning the need for
77 future funding for the Alzheimer's Disease Awareness Program as
78 a part of its annual report.

79 Section 2. For the 2025-2026 fiscal year, the sum of \$1.5
80 million in nonrecurring funds is appropriated from the General
81 Revenue Fund to the Department of Elderly Affairs for the
82 purpose of administering the Alzheimer's Disease Awareness
83 Program pursuant to s. 430.5016, Florida Statutes.

84 Section 3. This act shall take effect July 1, 2025.

The Florida Senate
APPEARANCE RECORD

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

53 398

Bill Number or Topic

4/17

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Alex Anderson

Phone

904 502 2506

Address

2170 W State Rd 434 #300

Email

Street

Longwood

City

FL

State

32779

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:

Alzheimer's
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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 584

INTRODUCER: Fiscal Policy Committee; Education Postsecondary Committee; and Senators Garcia and Osgood

SUBJECT: Young Adult Housing Support

DATE: April 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	<u>Favorable</u>
3.	<u>Palazesi</u>	<u>Siples</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 584 expands housing access and support services for students who are current or former foster youth or experiencing homelessness. The bill requires Florida College System (FCS) institutions and state universities, in coordination with the State Office on Homelessness within the Department of Children and Families (DCF), to develop plans prioritizing the placement of eligible students in campus housing. If an FCS institution or state university implements a housing or support assignment system, the institution must give first priority to homeless youth (as defined federally) for:

- Institution-operated housing.
- Year-round housing.
- Work-study opportunities.

The bill directs the DCF, community-based care lead agencies (CBCs), and municipal housing authorities to take actions necessary to implement the federal Foster Youth to Independence (FYI) housing initiative. This includes entering into a memorandum of understanding or a letter of intent, offering supportive services, and certifying child welfare history. Additionally, the bill requires the DCF, CBCs, and their subcontracted service providers that administer housing funds for young adults in the child welfare system to document actions taken to facilitate a young adult's acquisition of a residential lease.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study and report by December 1, 2026, barriers to housing for homeless and former foster youth and provide recommendations. The study must involve consultation with state agencies, housing authorities, and affected youth.

The bill will have an insignificant negative fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Homeless Youth and Children in Foster Care

Federal law provides a definition for the term “homeless children and youths,” which means individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youths who are:¹

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of adequate alternative accommodation.
- Living in emergency or transitional shelters or are abandoned in hospitals.
- Utilizing for a primary nighttime residence a place that is public or private, but not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children living in circumstances described above.

The term “unaccompanied youth” includes a youth not in the physical custody of a parent or guardian.²

Florida law defines the term “children and youths who are experiencing homelessness” to have the same meaning as “homeless children and youths” under federal law.³ A student in foster care refers to any child or youth who has been removed from their home and placed in the custody of the state due to abuse, neglect, or abandonment, and who is currently residing in a licensed foster home, group home, or other approved out-of-home placement under the oversight of the Department of Children and Families.⁴

¹ 42 U.S.C. s. 11434a(2).

² 42 U.S.C. s. 11434a(6).

³ Section 1003.01(12), F.S.

⁴ Section 39.001, F.S.

In school year 2022-23, there were 94,889 students enrolled in Florida school districts that were identified as homeless⁵ and there were 21,031 children (aged 0-17) in foster care.⁶

State Office on Homelessness

The State Office on Homelessness was created within the DCF to provide interagency, council, and other related coordination on issues relating to homelessness⁷ and is required to:⁸

- Coordinate among state, local, and private agencies and providers to produce a statewide consolidated inventory for the state's entire system of homeless programs which incorporates local continuum of care plans.
- Collect, maintain, and make available information concerning persons who are homeless, including summary demographic.
- Annually evaluate state and continuum of care system programs and develop a consolidated plan for addressing the needs of the homeless or those at risk for homelessness.
- Explore, compile, and disseminate information regarding public and private funding sources for state and local programs serving the homeless and provide technical assistance in applying for such funding.
- Monitor and provide recommendations for coordinating the activities and programs of continuums of care and promote the effectiveness of programs to prevent and end homelessness in the state.
- Provide technical assistance to facilitate efforts to support and strengthen continuums of care.
- Develop and assist in the coordination of policies and procedures relating to the discharge or transfer from the care or custody of state-supported or state-regulated entities persons who are homeless or at risk for homelessness.
- Spearhead outreach efforts for maximizing access by people who are homeless or at risk for homelessness to state and federal programs and resources.
- Promote a federal policy agenda that is responsive to the needs of those who are homeless or at risk of homelessness in this state.
- Review reports on continuum of care system performance measures and use such measures to evaluate program effectiveness and make recommendations for improving current practices to work toward ending homelessness in this state.
- Formulate policies and legislative proposals aimed at preventing and ending homelessness in this state and coordinate the implementation of state and federal legislative policies.
- Convene meetings and workshops of state and local agencies, continuums of care, and other stakeholders for the purpose of developing and reviewing policies, services, activities, coordination, and funding of efforts to end homelessness.
- With the input of the continuums of care, conduct or promote research on the effectiveness of current programs and propose pilot projects aimed at ending homelessness.
- Serve as an advocate for issues relating to homelessness.

⁵⁵ Florida Department of Education, *2022-2023 Homeless Student Count*, available at <https://www.fl DOE.org/core/fileparse.php/20081/urlt/PERA-3356i-Homeless-and-Unaccom-Youth-2223-FS5-w-Charter-LEAs-DEH-Masked.pdf>.

⁶ Florida Department of Health, *FLHealthCharts*, https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?cid=8601&rdReport=NonVitalIndNoGrp.Dataviewer&utm_source=chatgpt.com, (last visited March 26, 2025).

⁷ Section 420.622 (1), F.S.

⁸ Section 420.622 (3)(a)-(o), F.S.

- Investigate ways to improve access to participation in state funding and other programs for the prevention and reduction of homelessness to faith-based organizations and collaborate and coordinate with faith-based organizations.

Office of Continuing Care

In 2020, the Legislature created the Office of Continuing Care (office) within the DCF to help individuals who have aged out of the child welfare system.⁹ The office provides ongoing support and care coordination needed for young adults to achieve self-sufficiency. Duties of the office include, but are not limited to:

- Informing young adults who age out of the foster care system of the purpose of the office, the types of support the office provides, and how to contact the office.
- Serving as a direct contact to the young adult in order to provide information on how to access services to support the young adult's self-sufficiency, including but not limited to, food assistance, behavioral health services, housing, Medicaid, and educational services.
- Assisting in accessing services and supports for the young adult to attain self-sufficiency, including, but not limited to, completing documentation required to apply for services.
- Collaborating with the community-based care lead agencies to identify local resources that can provide support to young adults served by the office.¹⁰

Educational Support Structures for Children in the Foster Care System or who are Experiencing Homelessness

The DCF is required to collaborate with the State University System, the Florida College System (FCS), and the Department of Education to address the need for a comprehensive support structure in the academic arena to assist children and young adults who have been or remain in the foster care system in making the transition from a structured care system into an independent living setting.¹¹

Each school district program, FCS institution, or state university at which a student who is experiencing homelessness, and a current or former foster child or young adult is required to have, at a minimum, a knowledgeable, accessible, and responsive employee who acts as a liaison and provides assistance to those students who are exempt from the payment of tuition and fees to assist in resolving any problems related to such exemption.¹²

A school district program, FCS institution, or state university may also provide campus coaching services and other support to a student who is experiencing homelessness or current or former foster children and young adults to promote his or her successful completion of postsecondary education and transition to independent living.

⁹ Chapter 2021-169 s. 20, L.O.F.; codified as s. 414.56, F.S.

¹⁰ Section 414.56, F.S.

¹¹ Section 409.1452, F.S.

¹² Section 409.1452(1), F.S.

Postsecondary Education Services and Support (PESS) Program

The Postsecondary Education Services and Support (PESS) Program is a program that provides monthly financial support for foster youth to secure housing, utilities, and assist with the daily cost of living while attending certain postsecondary educational institutions.¹³

A young adult is eligible for PESS if certain criteria are met, including:

- Specified criteria with respect to when the child was living in foster care;
- Earned a standard high school diploma;¹⁴
- Has been admitted for enrollment as a full-time¹⁵ student or its equivalent in an eligible postsecondary institution as provided in s. 1009.533, F.S.;¹⁶
- Has reached 18 years of age, but is not yet 23 years old;
- Has applied for any other grants and scholarships for which he or she may qualify;
- Submitted a complete and error-free Free Application for Federal Student Aid; and
- Signed an agreement to allow the DCF and the CBC to access his or her school records.¹⁷

State University Systems Support

Students who have experienced foster care or homelessness are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, FCS institution, or state university.¹⁸ In 2023-2024 there were 249 students who were in foster care and 432 students experiencing homelessness who received a fee exemption.¹⁹ In addition to the fee exemption, several state universities offer comprehensive program designed specifically for students who have experienced foster care or homelessness.

Florida Atlantic University

Educate Tomorrow at Florida Atlantic University (FAU) is part of the First Year Experience at the university. The program provides students with wrap-around services from admission to graduation, with a goal of creating a strong foundation of support, academic coaching, career advising, and access to services on and off campus.²⁰

¹³ Department of Children and Families, *Postsecondary Education Services and Support (PESS)*, available at <https://www.myflfamilies.com/services/child-family/independent-living/youth-young-adults/postsecondary-education-services-and> (last visited March 27, 2025).

¹⁴ Pursuant to s. 1002.3105(5), F.S., s. 1003.4281, F.S., or s. 1003.4282, F.S., or its equivalent pursuant to s. 1003.435, F.S.

¹⁵ Section 409.1451(2)(a)4., F.S., defines “full-time” as 9 credit hours or the vocational school equivalent.

¹⁶ Section 1009.533, F.S., provides for eligible postsecondary education institutions, including: (1) a Florida public university, Florida College System institution, or career center; (2) An independent Florida college or university that is accredited by an accrediting association whose standards are comparable to the minimum standards required to operate an institution at that level in Florida and which has operated in the state for at least 3 years; (3) an independent Florida postsecondary education institution that is licensed by the Commission for Independent Education and meets other specified criteria; (4) a Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing; and (5) A Florida independent postsecondary education institution that is licensed by the Commission for Independent Education.

¹⁷ Section 409.1451(2)(a), F.S.

¹⁸ Section 1009.25, (1)(c), (e), F.S.

¹⁹ Florida Board of Governors, *Fee Waiver Summary*, <https://www.flbog.edu/resources/data-analytics/dashboards/fee-waiver-summary/>, (last visited March 27, 2025).

²⁰ Florida Atlantic University, *Educate Tomorrow*, <https://www.fau.edu/uas/educate-tomorrow/>, (last visited March 27, 2025).

Through collaboration with campus and community partners, the Educate Tomorrow at FAU Program offers the following services to students:²¹

- Referral to Academic Support Services
- AOK Scholars
- Opportunity to get involved in our sponsored student organization, Enlightening Generations (learn more)
- Referral to FREE campus tutoring
- Referral to campus engagement opportunities, such as First Gen
- Referral to campus resources such as Student Health Services, Counseling and Psychological Services, Financial Aid, and the Career Center
- Student advocacy and assistance throughout your time at FAU
- Independent living skills activities
- Opportunities to get involved on campus

Florida International University

Launched in 2014, Florida International University's (FIU) Fostering Panther Pride (FPP) program offers tailored academic and support services to former foster youth and students experiencing homelessness. The program's primary goal is to assist these students in their transition to FIU, their retention and graduation, and their pursuit of securing employment or graduate studies upon earning their bachelor's degree.²²

FPP tailored support services and participation benefits include:²³

- Processing DCF and homeless tuition exemption paperwork.
- Serve as liaisons between FPP students and FIU Housing & Residential Life to secure housing and promote a smooth transition into on-campus residence.
- Connecting students to community resources and partners (i.e.: Homeless Helpline, Educate Tomorrow, Voices for Children, HANDY, etc.).
- Access to the FPP Cupboard (food, toiletries, and other personal care items) and the university's Student Food Pantry.
- Dedicated Success Coaches provide students with a support system and help them navigate university processes pertaining to admissions, financial aid, registration, and housing. Staff also assist students with accessing institutional resources (i.e.: academic advising, tutoring, counseling services, career development services) for academic and professional development.
- Students are paired with FIU faculty, staff, and/or alumni mentors who serve as guides through their academic journey.
- Access to priority course registration.
- Laptop loaner program.
- Access to book stipends and housing scholarships.

²¹ *Id.*

²² Florida International University, *Fostering Panther Pride*, <https://sas.fiu.edu/fpp/>, (last visited March 27, 2026).

²³ Florida International University, *Fostering Panther Pride*, <https://sas.fiu.edu/fpp/>, (last visited March 27, 2026).

University of Central Florida

The Knight Alliance Network (KAN) at the University of Central Florida (UCF) provides support services supporting the student success and well-being of youth who experience foster care, relative care, adopted, or homelessness. The KAN plays an essential role in the students' lives by focusing on the students' well-being and providing support services to encourage the completion of college. The KAN strategically partners with UCF campus and community partners, to promote the well-being of KAN students. The KAN offers the following services:²⁴

- Pre-college enrollment support
- Transition support
- Goal setting
- Advocacy
- Assistance with waivers
- Assistance with navigating campus
- On-campus support services
- One on one counseling
- Coaching
- Resources
- Referrals
- Tuition Waiver Assistance
- Mentoring

Foster Youth to Independence Initiative

The United States Department of Housing and Urban Development's (HUD) Foster Youth to Independence (FYI) Initiative is a federal program aimed at preventing homelessness among young adults who are aging out of foster care or have prior foster care experience. Introduced in 2019, the FYI initiative provides time-limited rental assistance through the Housing Choice Voucher Program, connecting young adults to supportive services from local community resources to help them develop essential life skills and achieve self-sufficiency.²⁵

The FYI Initiative is designed for young adults who are transitioning out of foster care or have prior foster care experience and are homeless or at risk of experiencing homelessness. Young adults who are transitioning out of foster care or have prior foster care experience and are homeless or at risk of experiencing homelessness may receive housing assistance and supportive services for up to 36 months.

In Florida, local public housing authorities contract directly with HUD to offer housing vouchers like the FYI initiative. There are currently over 90 public housing agencies in Florida that participate in public housing assistance.²⁶

²⁴ University of Central Florida, *Knight Alliance Network*, <https://scs.sdes.ucf.edu/foster-youth-and-homeless-students/>, (last visited March 27, 2025).

²⁵ U.S. Department of Housing and Urban Development, *FYI Brochure for Young Adults*, available at <https://www.hud.gov/sites/default/files/PIH/documents/FosterYouthInitiativeBrochure-YoungAdult.pdf>.

²⁶ U.S. Department of Housing and Urban Development, *Find Your Local Public Housing Agency (PHA)*, *HA Contact Information by State: Florida*, https://www.hud.gov/program_offices/public_indian_housing/pha/contacts.

Office of Program Policy Analysis and Government Accountability

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is a research arm of the Florida Legislature. OPPAGA was created by the Legislature in 1994 to help improve the performance and accountability of state government. OPPAGA provides data, evaluative research, and objective analyses to assist legislative budget and policy deliberations. OPPAGA conducts research as directed by state law, the presiding officers, or the Joint Legislative Auditing Committee.²⁷

III. Effect of Proposed Changes:

Comprehensive Academic Support Structure for Children in the Foster Care System

The bill amends s. 409.1452, F.S., to require each Florida College System (FCS) institution and state university, in consultation with the State Office on Homelessness within the Department of Children and Families (DCF), to develop plans for prioritizing the placement of students who are or were formerly in foster care and those experiencing homelessness or at risk of experiencing homelessness. This includes, but is not limited to, students who qualify for a tuition and fee exemption based on meeting the federal definition of homeless children and youth and students who are current or former foster youth, in residence halls and dormitory residences owned by the institution or university. Additionally, the bill specifies that the Office of Continuing Care is responsible for determining whether a student is or was formerly in foster care, and each FCS and state university is responsible for determining whether a student is experiencing homelessness or at risk of experiencing homelessness.

The bill provides that if an FCS institution or state university implements a priority system for assigning students to, or awarding any of the following, the institution or university must give first priority to students who qualify for a tuition and fee exemption based on meeting the federal definition of homeless children and students who are current or former foster youth:

- Institution-operated or university-operated housing.
- Year-round housing.
- Work-study opportunities.

The bill prohibits FCS institutions and state universities from requiring students to have a cosigner or guarantor to obtain housing if the student receives housing support through the Road to Independence Program or is in a continuing care program for young adults.

Housing Support for Young Adults

The bill creates s. 409.14525, F.S., to require the DCF, community-based care lead agencies, and housing authorities to take any action required by the United States Department of Housing and Urban Development to administer the federal Foster Youth to Independence (FYI) initiative. These actions may include DCF, the community-based care lead agencies, and their subcontractors doing any of the following:

²⁷ Office of Program Policy and Government Accountability, *About Us*, <https://oppaga.fl.gov/About> (last visited Mar. 27, 2025).

- Entering into a memorandum of understanding or letter of intent with all housing authorities within their service areas.
- Providing or securing supportive services for participating youth for the duration of the FYI initiative voucher.
- Providing a written certification to the housing authority verifying the youth's child welfare history.
- Identifying youth eligible for an FYI initiative voucher within the community-based care lead agency's caseload and communicating their eligibility to the youth.

The bill requires the DCF, community-based care lead agencies, and their subcontracted service providers that administer housing funds for young adults in the child welfare system, document actions taken to facilitate a young adult's acquisition of a residential lease, which may include, but are not limited to, providing assurances to a landlord that funding will be provided on a monthly basis through a housing voucher.

The Office of Program Policy Analysis and Government Accountability Report

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study of the barriers that young adults who are homeless or were formerly in foster care face when trying to obtain housing. The study must include recommendations for overcoming those barriers. In conducting the study, OPPAGA is required to consult with the DCF, the Board of Governors of the State University System, the FCS, the Department of Commerce, public housing authorities, affected young adults, and other stakeholders.

The bill requires OPPAGA to report its findings by December 1, 2026, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is expected to have an insignificant negative fiscal impact on state expenditures. The Department of Children and Families and the Office of Program Policy Analysis and Government Accountability can absorb the requirements of the bill within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.1452 of the Florida Statutes.

This bill creates section 409.14525 of the Florida Statutes.

This bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Fiscal Policy on April 17, 2025:

The committee substitute:

- Expands eligibility for students prioritized for placement in residence halls to include those who were the subject of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding.
- Requires the Office of Continuing Care to determine whether a student is or was formerly in foster care.

- Requires each Florida College System and State University System institution to determine whether a student is eligible for a tuition and fee exemption based on meeting the definition of "homeless children and youths" under the McKinney-Vento Homeless Assistance Act.
- Requires the Department of Children and Families, community-based care agencies, and their subcontractors that administer housing funds for young adults in the child welfare system to document actions taken to facilitate the acquisition of a residential lease, which may include—but are not limited to—providing assurances to a landlord that funding will be provided on a monthly basis through a housing voucher.

CS by Education Postsecondary on March 31, 2025:

The committee substitute deleted provisions related to the assurances of payment for residential leases by the Department of Children and Families, community-based care agencies or subcontractors.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
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	.	
	.	

The Committee on Fiscal Policy (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 87
and insert:
but not limited to, students eligible for a tuition and fee exemption under s. 1009.25(1)(c)1.-4. or (e), in residence halls and dormitory residences owned by the institution or university.
The Office of Continuing Care established under s. 414.56 is responsible for determining whether a student is or was formerly in foster care. Each Florida College System institution and



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state university is responsible for determining whether a student is eligible for a tuition or fee exemption under s. 1009.25(1) (e).

(5) If a Florida College System institution or state university implements a priority system for the assignment of students to or the award of any of the following, the institution or university must provide students eligible for the tuition and fee exemption under s. 1009.25(1) (c)1.-4. or (e) with first priority:

(a) Institution-operated or university-operated housing.

(b) Year-round housing.

(c) Work study opportunities.

(6) Florida College System institutions and state universities may not require students to have a cosigner or guarantor to obtain housing if the student receives housing support under s. 409.1451(2) or (3) or is in care under s. 39.6251.

Section 2. Section 409.14525, Florida Statutes, is created to read:

409.14525 Housing support for young adults; federal housing vouchers.—The department, community-based care lead agencies, and housing authorities created under s. 421.04 shall take any action required by the United States Department of Housing and Urban Development to administer the federal Foster Youth to Independence (FYI) initiative and other federal programs and vouchers offered by the United States Department of Housing and Urban Development, which may include the department, the community-based care lead agencies, and their subcontractors doing any of the following:



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(1) Entering into a memorandum of understanding or a letter of intent with all of the housing authorities within their service areas.

(2) Providing or securing supportive services for participating youth for the duration of the FYI initiative voucher.

(3) Providing a written certification to the housing authority verifying the youth's child welfare history.

(4) Identifying youth eligible for an FYI initiative voucher within the community-based care lead agency's caseload and communicating their eligibility to the youth.

The department, community-based care lead agencies, and their subcontracted service providers that administer housing funds for young adults in the child welfare system shall document actions taken to facilitate a young adult's acquisition of a residential lease, which may include, but are not limited to, providing assurances to a landlord that funding will be provided on a monthly basis through a housing voucher. This section applies to entities that serve young adults receiving postsecondary educational services and support or aftercare services under s. 409.1451 or young adults receiving continuing care under s. 39.6251.

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

And the title is amended as follows:

Delete line 18

and insert:

Independence initiative and other federal programs and



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69 vouchers; requiring the department, community-based
70 care lead agencies, and certain subcontracted service
71 providers to document certain actions; providing
72 applicability; requiring the Office of

By the Committee on Education Postsecondary; and Senator Garcia

589-03091-25

2025584c1

A bill to be entitled

An act relating to young adult housing support; amending s. 409.1452, F.S.; requiring each Florida College System institution and state university to develop plans for prioritizing the placement of certain students; requiring a Florida College System institution or state university to provide certain students with first priority for housing and work study opportunities in certain circumstances; prohibiting Florida College System institutions and state universities from requiring that certain students have a cosigner or guarantor; creating s. 409.14525, F.S.; requiring the Department of Children and Families, community-based care lead agencies, and housing authorities to take any action required by the United States Department of Housing and Urban Development to administer the federal Foster Youth to Independence initiative; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study of the barriers to housing faced by young adults who are homeless or were formerly in foster care; requiring OPPAGA to consult with certain entities in conducting the study; requiring OPPAGA to provide a report to the Governor and the Legislature by a certain date; providing an effective date.

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

Page 1 of 4

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

589-03091-25

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Section 1. Subsections (4), (5), and (6) are added to section 409.1452, Florida Statutes, to read:
409.1452 Collaboration with State University System, Florida College System, and Department of Education to assist children and young adults who have been or are in foster care or are experiencing homelessness; documentation regarding eligibility for tuition and fee exemptions; housing assistance.— The department shall collaborate with the State University System, the Florida College System, and the Department of Education to address the need for a comprehensive support structure in the academic arena to assist children and young adults who have been or remain in the foster care system in making the transition from a structured care system into an independent living setting.

(4) Each Florida College System institution and state university shall, in consultation with the State Office on Homelessness within the Department of Children and Families, develop plans for prioritizing the placement of students who are or were formerly in foster care and those experiencing homelessness or at risk of experiencing homelessness, including, but not limited to, students eligible for the tuition and fee exemption under s. 1009.25(1)(e), in residence halls and dormitory residences owned by the institution or university.

(5) If a Florida College System institution or state university implements a priority system for the assignment of students to or the award of any of the following, the institution or university must provide students eligible for the tuition and fee exemption under s. 1009.25(1)(e) with first priority:

Page 2 of 4

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

589-03091-25

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59 (a) Institution-operated or university-operated housing.
 60 (b) Year-round housing.
 61 (c) Work study opportunities.
 62 (6) Florida College System institutions and state
 63 universities may not require students to have a cosigner or
 64 guarantor to obtain housing if the student receives housing
 65 support under s. 409.1451(2) or (3) or is in care under s.
 66 39.6251.

67 Section 2. Section 409.14525, Florida Statutes, is created
 68 to read:

69 409.14525 Housing support for young adults; federal housing
 70 vouchers.—The department, community-based care lead agencies,
 71 and housing authorities created under s. 421.04 shall take any
 72 action required by the United States Department of Housing and
 73 Urban Development to administer the federal Foster Youth to
 74 Independence (FYI) initiative, which may include the department,
 75 the community-based care lead agencies, and their subcontractors
 76 doing any of the following:

77 (1) Entering into a memorandum of understanding or a letter
 78 of intent with all of the housing authorities within their
 79 service areas.

80 (2) Providing or securing supportive services for
 81 participating youth for the duration of the FYI initiative
 82 voucher.

83 (3) Providing a written certification to the housing
 84 authority verifying the youth's child welfare history.

85 (4) Identifying youth eligible for an FYI initiative
 86 voucher within the community-based care lead agency's caseload
 87 and communicating their eligibility to the youth.

589-03091-25

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88 Section 3. (1) The Office of Program Policy Analysis and
 89 Government Accountability (OPPAGA) shall conduct a study of the
 90 barriers that young adults who are homeless or were formerly in
 91 foster care face when trying to obtain housing. The study must
 92 include recommendations for overcoming those barriers.

93 (2) In conducting the study, OPPAGA shall consult with the
 94 Department of Children and Families, the Board of Governors of
 95 the State University System, the Florida College System, the
 96 Department of Commerce, public housing authorities, affected
 97 young adults, and other stakeholders.

98 (3) OPPAGA must issue its findings by December 1, 2026, in
 99 a report to the Governor, the President of the Senate, and the
 100 Speaker of the House of Representatives.

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

4/17/2025

Meeting Date

Fiscal Policy

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 584

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Tierra Lamore**

Phone **954-812-5736**

Address **333 Camino Gardens Blvd, Suite 202**

Email **tierralamore@gmail.com**

Street

Boca Raton

FL

33432

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

4/17/2025

Meeting Date

Fiscal Policy

Committee

The Florida Senate
APPEARANCE RECORD

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SB 584

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sophia Coffey** Phone **954-812-5736**

Address **333 Camino Gardens Blvd, Suite 202** Email **tierralamore@gmail.com**

Street

Boca Raton

FL

33432

City

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 788

INTRODUCER: Senators Truenow and Gaetz

SUBJECT: Veterans' Nursing Homes

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Proctor	MS	Favorable
2.	Howard	McKnight	AHS	Favorable
3.	Proctor	Siples	FP	Favorable

I. Summary:

SB 788 provides a licensed skilled nursing facility on the campus of a retirement community qualified for nonprofit status under section 501(c)(3) of the Internal Revenue Code which provides housing for only veterans, their spouses, and surviving spouses, may request to create or modify the designation of specific beds exclusively for veterans and their spouses if specific criteria are met.

The bill authorizes the director of the Florida Department of Veterans' Affairs (FDVA) to approve requests to create or modify the designation of specific beds exclusively for veterans and their spouses under certain criteria.

The bill provides an exemption from the requirement to obtain a Certificate of Need (CON) from the Agency for Health Care Administration for:

- State veterans' nursing homes operated by or on behalf of the FDVA that are constructed with state or federal funds and where the federal government pays a per diem rate not to exceed one-half of the cost of the veterans' care.
- The consolidation or combination of licensed nursing homes or the transfer of beds between licensed nursing homes that are for the sole use of veterans, their spouses, or surviving spouses, by nursing homes with any shared controlled interest and if the site of the relocation is not more than 100 miles from the original location.

The FDVA may adopt rules to administer the provisions of the bill regarding the approval of veteran- and spouse designated nursing home beds.

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

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Department of Veterans' Affairs

The Florida Department of Veterans' Affairs (FDVA) is a constitutionally chartered¹ department that was created to provide assistance to all former, present, and future members of the Armed Forces of the United States and their spouses and dependents in preparing claims for and securing compensation, hospitalization, career training, and other benefits or privileges to which they are, or may become entitled to under federal or state law or regulation by reason of their service.² The FDVA operates a network of nine state veterans' homes and provides statewide outreach to connect veterans with services, benefits, and support.³ The FDVA offers benefits and services in the fields of health care, mental health and substance abuse, claims support, education, employment, housing, burial benefits, and legal assistance.⁴ There are about 1.4 million veterans living in Florida, making the state's veteran population the third largest nationally.⁵

Veterans Nursing Homes

The FDVA provides care for veterans in both domiciliary homes and nursing facilities.⁶ Both veterans of wartime and peacetime service are eligible for admission.⁷ Veterans are admitted to both types of facilities based on a priority ranking.⁸ To be considered for admission to a veterans' home in Florida, a veteran must have been discharged from the military with either an honorable or an upgrade to an honorable discharge.⁹

Each veterans' nursing home is overseen by an administrator who is selected by the executive director (director) of the FDVA.¹⁰

To be eligible for admission, a veteran must:

- Be in need of nursing care.
- Be a resident of the state at the time of application for admission to the home.
- Not owe money to the FDVA for services rendered during any previous stay at an FDVA facility.

¹ FLA. CONST. art. IV, s. 11.

² Section 292.05(1), F.S.

³ Fla. Dep't of Veterans' Affairs, *Executive Director's Message*, available at <https://www.floridavets.org/leadership/> (last visited Mar. 20, 2025).

⁴ Fla. Dep't of Veterans' Affairs, *Benefits & Services*, available at <https://www.floridavets.org/benefits-services/> (last visited Mar. 20, 2025).

⁵ Fla. Dep't of Veterans' Affairs, *Our Veterans*, available at <https://floridavets.org/our-veterans/> (last visited Mar. 20, 2025).

⁶ Chapter 296, F.S.

⁷ Sections 296.08 and 296.36, F.S. "Wartime service" is defined as service in any of the following campaigns or expeditions: Spanish-American War (1898-1902); Mexican Border Period (1916-1917); World War I (1917-1918, with qualifying extensions until 1921); World War II (1941-1946); Korean War (1950-1955); Vietnam War, (1961-1975); Persian Gulf War (1990-1992); Operation Enduring Freedom (2001-date prescribed by presidential proclamation or by law); Operation Iraqi Freedom (2003-date prescribed by presidential proclamation or by law). Peacetime service is defined as any Army, Navy, Marines, Coast Guard, Air Force, or Space Force service not in any of the campaigns or expeditions. Section 1.01(14), F.S.

⁸ Sections 296.08 and 296.36, F.S.

⁹ Sections 296.02(9) and 1.01(14), F.S.

¹⁰ Section 296.34, F.S.

- Have applied for all financial assistance reasonably available through governmental sources.
- Have been approved as eligible for care and treatment by the United States Department of Veterans Affairs (VA).¹¹

Eligible veterans are given priority for admission to a home in the following order, veterans who:

- Are residents of the state.
- Have a service-connected disability as determined by the VA, or who were discharged or released from service for a disability incurred or aggravated in the line of duty and the disability is the condition for the nursing home need.
- Have a non-service-connected disability and are unable to defray the cost of nursing home care.¹²

A spouse or surviving spouse of an eligible veteran is also eligible for admission at the bottom of the priority list.¹³ The director of the FDVA may waive the residency requirement for an otherwise qualified veteran if the veteran is a disaster evacuee of a state under a declared state of emergency.¹⁴

The FDVA currently operates eight skilled nursing facilities throughout the state. The nursing homes are located in Daytona Beach, Orlando, Land O'Lakes, Pembroke Pines, Panama City, Port Charlotte, Port St. Lucie, and St. Augustine, Florida.¹⁵

Cost and Funding of Resident Care

A resident of a state veterans' home must contribute to the cost of his or her care if the resident receives a pension, compensation, gratuity from the federal government, or income from any other source of more than \$100 per month for domiciliary homes and \$160 per month for nursing homes.¹⁶

In addition to the resident's portion of payment, the VA provides a reimbursement care subsidy to domiciliary homes and nursing homes based on a per diem rate.¹⁷ The current VA per diem for domiciliary homes is \$59.69 a day.¹⁸ The current VA per diem for basic care in a nursing home is set at \$138.29 a day,¹⁹ while per diem for disabled veterans who are determined to be at least 70 percent disabled varies by location in the state from \$504.03 a day in Daytona to \$551.04 a

¹¹ Section 296.36(1), F.S.

¹² Section 296.36(3), F.S.

¹³ *Id.*

¹⁴ Section 296.36, F.S.

¹⁵ Fla. Dep't of Veterans' Affairs, *State Veterans' Homes*, available at <https://floridavets.org/locations/state-veterans-nursing-homes/> (last visited Mar. 20, 2025).

¹⁶ Sections 296.10 and 296.37, F.S. This contribution for care may be 100 percent of the cost if an otherwise eligible veteran is able to fund his or her own support.

¹⁷ 38 C.F.R. s. 51.390 and 38 C.F.R. s. 51.210.

¹⁸ U.S. Dep't of Veterans Affairs, Geriatric and Extended Care, State Home Per Diem Program, *State Home Per Diem Basic Rates for FYs 2000-2024*, available at https://www.va.gov/geriatrics/pages/State_Veterans_Home_Program_per_diem.asp (last visited Mar. 20, 2025).

¹⁹ *Id.*

day in Pembroke Pines.²⁰ To qualify for reimbursement, federal law requires at least 75 percent of the population of the facility to be veterans.²¹ This threshold drops to 50 percent if the facility was constructed or renovated solely by the state.²²

Federal law authorizes a state veterans' home to house non-veteran residents who are spouses of veterans or parents whose children died while in military service.²³ These residents may be required to pay for the full cost of their care since the VA does not provide a reimbursement care subsidy to domiciliary homes and nursing homes for these individuals.

VA Community Nursing Home (CNH) Program

Federal law authorizes the VA to contract with community nursing homes to provide care for eligible veterans.²⁴ Separate guidelines are outlined giving authority for the VA to place eligible veterans in non-VA facilities when necessary²⁵ and the requirements for State Veterans' Homes,²⁶ which are separate from the CNH Program but often related in the types of care that is offered.

For all types of VA skilled nursing home care, veterans must be eligible (and enrolled) in the VA health care benefit system, also called the standard medical benefits package, via the Veterans Health Administration and meet the following eligibility requirements:

- Must not have been dishonorably discharged.
- Must have served on active duty in the military, air, or naval service.
- Must have served 24-months continuously or the full active duty period in which one was called if enlisted after September 7, 1980, or became active duty after October 16, 1981. This minimum active duty criteria is not applicable for veterans who actively served before September 7, 1980, or were discharged due to a disability that resulted from, or was worsened, by active duty, or had an early-out or hardship discharge.
- National Guard or Reserves members (current and former) must have served on active duty per a federal order and served the entire period as ordered. Active duty status for training only does not count.²⁷

CNHs must provide 24-hour skilled nursing care (such as wound care or help with IV medication), occupational and physical therapy, and access to social work services. Additionally, some CNHs provide short term rehab services, hospice and palliative care for the end of life, and specialized care for dementia.²⁸

²⁰ Email from Jeff Obos, Public Information Administrator, Fla. Dep't of Veterans' Affairs, to Roy Clark, Director of Cabinet and Legislative Affairs, Fla. Dep't of Veterans' Affairs (Mar. 21, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²¹ 38 C.F.R. s. 51.210(d).

²² *Id.*

²³ *Id.*

²⁴ 38 U.S.C. s. 1720.

²⁵ 38 C.F.R. s. 17.51.

²⁶ 38 C.F.R. s. 51.20. *See also* 38 C.F.R. s 51.30.

²⁷ American Council on Aging, Veterans Nursing Homes: Community Living Centers, *Community Nursing Homes & State Veterans Homes*, available at <https://www.medicaidplanningassistance.org/veterans-nursing-homes/> (last visited Mar. 20, 2025).

²⁸ U.S. Dep't of Veterans Affairs, *Community Nursing Home*, available at https://www.va.gov/GERIATRICS/docs/Community_Nursing_Home.pdf (last visited Mar. 20, 2025).

Certificate of Need

A Certificate of Need (CON) is a written statement issued by the Agency for Health Care Administration (AHCA) evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility or hospice.²⁹

Certificate of Need Program

Florida's CON program has existed since July 1973. From 1974 through 1986, the specifics of the program were largely dictated by the federal National Health Planning and Resources Development Act of 1974 (Act), which established minimum requirements regarding the type of services subject to CON review, review procedures, and review criteria.³⁰ Each state was required to have a CON program in compliance with the Act as a condition for obtaining federal funds for health programs. The Act was repealed in 1986, but Florida retained its CON program.

The CON program is a regulatory process that requires certain health care providers to obtain state approval before offering certain new or expanded services. The CON program currently regulates hospices, freestanding inpatient hospice facilities, skilled nursing facilities and intermediate care facilities for the developmentally disabled. It does not regulate outpatient services, home health services, purchases of major medical equipment, assisted living facilities, and hospitals.³¹

The Florida CON program has three levels of review: full, expedited, and exempt.³² Expedited review is primarily targeted towards nursing home projects.

Determination of Need, Application, and Review Process

Most projects are reviewed on a competitive batching cycle review basis. At least 30 days prior to the application deadline for a batch cycle, an applicant must file a letter of intent with the AHCA.³³ A letter of intent is not required for projects that will be given a non-competitive, expedited review.³⁴ A letter of intent must describe the proposal, specify the number of beds sought, and identify the services to be provided and the location of the project.³⁵

Within 60 days after receipt of the completed applications for that batch, the AHCA must issue a State Agency Action Report and Notice of Intent to Award a CON for a project in its entirety, to award a CON for identifiable portions of a project, or to deny a CON for a project.³⁶ The AHCA must then publish the decision, within 14 days, in the Florida Administrative Weekly.³⁷ If no

²⁹ Section 408.032(3), F.S.

³⁰ Pub. Law No. 93-641, 42 U.S.C. s. 300k et seq.

³¹ Fla. Agency for Health Care Administration, *Certificate of Need (CON) Program Overview*, available at <https://ahca.myflorida.com/health-quality-assurance/bureau-of-health-facility-regulation/certificate-of-need-and-commercial-managed-care-unit/certificate-of-need-con-program-overview> (last visited March 20, 2025).

³² Section 408.036, F.S.

³³ Section 408.039(2)(a), F.S.

³⁴ Fla. Agency for Health Care Administration, *supra* note 31.

³⁵ Section 408.039(2)(c), F.S.

³⁶ Section 408.039(4)(b), F.S.

³⁷ Section 408.039(4)(c), F.S.

administrative hearing is requested within 21 days of the publication, the State Agency Action Report and the Notice of Intent to Award the CON become a final order of the AHCA.³⁸

Projects Subject to Expedited CON Review

Certain projects are eligible for expedited CON review. Applicants for expedited review are not subject to the application deadlines associated with full comparative review and may submit an application at any time. Projects subject to an expedited review include:

- Transfer of a CON.
- Replacement of a nursing home, if the proposed project site is within a 30-mile radius of the replaced nursing home. If the proposed project site is outside the subdistrict where the replaced nursing home is located, the prior 6-month occupancy rate for licensed community nursing homes in the proposed subdistrict must be at least 85 percent in accordance with the agency's most recently published inventory.
- Replacement of a nursing home within the same district, if the proposed project site is outside a 30-mile radius of the replaced nursing home but within the same subdistrict or a geographically contiguous subdistrict. If the proposed project site is in the geographically contiguous subdistrict, the prior 6-month occupancy rate for licensed community nursing homes for that subdistrict must be at least 85 percent in accordance with the agency's most recently published inventory.
- Relocation of a portion of a nursing home's licensed beds to another facility or to establish a new facility within the same district or within a geographically contiguous district, if the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the state does not increase.
- Construction of a new community nursing home in a retirement community under certain conditions.³⁹

Exemptions on CON Review

Upon request, certain projects may be provided with an exemption to a CON review, many involving hospitals, including:

- Converting licensed acute care hospital beds to Medicare and Medicaid certified skilled nursing beds in a rural hospital, so long as the conversion of the beds does not involve the construction of new facilities.
- Adding nursing home beds at a skilled nursing facility that is part of a retirement community offering a variety of residential settings and services.⁴⁰
- Building an inmate health care facility by or for the exclusive use of the Department of Corrections.
- Adding nursing home beds in a number not exceeding 30 total beds or 25 percent of the number of beds licensed in the facility being replaced in certain circumstances.
- State veterans' nursing homes operated by or on behalf of the FDVA.
- Combining within one nursing home facility of the beds or services authorized by two or more CON issued in the same planning subdistrict.

³⁸ Section 408.039(4)(d), F.S.

³⁹ Section 408.036(2), F.S.

⁴⁰ Section 408.036(3)(c). F.S. This exemption is limited to a retirement community that had been incorporated in Florida and operating for at least 65 years as of July 1, 1994.

- Dividing into two or more nursing home facilities of beds or services authorized by one CON issued in the same planning subdistrict.
- Adding nursing home beds licensed in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater; or, for adding nursing home beds licensed at a facility that has been designated as a Gold Seal nursing home in a number not exceeding 20 total beds or 10 percent of the number of licensed beds in the facility being expanded, whichever is greater.
- Replacing a licensed nursing home on the same site, or within five miles of the same site if within the same subdistrict, if the number of licensed beds does not increase, except in certain circumstances.
- Consolidating or combining of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning district, by nursing homes with any shared controlled interest within that planning district, if there is no increase in the planning district total number of nursing home beds and the site of the relocation is not more than 30 miles from the original location.
- For beds in state mental health treatment facilities, state mental health forensic facilities and state developmental disabilities centers.
- Establishing a health care facility or project that meets all the following criteria:
 - The applicant was previously licensed within the past 21 days as a health care facility or provider that is subject to CON.
 - The applicant failed to submit a renewal application and the license expired on or after January 1, 2015.
 - The applicant does not have a license denial or revocation action pending with the agency at the time of the request.
 - The applicant's request is for the same service type, district, service area, and site for which the applicant was previously licensed.
 - The applicant's request, if applicable, includes the same number and type of beds as were previously licensed.
 - The applicant agrees to the same conditions that were previously imposed on the CON or on an exemption related to the applicant's previously licensed health care facility or project.
 - The applicant applies for initial licensure as required under s. 408.806, F.S., within 21 days after the agency approves the exemption request. If the applicant fails to apply in a timely manner, the exemption expires on the 22nd day following the agency's approval of the exemption.⁴¹

CON Fees

An applicant for CON review must pay a fee to the AHCA when the application is submitted. The minimum CON application filing fee is \$10,000.⁴² In addition to the base fee, an applicant must pay a fee of 1.5 percent of each dollar of the proposed expenditure; however, the total fee may not exceed \$50,000.⁴³

⁴¹ Section 408.036(3), F.S.

⁴² Section 408.038(1), F.S.

⁴³ Section 408.038(2), F.S.

A request for a CON exemption must be accompanied by a \$250 fee payable to the AHCA.⁴⁴

III. Effect of Proposed Changes:

The bill amends s. 296.33, F.S., to define “veteran- and spouse-designated nursing home beds” to mean beds that are designated only for residents admitted in accordance with s. 296.36, F.S., to a licensed skilled nursing facility on the campus of a retirement community qualified for nonprofit status under s. 501(c)(3) of the Internal Revenue Code which provides housing for only veterans, their spouses, and surviving spouses.

The bill creates s. 296.411, F.S., to provide that the director of the Florida Department of Veterans Affairs (FDVA) may approve requests to create or modify veteran- and spouse-designated nursing home beds at a facility so long as any such beds operate in the VA Community Nursing Home Program and are in accordance with the requirements of ss. 296.35, 296.36, 296.37, and 296.41, F.S. The bill authorizes the FDVA to adopt rules to administer this process.

The bill amends s. 408.036(3), F.S., to revise exemptions to the Certificate of Need (CON) process for veterans nursing homes by providing that a CON is not required for:

- State veterans’ nursing homes operated by or on behalf of the FDVA that are constructed with state or federal funds and for which the federal government pays a per diem rate not to exceed one-half of the cost of the veterans’ care.
- The consolidation or combination of licensed nursing homes or the transfer of beds between licensed nursing homes that are for the sole use of veterans, their spouses, or surviving spouses, by nursing homes with any shared controlled interest and if the site of the relocation is not more than 100 miles from the original location.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties or municipalities’ ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

⁴⁴ Section 408.036(4), F.S., and Rule 59C-1.005(2)(g), F.A.C.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The bill may have an indeterminant positive fiscal impact on a licensed skilled nursing facility on the campus of a retirement community qualified for nonprofit status under s. 501(c)(3) of the Internal Revenue Code which provides housing for only veterans, their spouses, and surviving spouses, who requests to create or modify the designation of specific beds exclusively for veterans and their spouses under the provisions of the bill, and whose request is approved by the director of the Florida Department of Veterans Affairs.

C. Government Sector Impact:

None identified.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 296.33 and 408.036.

This bill additionally creates section 296.411 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Truenow

13-01578-25

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A bill to be entitled

An act relating to veterans' nursing homes; amending s. 296.33, F.S.; defining the term "veteran- and spouse-designated nursing home beds"; creating s. 296.411, F.S.; authorizing the executive director of the Department of Veterans' Affairs to approve requests to create or modify veteran- and spouse-designated nursing home beds if certain conditions are met; authorizing the department to adopt rules; amending s. 408.036, F.S.; revising exemptions from certificate of need requirements for certain projects relating to veterans' nursing homes; providing an effective date.

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

Section 1. Subsection (7) is added to section 296.33, Florida Statutes, to read:

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

(7) "Veteran- and spouse-designated nursing home beds" means beds that are designated only for residents admitted in accordance with s. 296.36 to a licensed skilled nursing facility on the campus of a retirement community qualified for nonprofit status under s. 501(c)(3) of the Internal Revenue Code which provides housing for only veterans, their spouses, and surviving spouses.

Section 2. Section 296.411, Florida Statutes, is created to read:

296.411 Approval; veteran- and spouse-designated nursing

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home beds.—The director may approve requests to create or modify veteran- and spouse-designated nursing home beds at a facility so long as any such beds operate in the United States Department of Veterans Affairs Community Nursing Home Program and are in accordance with the requirements of ss. 296.35, 296.36, 296.37, and 296.41. The department may adopt rules to administer this section.

Section 3. Paragraph (f) of subsection (3) of section 408.036, Florida Statutes, is amended, and paragraph (n) is added to that subsection, to read:

408.036 Projects subject to review; exemptions.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from subsection (1):

(f) For state veterans' nursing homes operated by or on behalf of the Florida Department of Veterans' Affairs in accordance with part II of chapter 296 for which ~~at least 50 percent of~~ the construction cost is federally funded by the state or the Federal Government and for which the Federal Government pays a per diem rate not to exceed one-half of the cost of the veterans' care in such state nursing homes. These beds ~~may shall~~ not be included in the nursing home bed inventory.

(n) For the consolidation or combination of licensed nursing homes or the transfer of beds between licensed nursing homes that are for the sole use of veterans, their spouses, or surviving spouses in accordance with part II of chapter 296, by nursing homes with any shared controlled interest and if the site of the relocation is not more than 100 miles from the original location.

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Section 4. 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 Committee on Fiscal Policy

BILL: CS/CS/SB 824

INTRODUCER: Fiscal Policy Committee; Transportation Committee; and Senator Pizzo

SUBJECT: Specialty License Plates

DATE: April 18, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	Fav/CS
2. Wells	Nortelus	ATD	Favorable
3. Shutes	Siples	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 824 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create the following new specialty license plates:

- Supporting FHP Troopers;
- Miami Dade College;
- St. Petersburg College;
- Miami Northwestern High School;
- United States Naval Academy;
- United States Military Academy;
- Save Coastal Wildlife;
- Broward College;
- The Tampa Theatre; and
- The Florida Aquarium.

The annual use fee for each new plate is \$25.

The bill also increases the annual use fee for the existing Florida Wildflower specialty license plate from \$15 to \$25, consistent with the annual use fee amount applicable to all new specialty license plates.

The bill will have a negative, but insignificant, fiscal impact to DHSMV associated with programming and implementation costs. **See Section V. Fiscal Impact Statement.**

The bill takes effect October 1, 2025.

II. Present Situation:

Specialty License Plates

According to the DHSMV, as of February 2025, there are 133 specialty license plates authorized by the Legislature. Of these plates, 113 are available for immediate purchase and 20 are in the presale process. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.¹ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.²

In order to establish a specialty license plate (after the plate is approved by law) s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.³

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers.⁴ Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁵

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.⁶

¹ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

² Section 320.08058, F.S.

³ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁴ Section 320.08058(3), F.S., provides that any collegiate plate established after October 1, 2002, must comply with the requirements of s. 320.08053, F.S., other than the presale voucher requirements in s. 320.08053(2)(b), F.S., and be specifically authorized by the Legislature.

⁵ Section 320.08053(2)(b), F.S.

⁶ Section 320.08053(3)(a), F.S.

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.⁷

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁸ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁹

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.¹⁰ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹¹

Discontinuance of Specialty Plates

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.¹² In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹³

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000, or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment

⁷ Section 320.08053(3)(b), F.S.

⁸ Section 320.08056(10)(a), F.S.

⁹ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

¹⁰ Section 320.08056(10)(a), F.S.

¹¹ Section 320.08056(11), F.S.

¹² Section 320.08056(8)(a), F.S.

¹³ Section 320.08056(8)(b), F.S.

and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹⁴

Florida Wildflower Specialty License Plate

Current law provides that the \$15 annual use fee from the sale of the Florida Wildflower specialty license plate shall be distributed to the Florida Wildflower Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. The proceeds must be used to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant programs to municipal, county, and community-based groups in this state.¹⁵

According to DHSMV, in 2024 there were 33,988 total sales of the Florida Wildflower specialty license plate.¹⁶

Organizations Sponsoring New Specialty License Plates

Florida Highway Patrol Advisory Council, Inc. (Supporting FHP Troopers)

The Florida Highway Patrol Advisory Council, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.¹⁷ The organization's website includes the following statement: "We Serve the Men & Women Who Are Dedicated to Keeping Our Streets Safe."¹⁸

The Florida Highway Patrol Advisory Council is comprised of business, professional, and community leaders throughout the state. Members of the Advisory Council provide assistance to the Director of the Florida Highway Patrol by offering input regarding the performance of the Patrol and the quality of service provided to the public. On an ongoing basis the Advisory Council provides financial and other support to the families of troopers and auxiliary troopers who lose their life or sustain life-threatening injuries in the line of duty. One hundred percent of the funding for the Advisory Council is through charitable contributions.¹⁹

Miami Dade College Foundation, Inc. (Miami Dade College)

Miami Dade Colleges' vision is to be a recognized leader in student learning, achievement, and success while enriching their community.²⁰ The college has been in operation since 1960, and is named among the top institutions in 2025 U.S. News & World Report Rankings for public regional colleges, for veterans, social mobility, best value schools, and regional colleges of the south.²¹

¹⁴ Chapter 2020-181, s. 7, Laws of Fla.

¹⁵ Section 320.0858(27)(b), F.S.

¹⁶ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: Information Request, regarding specialty license plate sales (February 4, 2025).

¹⁷ Florida Department of State: Division of Corporations, *Florida Highway Patrol Advisory Council, Inc.* Sunbiz.org, Document number N99000003623 (April 17, 2025).

¹⁸ Florida Highway Patrol Advisory Council, Inc., [About the FHP Advisory Council](#), (last visited April 17, 2025).

¹⁹ *Id.* at 1.

²⁰ Miami Dade College, [About MDC | Miami Dade College](#), (last visited April 17, 2025).

²¹ *Id.*

Miami Dade College Foundation Inc. is a Florida not-for-profit corporation registered with the Florida Department of State.²² The organization’s website includes the following mission statement: “We raise essential private funds to enable Miami Dade College to change lives, families, communities, and the world through the opportunity of education.”²³

St. Petersburg College Foundation, Inc. (St. Petersburg College)

St. Petersburg College (SPC) is regionally accredited and nationally recognized. SPC was founded in 1927 as St. Petersburg Junior College, Florida's first two-year college. It offers more than 200 degree, certificate and transfer programs of study, as well as more than 100 high-demand, high-skill industry-recognized workforce certifications and short-term training opportunities.²⁴

St. Petersburg College Foundation Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.²⁵ The organization’s website includes the following statement “The St. Petersburg College (SPC) Foundation supports the vision and mission of SPC. The Foundation promotes the practice of philanthropy through partnerships with the community and accepts and prudently manages all gifts including cash, securities, property, bequests and trusts.”²⁶

Miami Northwestern Alumni Association, Inc. (Miami Northwestern High School)

Miami Northwestern Alumni Association, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.²⁷

Miami Northwestern Senior High School is a four-year public high school with a student population of 1,425 students in grades 9-12 located in the Liberty City neighborhood of Miami.²⁸ The school’s website provides that “Miami Northwestern Senior High is dedicated to assisting every student with authoring their page in the Bulls’ rich legacy of pride, tradition, and excellence since 1955.”²⁹

The mission of the Performing and Visual Arts Program at Miami Northwestern Senior High School is to “assure that all students have the opportunity to develop their artistic, creative, and physical abilities research-based instructional strategies, technology-infused instruction, career

²² Florida Department of State: Division of Corporations, *Miami Dade College Foundation, Inc.* Sunbiz.org, Document number 709786 (April 17, 2025).

²³ Miami Dade College Foundation, Inc., [About - Miami Dade College Alumni Association](#), (last visited April 17, 2025).

²⁴ St. Petersburg College, [About SPC || St. Petersburg College](#), (last visited April 17, 2025).

²⁵ Florida Department of State: Division of Corporations, *St. Petersburg College Foundation, Inc.* Sunbiz.org, Document number 749635 (April 17, 2025).

²⁶ St. Petersburg College Foundation, Inc., [About the Foundation || St. Petersburg College Foundation, Inc.](#), (last visited April 17, 2025).

²⁷ Florida Department of State: Division of Corporations, *Miami Northwestern Alumni Association, Inc.* Sunbiz.org, Document number N17000004247 (April 17, 2025).

²⁸ Miami Northwestern Senior High School., [Home - School Profile - Miami Northwestern Senior High School](#), (last visited April 17, 2025).

²⁹ *Id.*

path exploration, community service opportunities, real-world learning, enhanced parental involvement, and programs which include partnerships, talents, skill and abilities in a challenging, safe, and nurturing environment.”³⁰

Blue Angels Foundation, Inc. (United States Naval Academy)

The Blue Angels Foundation, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.³¹ The mission of the foundation is to support wounded veterans by providing funding for critical services and access to the best care available in the nation as they transition back to the civilian community.³² The foundation’s focus is on transitional housing, post-traumatic stress treatment, and suicide prevention.³³

Home Base Florida (United States Military Academy)

Home Base Florida is a Florida chapter of a Massachusetts-based national organization that is dedicated to healing the invisible wounds of war – such as post-traumatic stress disorder, traumatic brain injury, anxiety, depression, and co-occurring substance use – for veterans, service members, and their families through world-class clinical care, wellness, education, and research.³⁴ Through key partnerships and philanthropic support, they help eliminate the financial barrier to accessing high-quality care. All services are provided at no cost to the participant.³⁵

Zoo Miami Foundation, Inc. (Save Coastal Wildlife)

Zoo Miami Foundation, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.³⁶ According to the Foundation’s website: “Zoo Miami Foundation is fueled by the generosity of individuals, corporations, foundations, and government entities; the Zoo Miami Foundation offers robust Learning Experience programs, supports vital conservation efforts, and funds essential capital projects that enhance animal welfare and visitor experiences at Zoo Miami.”³⁷ With one of the largest membership bases in South Florida, Zoo Miami Foundation continues to make a significant impact, educating and inspiring the community to take action in conservation efforts.”³⁸

Broward College Foundation, Inc. (Broward College)

³⁰ *Id.*

³¹ Florida Department of State: Division of Corporations, *Blue Angels Foundation, Inc.* Sunbiz.org, Document number N11000005457 (April 17, 2025).

³² Blue Angels Foundation, [Mission Statement - Blue Angels Foundation of Pensacola, FL](#) (last visited April 17, 2025)

³³ *Id.*

³⁴ Home Base Florida, [Home Base Florida | Home Base](#) (last visited April 17, 2025)

³⁵ *Id.*

³⁶ Florida Department of State: Division of Corporations, *Zoo Miami Foundation, Inc.* Sunbiz.org, Document number 726093 (April 17, 2025).

³⁷ Zoo Miami Foundation, [Zoo Miami Foundation | Zoo Miami](#), (last visited April 17, 2025).

³⁸ *Id.*

Broward College was created by the Florida Legislature in 1959, and has the third-largest enrollment within the Florida College System.³⁹ Broward College serves more than 51,000 students with the support of more than 3,300 full-time and part-time faculty and staff. Broward Colleges' mission includes "Transforming students' lives and enriching our diverse community through academic excellence, innovation, and meaningful career opportunities," by offering first-time college students, adult learners, and career professionals academic programs across eight career-related pathways.⁴⁰

Broward College Foundation, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.⁴¹ The organization allows alumni to stay informed and connected, utilize benefits and resources, and serve their communities.⁴²

The Tampa Theatre, Inc. (Tampa Theatre)

The Tampa Theatre, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.⁴³ According to the Tampa Theatre website, the theatre is "A catapult for the imagination since 1926, the nonprofit Tampa Theatre is a passionately protected historic landmark and one of America's best-preserved examples of grand movie palace architecture. The Tampa Theatre's mission is "building community through extraordinary entertainment in an iconic landmark." ⁴⁴

The Florida Aquarium, Inc. (Florida Aquarium)

The Florida Aquarium, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.⁴⁵ According to The Florida Aquarium's website, the aquarium is "more than a must-see attraction, The Florida Aquarium is working to protect and restore our blue planet through education and environmental conservation programs. The Florida Aquarium inspires visitors and engages students in stewardship with interactive experiences and compelling species ambassadors. Our real and applied conservation efforts include ground-breaking research and rescue efforts that help restore Florida's coral and sea turtle populations." ⁴⁶

III. Effect of Proposed Changes:

The bill creates ten new specialty license plates and revises the annual use fee for the existing Florida Wildflower specialty license plate.

Florida Wildflower Specialty License Plate

³⁹ Broward College College, [About Broward College](#), (last visited April 17, 2025).

⁴⁰ *Id.*

⁴¹ Florida Department of State: Division of Corporations, *Broward College Foundation, Inc.* Sunbiz.org, Document number 722016 (April 17, 2025).

⁴² Broward College Foundation, Inc., [Broward College Alumni & Friends](#), (last visited April 17, 2025).

⁴³ Florida Department of State: Division of Corporations, *The Tampa Theatre, Inc.* Sunbiz.org, Document number N92000000017 (April 17, 2025).

⁴⁴ The Tampa Theatre, [About - Tampa Theatre](#), (last visited April 17, 2025).

⁴⁵ Florida Department of State: Division of Corporations, *Florida Aquarium, Inc.* Sunbiz.org, Document number N18242 (April 17, 2025).

⁴⁶ Florida Aquarium Foundation, [Get Involved - The Florida Aquarium](#), (last visited April 17, 2025).

The bill amends s. 320.08056, F.S., to increase the annual use fee of the Florida Wildflower specialty license plate from \$15 to \$25, except for an owner purchasing the specialty license plate for more than 10 vehicles registered to that owner, the annual use fee remains at \$15 per plate.

The \$25 annual use fee is consistent with the amount established in s. 320.08056(3)(d), F.S., which is applicable to all new specialty license plates.

Supporting FHP Troopers Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for Supporting FHP Troopers. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Supporting FHP Troopers” at the bottom of the plate.

Proceeds of the sale of the Supporting FHP Troopers specialty license plate will be distributed to the Florida Highway Patrol Advisory Council, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be distributed to fund scholarships, based on the councils’ established criteria, for current members of the Florida Highway Patrol and their family members who are attending a vocational school, technical school, college or university.

For the purposes of this plate, the term “family member” means a spouse, child, stepchild, or legally adopted child of the Florida Highway Patrol member or a child raised in the home and claimed by the Florida Highway Patrol member as a dependent under the federal income tax code before the child’s 18th birthday.

Miami Dade College Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for Miami Dade College. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Miami Dade College” at the bottom of the plate.

Proceeds of the sale of the Miami Dade College specialty license plate will be distributed to the Miami Dade College Foundation, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be distributed to the Miami Dade College Foundation, Inc. to fund student scholarships.

St. Petersburg College Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for St. Petersburg College. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “St. Petersburg College” at the bottom of the plate.

Proceeds of the sale of the St. Petersburg College specialty license plate will be distributed to the St. Petersburg College Foundation, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate, 40 percent must be dedicated to funding student scholarships, and 50 percent must be used to fund initiatives that embolden student success.

Miami Northwestern Alumni Association Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for the Miami Northwestern Alumni Association. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Miami Northwestern Alumni Association” at the bottom of the plate.

Proceeds of the sale of the Miami Northwestern Alumni Association specialty license plate will be distributed to the Miami Northwestern Alumni Association, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be used to fund need-based scholarships, academic programs, and athletic programs for the benefit of Miami Northwestern Senior High School students and the Miami Northwestern Senior High School Performing and Visual Arts Center.

United States Naval Academy Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for the United States Naval Academy. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Go Navy, Beat Army” at the bottom of the plate.

Proceeds of the sale of the United States Naval Academy specialty license plate will be distributed to the Blue Angels Foundation, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be distributed to the Blue Angels Foundation, Inc., to provide funding to wounded veterans for critical services, with a focus on transitional housing, post-traumatic stress treatment, and suicide prevention.

United States Military Academy Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for the United States Military Academy. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Go Army, Beat Navy” at the bottom of the plate.

Proceeds of the sale of the United States Military Academy specialty license plate will be distributed to the Home Base Florida, which may use up to 10 percent of the fees for administrative costs related to the promotion and the marketing of the plate. The balance of the fees must be used by the Home Base Florida, to assist in world-class clinical care, wellness,

education, and research, for veterans, service members, and their families who need more complex care.

Save Coastal Wildlife Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for Save Coastal Wildlife. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Save Coastal Wildlife” at the bottom of the plate.

Proceeds of the sale of the Save Coastal Wildlife specialty license plate will be distributed to the Zoo Miami Foundation, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate.

Thereafter, the annual use fees from the sale of the plate will be distributed as follows:

- 85 percent must be used to maintain programs at the Marjory Stoneman Douglas Institute at Zoo Miami which conserve imperiled coastal wildlife and ecosystems.
- 15 percent must be distributed to eligible Florida-based nonprofit organizations to conserve native-imperiled coastal wildlife and ecosystems.

Broward College Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for Broward College. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Broward College” at the bottom of the plate.

Proceeds of the sale of the Broward College specialty license plate will be distributed to the Broward College Foundation, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate.

Thereafter, the annual use fees from the sale of the plate will be distributed as follows:

- 40 percent must be dedicated to funding student scholarships to ensure access to quality education for students in need.
- 50 percent must be used to fund initiatives that embolden student success, particularly in emerging technologies and workforce development programs to prepare students for high-demand careers and the future economy.

The Tampa Theatre Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for The Tampa Theatre. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Historic Tampa Theatre” at the bottom of the plate.

Proceeds of the sale of The Tampa Theatre specialty license plate will be distributed to The Tampa Theatre, Inc. The organization may use up to 10 percent of the proceeds for marketing

and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be distributed to The Tampa Theatre, Inc. to fund its efforts to preserve and program the historic Tampa Theatre.

The Florida Aquarium Specialty License Plate

The bill authorizes the DHSMV to create a new specialty license plate for The Florida Aquarium. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “The Florida Aquarium” at the bottom of the plate.

Proceeds of the sale of The Florida Aquarium specialty license plate will be distributed to The Florida Aquarium, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be used to fund its efforts to save marine wildlife, provide environmental education, and inspire conservation action.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the annual use fee increases from \$15 to \$25, the Florida Wildflowers Foundation, Inc., will experience an indeterminate positive fiscal impact associated with increased revenues available to the foundation.

If the specialty license plates are produced, the various organizations authorized to receive the proceeds of the sale of the plates will benefit.

C. Government Sector Impact:

The estimated cost for programming and implementation associated with a new specialty license plate is \$8,280 per plate;⁴⁷ Therefore, the total for the ten new specialty license plates is \$82,800.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 320.08056 and 320.08058 of the Florida Statutes.

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

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

CS/CS by Fiscal Policy on April 17, 2025:

The committee substitute creates the following new specialty license plates:

- Miami Dade College;
- St. Petersburg College;
- Miami Northwestern High School;
- United States Naval Academy;
- United States Military Academy;
- Save Coastal Wildlife;
- Broward College;
- The Tampa Theatre; and
- The Florida Aquarium.

⁴⁷ DHMSV, 2025 Legislative Bill Analysis: SB 824 (March 17, 2025) at p. 6 (on file with the Senate Committee on Transportation).

It also increases the annual use fee for the existing Florida Wildflower specialty license plate from \$15 to \$25, consistent with the annual use fee amount applicable to all new specialty license plates.

CS by Transportation on March 18, 2025:

The committee substitute removes the exemption in the bill related to the 3,000 pre-sale voucher requirement and the 3,000 annual registration requirement which are applicable to all new specialty license plates.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
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	.	

The Committee on Fiscal Policy (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (p) of subsection (4) of section
320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be
collected for the appropriate specialty license plates:

(p) Florida Wildflower license plate, \$25, except that for



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an owner purchasing the specialty plate for more than 10 vehicles registered to that owner, the annual use fee shall be \$15 per plate.

Section 2. Subsections (136) through (145) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(136) SUPPORTING FHP TROOPERS LICENSE PLATES.—

(a) The department shall develop a Supporting FHP Troopers license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Supporting FHP Troopers" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Florida Highway Patrol Advisory Council, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, which may use up to 10 percent of the fees for administrative costs and marketing of the plate. The Florida Highway Patrol Advisory Council, Inc., must use the remaining fees to fund scholarships, based on the council's established criteria, for current members of the Florida Highway Patrol and their family members who are attending a vocational school, technical school, college, or university. For purposes of this paragraph, the term "family member" means a spouse, child, stepchild, or legally adopted child of the Florida Highway Patrol member or a child raised in the home and claimed by the Florida Highway Patrol member as a dependent under the federal income tax code before the child's 18th birthday.

(137) MIAMI DADE COLLEGE LICENSE PLATES.—



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40 (a) The department shall develop a Miami Dade College
41 license plate as provided in this section and s. 320.08053. The
42 plate must bear the colors and design approved by the
43 department. The word "Florida" must appear at the top of the
44 plate, and the words "Miami Dade College" must appear at the
45 bottom or side of the plate.

46 (b) The annual use fees from the sale of the plate shall be
47 distributed to the Miami Dade College Foundation, Inc., which
48 may use up to 10 percent of the fees for administrative costs
49 and marketing of the plate. The balance of the fees must be used
50 by the Miami Dade College Foundation, Inc., to fund student
51 scholarships.

52 (138) ST. PETERSBURG COLLEGE LICENSE PLATES.—

53 (a) The department shall develop a St. Petersburg College
54 license plate as provided in this section and s. 320.08053. The
55 plate must bear the colors and design approved by the
56 department. The word "Florida" must appear at the top of the
57 plate, and the words "St. Petersburg College" must appear at the
58 bottom of the plate.

59 (b) The annual use fees from the sale of the plate must be
60 distributed to the St. Petersburg College Foundation, Inc., and
61 allocated as follows:

62 1. Ten percent may be used for administrative costs related
63 to the promotion and marketing of the plate.

64 2. Forty percent must be dedicated to funding student
65 scholarships to ensure access to quality education for students
66 in need.

67 3. Fifty percent must be used to fund initiatives that
68 embolden student success, particularly in emerging technologies



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and workforce development programs, to prepare students for high-demand careers and the future economy.

(139) MIAMI NORTHWESTERN ALUMNI ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Miami Northwestern Alumni Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Miami Northwestern Alumni Association" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Miami Northwestern Alumni Association, Inc., which may use up to 10 percent of the fees for administrative costs and marketing of the plate. The balance of the fees must be used by the Miami Northwestern Alumni Association, Inc., to fund need-based scholarships, academic programs, and athletic programs for the benefit of Miami Northwestern Senior High School students and the Miami Northwestern Senior High School Performing and Visual Arts Center.

(140) UNITED STATES NAVAL ACADEMY LICENSE PLATES.—

(a) The department shall develop a United States Naval Academy license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Go Navy, Beat Army!" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Blue Angels Foundation, Inc., which may use up to 10 percent of the fees for administrative costs related to



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the promotion and marketing of the plate. The balance of the fees must be used by the Blue Angels Foundation, Inc., to provide funding to wounded veterans for critical services, with a focus on transitional housing, posttraumatic stress disorder treatment, and suicide prevention.

(141) UNITED STATES MILITARY ACADEMY LICENSE PLATES.—

(a) The department shall develop a United States Military Academy license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Go Army, Beat Navy!" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Home Base Florida, which may use up to 10 percent of the fees for administrative costs related to promotion and marketing of the plate. The balance of the fees must be used by the Home Base Florida to assist in world-class clinical care, wellness, education, and research for veterans, service members, and their family members who need more complex care.

(142) SAVE COASTAL WILDLIFE LICENSE PLATES.—

(a) The department shall develop a Save Coastal Wildlife license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save Coastal Wildlife" must appear at the bottom of the plate. The plate must include the image of an American flamingo.

(b) The annual use fees from the sale of the plate must be



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distributed to the Zoo Miami Foundation, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, for conservation of imperiled coastal wildlife and ecosystems in this state through field conservation and mission-focused research. Up to 10 percent of the annual use fees may be used for costs associated with the design and creation of the license plate, annual administrative costs directly associated with the administration of the Save Coastal Wildlife program, and marketing of the license plate. Of the remaining funds:

1. Eighty-five percent must be used to maintain programs at the Marjory Stoneman Douglas Institute at Zoo Miami which conserve imperiled coastal wildlife and ecosystems.

2. Fifteen percent must be distributed to eligible Florida-based nonprofit organizations to conserve native imperiled coastal wildlife and ecosystems.

(143) BROWARD COLLEGE LICENSE PLATES.—

(a) The department shall develop a Broward College license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Broward College" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Broward College Foundation, Inc., and allocated as follows:

1. Ten percent may be used for administrative costs related to the promotion and marketing of the plate.

2. Forty percent must be dedicated to funding student scholarships to ensure access to quality education for students in need.



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3. Fifty percent must be used to fund initiatives that embolden student success, particularly in emerging technologies and workforce development programs, to prepare students for high-demand careers and the future economy.

(144) TAMPA THEATRE LICENSE PLATES.—

(a) The department shall develop a Tampa Theatre license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Historic Tampa Theatre" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Tampa Theatre, Inc., a Florida nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to 10 percent of the fees for the administration, promotion, and marketing of the plate. The remaining fees must be used by Tampa Theatre, Inc., to fund its efforts to preserve and program the historic Tampa Theatre.

(145) THE FLORIDA AQUARIUM LICENSE PLATES.—

(a) The department shall develop a The Florida Aquarium license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "The Florida Aquarium" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to The Florida Aquarium, Inc., a Florida nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to 10 percent of the fees for the



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administration, promotion, and marketing of the plate. The
remaining fees must be used by The Florida Aquarium, Inc., to
fund its efforts to save marine wildlife, provide environmental
education, and inspire conservation action.

Section 3. This act shall take effect October 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to specialty license plates; amending
s. 320.08056, F.S.; increasing the annual use fee for
the Florida Wildflower license plate and providing a
discount for owners purchasing the plate for more than
a specified number of vehicles; amending s. 320.08058,
F.S.; directing the Department of Highway Safety and
Motor Vehicles to develop certain specialty license
plates; providing for distribution and use of fees
collected from the sale of the plate; providing an
effective date.

By the Committee on Transportation; and Senator Pizzo

596-02598-25

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A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Supporting FHP Troopers license plate; providing for distribution and use of fees collected from the sale of the plate; providing an effective date.

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

Section 1. Subsection (136) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(136) SUPPORTING FHP TROOPERS LICENSE PLATES.—

(a) The department shall develop a Supporting FHP Troopers license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Supporting FHP Troopers" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Florida Highway Patrol Advisory Council, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, which may use up to 10 percent of the fees for administrative costs and marketing of the plate. The Florida Highway Patrol Advisory Council, Inc., must use the remaining fees to fund scholarships, based on the council's established criteria, for current members of the Florida Highway Patrol and their family members who are attending a vocational

Page 1 of 2

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school, technical school, college, or university. For purposes of this paragraph, the term "family member" means a spouse, child, stepchild, or legally adopted child of the Florida Highway Patrol member or a child raised in the home and claimed by the Florida Highway Patrol member as a dependent under the federal income tax code before the child's 18th birthday.

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

Page 2 of 2

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The Florida Senate

APPEARANCE RECORD

4/17/25
Meeting Date

824
Bill Number or Topic

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

Amendment Barcode (if applicable)

FISCAL POLICY
Committee

Name WILLIAM B. SMITH Phone 305-333-4344

Address 300 E BREVARD ST. Email WSMITH@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:

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 830

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government
Committee and Senator Rodriguez

SUBJECT: Disposition of Migrant Vessels

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.	Reagan	Betta	AEG	Fav/CS
3.	Carroll	Siples	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 830 prohibits a person, firm, or corporation from leaving any migrant vessel upon waters of the state. It defines a “migrant vessel” as an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation which was built or assembled using or combining makeshift or improvised materials or material components and meets other constructions-related criteria.

The bill authorizes state funding for the removal of migrant vessels and authorizes the use of federal disaster funds to fund the removal of migrant vessels.

The bill requires a migrant vessel on public property to be removed within five days following a law enforcement officer posting a notice on the vessel. If it is not removed during that timeframe, the bill authorizes a law enforcement agency to remove and dispose of the vessel.

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

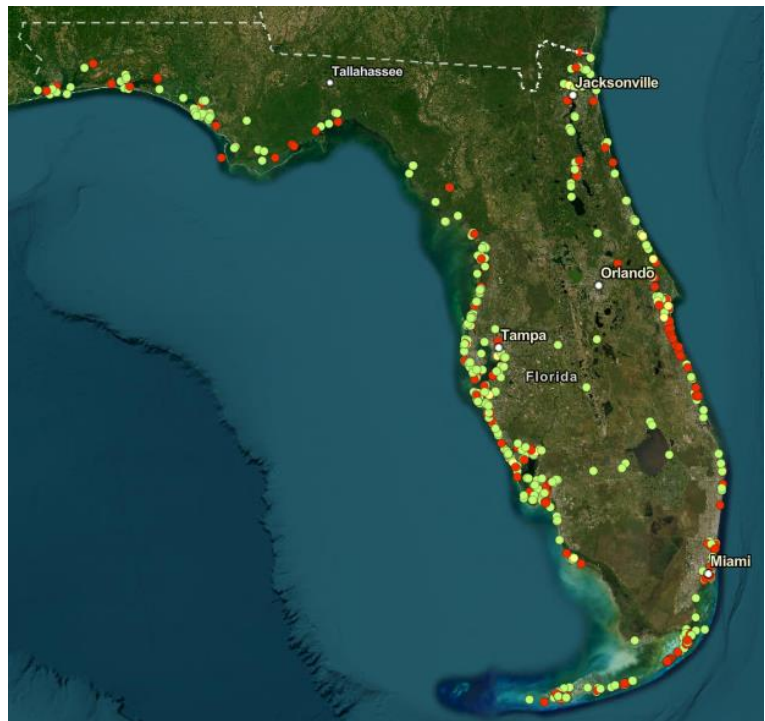
The bill has an effective date of July 1, 2025.

II. Present Situation:

Derelict Vessels

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.¹ As of January 2025, there were 1,040 derelict vessels in the Florida Fish and Wildlife Conservation Commission's (FWC's) derelict vessel database.²

A derelict vessel is a vessel that is in a wrecked,³ junked,⁴ or substantially dismantled⁵ condition upon any public waters of this state;⁶ at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached on the property of another without their consent.⁷ It is unlawful for a person, firm, or corporation to leave any derelict vessel on waters of this state.⁸ An FWC officer, or other law



This map shows the locations of derelict vessels and denotes the status of each vessel. *Map courtesy of FWC.*

¹ Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study*, 61 (Sept. 2023), available at <https://myfwc.com/media/longtermstoredvesselstudy/long-term-stored-vessel-study.pdf>.

² FWC, *Derelict Vessels Presentation*, 2 (Feb. 4, 2025), available at https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/6285/10953_MeetingPacket_6285.pdf; See the map on this page for the location and status of derelict vessels. FWC, *Derelict Vessels*, <https://experience.arcgis.com/experience/decfb6b7ca024ac98f6f900d86784d09?views=View-5> (last visited Feb. 20, 2025).

³ A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. Section 823.11(1)(b), F.S.

⁴ A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁵ A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁶ "Waters of this state" are defined as any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.

⁷ Section 823.11(1)(b), F.S.

⁸ Section 823.11(2), F.S. The term "leave" means to allow a vessel to remain occupied or unoccupied on waters of this state for more than 24 hours.

enforcement agency or officer⁹ is authorized to relocate, remove, and store a derelict vessel if it obstructs or might obstruct navigation or if it endangers property, persons, or the environment.¹⁰

If a vessel is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 18-month period, the vessel may be declared a public nuisance.¹¹

Derelict Immigrant Vessel Removal

South Florida has historically been and is now a landing place for immigrants from Caribbean countries like Cuba and Haiti who travel by boat over the Florida Straits.¹² Vessels used by these immigrants are commonly constructed with improvised materials, including sprayed styrofoam and plastic barrels, and often struggle to stay afloat. If the vessels are well built, they are typically overloaded and in danger of capsizing.¹³ Migrant vessels are often left behind on waters of the state or beached on public or private property, where they create environmental hazards like other derelict vessels.¹⁴ Multiple agencies, both federal and state, as well as local governments and private contractors have been involved in removing and disposing of migrant vessels.¹⁵

The Removal Procedure for Lost or Abandoned Property

The statutes require different procedures for articles of lost¹⁶ or abandoned¹⁷ property that *are not* derelict vessels or vessels declared a public nuisance and articles of lost or abandoned property that *are* derelict vessels or vessels declared a public nuisance.¹⁸

⁹ Law enforcement agencies or officers specified in s. 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

¹⁰ Section 823.11(3), F.S.

¹¹ Section 327.73(1), F.S.

¹² U.S. Coast Guard, *Operation Vigilant Sentry: Stopping Illegal Migration at Sea*, <https://www.news.uscg.mil/Press-Releases/Article/3280774/operation-vigilant-sentry-stopping-illegal-migration-at-sea/> (last visited March 13, 2025).

¹³ *Id.*

¹⁴ Gwen Filosa, *The complex task of removing abandoned migrant vessels from Keys' fragile ecosystem*, <https://www.wusf.org/environment/2023-01-14/the-complex-task-of-removing-abandoned-migrant-vessels-from-keys-fragile-ecosystem> (last visited March 13, 2025).

¹⁵ *Id.*; Florida Division of Emergency Management, *State of Florida Issues Updates on Increased Mass Migration Monitoring Along the Florida Coastline*, <https://www.floridadisaster.org/news-media/news/20230118-state-of-florida-issues-updates-on-increased-mass-migration-monitoring-along-the-florida-coastline/> (last visited March 13, 2025). This includes the U.S. Coast Guard, FWC, the Florida Division of Emergency Management, the Florida National Guard, the Florida Department of Law Enforcement, and the Florida Highway Patrol. *Id.*

¹⁶ "Lost property" is defined as "all tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner." Section 705.101(4), F.S.

¹⁷ "Abandoned property" is defined as "all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner." Derelict and public nuisance vessels fall under this definition. Section 705.101(1), F.S.

¹⁸ Section 705.103(2), F.S.

If a law enforcement officer determines that an article of lost or abandoned property that is *not* a derelict or public nuisance vessel is on public property and cannot be easily removed, the officer must place a notice on the property informing the owner or interested persons that the article of property must be removed within five days or the law enforcement agency will remove and dispose of it at the expense of the owner.

If a law enforcement officer determines that a derelict or public nuisance vessel is present on waters of the state, the officer must place a notice on the vessel informing the owner or interested persons that the vessel must be removed within 21 days or the law enforcement agency will dispose of it at the expense of the owner or legally responsible party.¹⁹ The notice must also inform the owner or interested persons that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law.²⁰

In addition to posting the notice on the property, a law enforcement officer must make a reasonable effort to ascertain the name and address of the owner.²¹ If the information is reasonably available, the officer must mail a copy of the notice to the owner on the date of posting or as soon thereafter as is practicable.²² If the property is a motor vehicle or a vessel, the law enforcement agency must contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel.²³ After receiving the information from the Department of Highway Safety and Motor Vehicles, the law enforcement agency must mail a copy of the notice by certified mail to the owner and any lienholder, return receipt requested.²⁴

If the article of abandoned property is not a derelict or public nuisance vessel and is not removed by the owner, the law enforcement agency may:

- Retain any or all of the property for its own use or for use by the state or local government,
- Trade the property to another local government or state agency,
- Donate the property to a charitable organization,
- Sell the property, or
- Notify the appropriate refuse removal service.²⁵

If the owner or any interested person has not removed a derelict or public nuisance vessel or requested a hearing within 21 days of the notice being posted and mailed, the law enforcement agency or its designee may:

- Remove, destroy, and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef if all necessary authorizations are received.²⁶

¹⁹ Section 705.103(2)(a)1.b., F.S.

²⁰ *Id.*

²¹ Section 705.103(2)(a)2., F.S.

²² *Id.*

²³ Section 705.103(2)(a)2., F.S.

²⁴ *Id.*

²⁵ Section 705.103(2)(a)2.a., F.S.

²⁶ *Id.*

State-Authorized Funding for Derelict Vessel Removals

Derelict vessel removal may be funded in part by grants from the Fuel Tax Collection Trust Fund.²⁷ The Fuel Tax Collection Trust Fund provides an annual disbursement of \$2.5 million to the FWC's State Game Trust Fund for recreational boating activities and freshwater fisheries management and research.²⁸ Of those funds, a minimum of \$1.25 million must be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local, boating-related activities.²⁹ The FWC must give priority consideration to unmet needs in counties with populations of 100,000 or less and unmet needs in coastal counties with a high level of boating-related activities from individuals residing in other counties.³⁰ The remaining \$1.25 million may be used for recreational boating activities and freshwater fisheries management and research.³¹

Federal disaster funds procured pursuant to a plan implemented by the FWC may also be used to fund the removal of derelict vessels.³² Additionally, the FWC is authorized to establish a local government grant program to fund local government efforts to remove, store, and dispose of derelict and public nuisance vessels.³³ If the funds are not used within a given fiscal year, the FWC may use the remainder to remove, store, destroy, and dispose of derelict or public nuisance vessels itself.³⁴

III. Effect of Proposed Changes:

Section 1 amends s. 823.11, F.S., relating to derelict vessels, to extend the scope of the section to include migrant vessels.

The bill defines “migrant vessel” as an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation which was built or assembled using or combining makeshift or improvised materials or material components and meets at least one of the following criteria:

- The vessel was not constructed by a boat manufacturer.
- The vessel was not assigned a hull identification number.³⁵

²⁷ Section 823.11(4)(a), F.S.; section 206.606(1)(b), F.S.

²⁸ Section 206.606(1)(b), F.S. FWC must annually determine where unmet needs exist for boating-related activities and can fund those activities in counties where sufficient financial resources are unavailable due to the number of vessel registrations. *Id.*

²⁹ *Id.*

³⁰ Section 206.606(1)(b)1., F.S.

³¹ Section 206.606(1)(b)2., F.S.

³² Section 823.11(4)(b), F.S.

³³ Section 823.11(4)(c), F.S.

³⁴ *Id.* FWC may also use these funds to hire private contractors to remove, store, destroy, and dispose of derelict or public nuisance vessels. *Id.*

³⁵ A hull identification number, or HIN, is required for home-built vessels, kit boats, and all vessels manufactured or imported after November 1, 1972. 46 U.S.C. §4302; 33 C.F.R. §181.23; U.S. Coast Guard, *Hull Identification Number (HIN) Validation & Verification Guidelines*, 15 (Sept. 24, 2020), available at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fuscgboating.org%2Flibrary%2Fregulations%2FHIN-Validation-Verification-Guide-09162020.pptx&wdOrigin=BROWSELINK>.

The bill prohibits a person, firm, or corporation from leaving any migrant vessel upon waters of the state.

The bill authorizes funding for the removal of migrant vessels from waters of the state by grants provided from the Fuel Tax Collection Trust Fund³⁶ and specifies that the FWC may use any federal disaster funds procured for the removal of derelict vessels to also fund the removal of migrant vessels. Further, the bill ensures that FWC's local government grant program for the removal, storage, destruction, and disposal of derelict vessels may also provide grants to local governments for the removal, storage, destruction, and disposal of migrant vessels.

Section 2 amends s. 705.103, F.S., which regulates the procedures a law enforcement officer must follow when an article of lost or abandoned property or a derelict vessel or a vessel declared a public nuisance is found on public property or waters of the state. There are different procedures for an article of lost or abandoned property and derelict or public nuisance vessels, and the bill provides that if a migrant vessel is found on public property, law enforcement officers must follow the procedure for an article of lost or abandoned property.³⁷

The bill provides that if a migrant vessel is present on public property or waters of the state, a law enforcement agency or its designee may remove the vessel and destroy and dispose of it or may authorize another governmental entity or its designee to do so.

The procedures for a derelict or public nuisance vessel require a law enforcement agency to contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vessel. The bill exempts migrant vessels from this requirement.

Section 3 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³⁶ See section 206.606, F.S.

³⁷ The migrant vessel must be removed within five days of a law enforcement officer posting a notice on the vessel or it will be removed and disposed of by a law enforcement agency. Section 705.103(2)(a)1., F.S.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 823.11 and 705.103.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Appropriations Committee on Agriculture, Environment, and General Government on April 10, 2025:

The committee substitute removes a definition for “irregularly constructed vessel” and makes other technical changes.

B. Amendments:

None.

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Rodriguez

601-03467-25

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A bill to be entitled

An act relating to the disposition of migrant vessels; amending s. 823.11, F.S.; defining the term "migrant vessel"; revising provisions concerning relocation or removal of certain vessels to include migrant vessels; amending s. 705.103, F.S.; providing procedures for law enforcement officers concerning disposition of migrant vessels; providing an effective date.

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

Section 1. Present paragraph (d) of subsection (1) of section 823.11, Florida Statutes, is redesignated as paragraph (e), a new paragraph (d) is added to that subsection, and paragraph (a) of subsection (2) and subsection (4) of that section are amended, to read:

823.11 Derelict and migrant vessels; relocation or removal; penalty.—

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

(d) "Migrant vessel" means an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation which was built or assembled using or combining makeshift or improvised materials or material components and meets at least one of the following criteria:

1. The vessel was not constructed by a boat manufacturer.

2. The vessel was not assigned a hull identification number.

(2) (a) A person, firm, or corporation may not leave any

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derelict or migrant vessel upon waters of this state. For purposes of this paragraph, the term "leave" means to allow a vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.

(4) (a) Removal of derelict vessels or migrant vessels under this subsection may be funded by grants provided in s. 206.606.

(b) The commission may implement a plan for the procurement of any available federal disaster funds and use such funds for the removal of derelict vessels or migrant vessels.

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels or migrant vessels from the waters of this state. This grant funding may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance pursuant to s. 327.73(1)(aa). The program must be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund. Notwithstanding s. 216.181(11), funds available for these grants may only be authorized by appropriations acts of the Legislature. In a given fiscal year, if all funds appropriated pursuant to this paragraph are not requested by and granted to local governments for the removal, storage, destruction, and disposal of derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa) by the end of the third quarter, the Fish and Wildlife Conservation Commission may use the remainder of the funds to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of, derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant

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to s. 327.73(1)(aa). The commission shall adopt by rule procedures for local governments to submit a grant application and criteria for allocating available funds. Such criteria must include, at a minimum, the following:

1. The number of derelict vessels and migrant vessels within the jurisdiction of the applicant.

2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.

3. The degree of commitment of the local government to maintain waters free of abandoned, ~~and~~ derelict, and migrant vessels and to seek legal action against those who abandon vessels in the waters of this state as defined in s. 327.02.

Section 2. Paragraph (a) of subsection (2) of section 705.103, Florida Statutes, is amended to read:

705.103 Procedure for abandoned or lost property.—

(2)(a)1. Whenever a law enforcement officer ascertains that:

a. A migrant vessel or an article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description

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of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description of location)... has been determined to be ...(derelict or a public nuisance)... and is unlawfully upon the waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section).... The owner or the party determined to be legally

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117 responsible for the vessel being upon the waters of
 118 this state in a derelict condition or as a public
 119 nuisance will be liable for the costs of removal,
 120 destruction, and disposal if this vessel is not
 121 removed by the owner. Dated this: ...(setting forth
 122 the date of posting of notice)..., signed: ...(setting
 123 forth name, title, address, and telephone number of
 124 law enforcement officer)....

125
 126 2. The notices required under subparagraph 1. may not be
 127 less than 8 inches by 10 inches and must be sufficiently
 128 weatherproof to withstand normal exposure to the elements. In
 129 addition to posting, the law enforcement officer shall make a
 130 reasonable effort to ascertain the name and address of the
 131 owner. If such is reasonably available to the officer, she or he
 132 shall mail a copy of such notice to the owner on the date of
 133 posting or as soon thereafter as is practical. If the property
 134 is a motor vehicle as defined in s. 320.01(1) or a vessel as
 135 defined in s. 327.02, except a migrant vessel as defined in s.
 136 823.11, the law enforcement agency shall contact the Department
 137 of Highway Safety and Motor Vehicles in order to determine the
 138 name and address of the owner and any person who has filed a
 139 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
 140 or s. 328.15. On receipt of this information, the law
 141 enforcement agency shall mail a copy of the notice by certified
 142 mail, return receipt requested, to the owner and to the
 143 lienholder, if any, except that a law enforcement officer who
 144 has issued a citation for a violation of s. 823.11 to the owner
 145 of a derelict vessel is not required to mail a copy of the

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146 notice by certified mail, return receipt requested, to the
 147 owner. For a derelict vessel or a vessel declared a public
 148 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must
 149 inform the owner or responsible party that he or she has a right
 150 to a hearing to dispute the determination that the vessel is
 151 derelict or otherwise in violation of the law. If a request for
 152 a hearing is made, a state agency shall follow the processes as
 153 set forth in s. 120.569. Local governmental entities shall
 154 follow the processes set forth in s. 120.569, except that a
 155 local judge, magistrate, or code enforcement officer may be
 156 designated to conduct such a hearing. If, at the end of 5 days
 157 after posting the notice in sub-subparagraph 1.a., or at the end
 158 of 21 days after posting the notice in sub-subparagraph 1.b.,
 159 and mailing such notice, if required, the owner or any person
 160 interested in the lost or abandoned article or articles
 161 described has not removed the article or articles from public
 162 property or shown reasonable cause for failure to do so, and, in
 163 the case of a derelict vessel or a vessel declared a public
 164 nuisance pursuant to s. 327.73(1)(aa), has not requested a
 165 hearing in accordance with this section, the following shall
 166 apply:

167 a. For abandoned property other than a derelict vessel or a
 168 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
 169 the law enforcement agency may retain any or all of the property
 170 for its own use or for use by the state or unit of local
 171 government, trade such property to another unit of local
 172 government or state agency, donate the property to a charitable
 173 organization, sell the property, or notify the appropriate
 174 refuse removal service.

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

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b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

c. For a migrant vessel, as defined in s. 823.11, the law enforcement agency or its designee may remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

Section 3. 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 Committee on Fiscal Policy

BILL: CS/SB 916

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Indemnification of Commuter Rail Transportation Providers

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.	Collazo	Cibula	JU	Favorable
3.	Johnson	Siples	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 916 creates the Coastal Link Commuter Rail Service Act and establishes parameters related to the indemnification of, and insurance related to, agencies providing commuter rail service on the corridor.

The bill:

- Defines relevant terms.
- Names Brightline, the Florida East Coast Railway (FECR), the South Florida Regional Transportation Authority (SFRTA), and “agencies” as parties operating rail service on the coastal link corridor.
- Authorizes agencies to assume certain obligations regarding rail liability on the coastal link corridor, subject to specified limitations.
- Limits agencies’ assumptions of liability.
- Provides an insurance coverage limit of \$323 million per occurrence, which must be adjusted, without prior legislative approval, in accordance with federal law.
- Requires agencies to establish a self-insurance retention amount of \$5 million.
- Provides for the allocation of liability on the rail corridor under various scenarios.
- Provides that the assumption of liability, the purchase of insurance, or the establishment of a self-insurance retention fund is not a waiver of sovereign immunity, nor does it increase an agency’s limits on liability under sovereign immunity.
- Provides that FECR and Brightline are not entitled to sovereign immunity.

An agency associated with the coastal link corridor may incur costs associated with the purchase of liability insurance and the establishment of a self-insurance retention fund. *See* Section V., Fiscal Impact Statement for details.

The bill takes effect July 1, 2025.

II. Present Situation:

Rail Service in Florida

The Florida Department of Transportation (FDOT), in conjunction with other governmental entities, is required to develop and implement a rail program of statewide application. The rail program must be designed to ensure the rail system's proper maintenance, safety, revitalization, and expansion. The rail program must also assure the rail system's continued and increased availability and respond to statewide mobility needs. Among other things, FDOT must also:

- Provide the overall leadership, coordination, and financial and technical assistance necessary to assure effective responses by the state's rail system to current and anticipated mobility needs.
- Promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems.
- Develop and periodically update the rail system plan, based on an analysis of statewide transportation needs.¹

Most of Florida's rail mileage is owned by private freight railroad companies. Roughly 60 percent of this rail mileage is owned by CSX Transportation, Inc. (CSX), and Florida East Coast Railway (FECR). The remaining rail mileage is owned by Norfolk Southern Railway, short line railroads, and the state.²

In 1988, FDOT and CSX entered into an agreement whereby FDOT purchased approximately 81 miles of CSX track and right-of-way³ in order to operate commuter rail in South Florida.⁴ The commuter rail system, known as Tri-Rail, operates in Miami-Dade, Broward, and Palm Beach counties.⁵

¹ Section 341.302, F.S.

² Florida Department of Transportation (FDOT), *Florida Rail System Plan, Executive Summary*, 3 (Nov. 2023), available at [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/plans/rail/rail-system-plan-2023/rsp-october-version/fdot_rsp_ch-1_ada-\(nov\).pdf?sfvrsn=606135b_4](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/plans/rail/rail-system-plan-2023/rsp-october-version/fdot_rsp_ch-1_ada-(nov).pdf?sfvrsn=606135b_4) [hereinafter "*Florida Rail System Plan*"].

³ This is commonly known as the South Florida Rail Corridor. FDOT, *2006 Florida Freight & Passenger Rail Plan*, 2-1 n. 1 (Feb. 2007), available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/publications/plans/rail/06visionplan/flrail06.pdf?sfvrsn=ce111160_0.

⁴ *Id.* at 5-34.

⁵ South Florida Regional Transportation Authority, *Tri-Rail System Map*, <https://www.tri-rail.com/> (last visited March 22, 2025).

In November 2011, FDOT acquired the Central Florida Rail Corridor from CSX to provide commuter rail service on that corridor, known as SunRail. SunRail operates in Volusia, Seminole, Orange, and Osceola counties.⁶

Brightline

Brightline Trains Florida (Brightline) is the only privately-owned and operated intercity railroad in the U.S.⁷ Brightline operates intercity passenger rail service on a 235-mile corridor between Miami and Orlando.⁸ Brightline is planning a further extension from Orlando to Tampa.⁹ As of July 2024, Brightline offers 16 daily round trips between Miami and the Orlando International Airport, with stops in West Palm Beach, Boca Raton, Fort Lauderdale, and Aventura.¹⁰

Florida East Coast Railway

Florida East Coast Railway (FECR) is a regional railroad owning the 351-mile mainline track between Jacksonville and Miami. In Jacksonville, the railway connects to the national railway system, allowing FECR to provide rail service to and from Georgia, Tennessee, South Carolina, and North Carolina. FECR is the exclusive rail provider for PortMiami, Port Everglades, and Port of Palm Beach.¹¹

Florida Rail Liability Provisions

Florida law authorizes FDOT to implement a statewide rail program.¹² If an accident occurs in an FDOT-owned rail corridor, FDOT may assume certain detailed obligations in connection with the specific parties involved.¹³ These provisions relate to FDOT trains, the National Railroad Passenger Corporation (AMTRAK) trains, and freight trains. FDOT may assume the obligations to indemnify and insure¹⁴ freight rail service, intercity passenger rail service, and commuter rail service on FDOT-owned rail corridors, whether ownership is held in fee or by easement, or on a rail corridor where FDOT has the right to operate.¹⁵

Florida law caps FDOT's duty to indemnify a freight rail operator or Amtrak at \$200 million.¹⁶ FDOT is required to purchase up to \$200 million in liability insurance and establish a self-insurance retention fund to cover any deductible, provided that any parties covered under the

⁶ SunRail, *Transit Asset Management Plan*, s. 1.1 (May 2023), available at https://www.r2ctpo.org/wp-content/uploads/SunRail-TAM-Plan-R2_2023.pdf [hereinafter "*Transit Asset Management Plan*"]; SunRail, *About SunRail*, <https://sunrail.com/agency-information/about-sunrail/> (last visited March 22, 2025).

⁷ Brightline, *About Us*, <https://www.gobrightline.com/about> (last visited March 22, 2025).

⁸ *Florida Rail System Plan*, *supra* note 2, at 5.

⁹ *Id.* at 6.

¹⁰ Megan Dubois, *Taking the Brightline Train from Orlando to Boca Raton: Here's What It's Like*, Condé Nast Traveler (Jul. 18, 2024), <https://www.cntraveler.com/story/brightline-train-orlando-to-boca-raton>.

¹¹ Florida East Coast Railway, *Who We Are*, <https://fecrwy.com/> (last visited March 22, 2025).

¹² Section 341.302, F.S.

¹³ Section 341.302(17), F.S.

¹⁴ *See* s. 343.545, F.S. (authorizing the South Florida Regional Transportation Authority to indemnify and insure in connection with these services).

¹⁵ Section 341.302(17)(d), F.S.

¹⁶ Section 341.302(17)(a)6., F.S.

insurance must pay a reasonable monetary contribution to cover the cost of the insurance.¹⁷ The self-insurance retention fund or insurance deductible is capped at \$10 million.¹⁸ Neither the purchase of insurance nor the establishment of a self-insurance retention fund constitutes a waiver of sovereign immunity.¹⁹

This indemnification relates to FDOT's acquisition of the Central Florida Rail Corridor from CSX for the purpose of SunRail operations.²⁰ In 2017, the South Florida Regional Transportation Authority (SFRTA) received similar indemnification for Tri-Rail, with a railroad liability insurance having a limit of \$295 million per occurrence, which amount is adjusted in accordance with applicable law, and a self-insurance retention fund of \$5 million.²¹

Sovereign Immunity

Sovereign immunity is a principle under which a government cannot be sued without its consent.²² Article X, section 13 of the Florida Constitution allows the Legislature to waive this immunity. In accordance with that provision, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting within the scope of employment.²³ This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity in s. 768.28, F.S., applies only to “injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment.”²⁴

Section 768.28(5), F.S., caps tort recovery from a governmental entity at \$200,000 per person and \$300,000 per incident.²⁵ Although a court may enter an excess judgment, a claimant may not collect more than the caps allow, absent a claim bill passed by the Legislature.²⁶

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken in the scope of employment, unless the damages result from the employee’s acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.²⁷ A governmental entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment and is not liable for damages resulting from actions committed by the employee in bad faith,

¹⁷ *Id.*

¹⁸ Section 341.302(17)(b), F.S.

¹⁹ Section 341.302(17), F.S.

²⁰ *Transit Asset Management Plan*, *supra* note 6, s. 1.1.

²¹ Chapter 2017-138, s. 1, L.O.F. (codifying s. 343.545, F.S.).

²² Cornell Law School, Legal Information Institute, *Sovereign Immunity*, <https://www.law.cornell.edu/wex/sovereign-immunity> (last visited March 22, 2025).

²³ Section 768.28(1), F.S.

²⁴ *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting, with emphases omitted, s. 768.28(1), F.S.).

²⁵ Section 768.28(5), F.S.

²⁶ *Breaux v. City of Miami Beach*, 899 So. 2d 1059, 1061 n. 2 (Fla. 2005).

²⁷ Section 768.28(9), F.S.

with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.²⁸

Federal Limitation on Rail Passenger Transportation Liability

If a claim for damages or liability arises from, or in connection with, the provision of rail passenger transportation, federal law provides a monetary cap on awards to all rail passengers. Under federal law, the aggregate allowable award to all rail passengers, against all defendants, for all claims, including punitive damages, arising from a single accident or incident may not exceed \$200,000,000.²⁹ In 2021, this cap was adjusted in accordance with inflation to \$322,864,228.³⁰

Coastal Link Commuter Rail Service

Since 2021, FDOT and Broward County Transit have been evaluating the implementation of commuter rail along the FECR corridor from Aventura in Miami-Dade County into Broward County. This evaluation is a direct result of a previous study known as the “Coastal Link” that evaluated 85 miles of commuter rail in Miami-Dade, Broward, and Palm Beach counties.³¹

In August 2022, the Broward County Commission adopted a Locally Preferred Alternative for Broward Commuter Rail South (BCR South) to extend commuter rail service on the FECR corridor from Aventura north to Fort Lauderdale. The Broward County Commission directed its staff to pursue federal and state grant funding to support the project, and to coordinate, as appropriate, with other organizations in seeking grant funding.³²

In December 2022, the Federal Transit Administration (FTA) announced that the BCR South project was accepted into the Project Development phase, making it eligible for federal funding and allowing funds expended by Broward County Transit to be used towards local match requirements.³³

In February 2023, the Broward Metropolitan Planning Organization voted to amend its Metropolitan Transportation Plan to include BCR South as a Priority I project within the fiscally constrained portion of the plan, with project development funding programmed and approved by both Broward County and FDOT in 2022.³⁴

²⁸ *Id.*

²⁹ 49 U.S.C. § 28103.

³⁰ Adjustment to Rail Passenger Transportation Liability Cap, 86 Fed. Reg. 11571 (Feb. 22, 2021) (amending 49 U.S.C. § 28103), available at <https://www.federalregister.gov/documents/2021/02/25/2021-03886/adjustment-to-rail-passenger-transportation-liability-cap>.

³¹ FDOT, *Broward Commuter Rail (BCR) South*, <https://www.fdot.gov/projects/broward-commuter-rail-south/home> (last visited March 22, 2025).

³² *Id.*

³³ FDOT, *Broward Commuter Rail South*, 2 (Dec. 2023), available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/projects_browardcommuterrail/bcr-south-faqs-december-2023.pdf?sfvrsn=980dd63d_1; FDOT, *About the Project*, <https://www.fdot.gov/projects/broward-commuter-rail-south/about-the-project> (last visited Mar. 22, 2025).

³⁴ *Id.*

Miami-Dade County is also studying the implementation of commuter rail service in the FECR corridor from Downtown Miami to Aventura, known as the Northeast Corridor. The Northeast Corridor is in the Project Development phase with the FTA, making it eligible to compete for federal funding.³⁵

The Northeast Corridor will establish a new rapid transit route from Miami Central Station in downtown Miami to West Aventura Station, using the existing railroad corridor shared with Brightline and freight rail services. The project will use Brightline's existing stations and add five additional stations.³⁶

III. Effect of Proposed Changes:

The bill creates the Coastal Link Commuter Rail Service Act, Part III to ch. 343, F.S., to establish parameters related to the indemnification of, and insurance related to, commuter rail transportation providers facilitating commuter rail service on the coastal link corridor.

Under Part III to ch. 343, F.S., the bill creates s. 343.711, F.S., to provide a short title: the "Coastal Link Commuter Rail Service Act." The bill also creates s. 343.712, F.S., which authorizes the indemnification and insurance obligations on the coastal link corridor. These obligations are similar to what is currently in place for SunRail and Tri-Rail.

Definitions

For purposes of the Act, the bill defines the following terms:

- "Agency" means any state agency, county, municipality, district, authority, or other separate unit of government created or established by law, which has entered into an agreement with Brightline, and which authorizes the agency, or a third party selected by the agency, to operate commuter rail service on the coastal link corridor.
- "Authority" means the South Florida Regional Transportation Authority.
- "Brightline" means Brightline Trains Florida LLC, or its successors or assigns, or any affiliate that is party to an agreement with an agency in connection with the coastal link corridor.³⁷
- "Brightline station" means any intercity passenger rail service station owned and operated by Brightline in the cities of Miami, Fort Lauderdale, Boca Raton, or West Palm Beach, or near Aventura, as well as any future station developed by Brightline in connection with its intercity passenger rail service.
- "Coastal link corridor" means the rail transit system, including the intercity passenger rail service stations and vehicle maintenance facilities, located on or adjacent to a Brightline or Florida East Coast Railway corridor in Miami-Dade County, Broward County, or Palm Beach County.³⁸

³⁵ *Id.*

³⁶ Miami-Dade County, *Northeast Corridor*, <https://www.miamidade.gov/global/transportation/smart-plan-northeast-corridor.page> (last visited Mar. 22, 2025).

³⁷ For purposes of Brightline's status as indemnitee under the bill, the term "Brightline" includes Florida East Coast Dispatch, LLC, or its successors or assigns.

³⁸ The term "coastal link corridor" includes structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power

- “Coastal link corridor invitee” means any person who is on or near the coastal link corridor, and who is a passenger or is otherwise present on the coastal link corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the command of, an operator.³⁹
- “Coastal link corridor limited covered accident” means a collision directly between the trains, locomotives, rail cars, or rail equipment of more than one operator on the coastal link corridor, if the collision is caused by or arising from the willful misconduct of one of the operators, as adjudicated pursuant to a final and unappealable court order, or if punitive damages or exemplary damages are awarded due to the conduct of such operator, as adjudicated pursuant to a final and unappealable court order.
- “Commuter rail service” means the operation of an agency’s trains transporting passengers and making frequent stops within urban areas and their immediate suburbs along the coastal link corridor, for the purpose of passenger boarding and alighting, and the nonrevenue movement of passenger trains for storage, maintenance, or repairs.⁴⁰
- “Florida East Coast Railway or FECR” means Florida East Coast Railway, LLC, or its successors and assigns.⁴¹
- “Intercity passenger rail service” means all passenger service on the rail corridor or coastal link corridor, as applicable, other than commuter rail service, which is characterized by trains making less frequent stops along the rail corridor than are made by the commuter rail service.
- “Joint infrastructure” means any portion or segment of the coastal link corridor, except that the term does not include tracks or infrastructure designated for the exclusive use of an agency, the authority, Brightline, or FECR, or portions of any Brightline station used by Brightline, the authority, or an agency, as applicable, including, but not limited to, pedestrian bridges, stairs, elevators, and escalators.
- “Operator” means Brightline, including any passenger rail operators that access the coastal link corridor pursuant to a contract with Brightline, other than an agency; FECR, including Amtrak or any freight rail operators that access the coastal link corridor pursuant to a contract with FECR; the authority, with respect to its operations contemplated under s. 343.545, F.S.; or an agency.
- “Passenger” means, with respect to intercity passenger rail service or commuter rail service, any person, ticketed or unticketed, using the intercity passenger rail service or commuter rail service on the coastal link corridor:
 - On board trains, locomotives, rail cars, or rail equipment employed in such intercity passenger rail service or commuter rail service, or boarding or alighting therefrom;
 - On or about the coastal link corridor for any purpose related to such intercity passenger rail service or commuter rail service, including parking or purchasing tickets, and coming to, waiting for, and leaving from locomotives, rail cars, or rail equipment; or

relays, switching houses, rail stations, ancillary developments, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

³⁹ The term “coastal link corridor invitee” does not include patrons at any station, except those patrons who are also the operator’s passengers; commercial or residential tenants at any station or the developments in and around the stations, or their invitees; or third parties performing work at a station or in the coastal link corridor, including any utilities or fiber optic companies.

⁴⁰ The term “commuter rail service” does not include the operation of trains by Brightline at Brightline stations in connection with Brightline’s intercity passenger rail service.

⁴¹ For purposes of its status as indemnitee, the term “FECR” includes Florida East Coast Dispatch, LLC, or its successors or assigns.

- Meeting, assisting, or in the company of any person described above.
- “Proportionate share” means, with respect to any loss, injury, or damage for which operators share responsibility, a percentage in proportion to the number of operators involved in the relevant incident. If one or more agencies are jointly operating a commuter rail service, such agencies are considered a single operator for purposes of computing and assessing the proportionate share of such loss, injury, or damage.
- “Self-insurance retention amount” means an amount equal to \$5 million.

Assumption of Obligations

The bill authorizes any agency, in conjunction with the development or operation of a commuter rail service on the coastal link corridor, to assume the obligation by contract to protect, defend, indemnify, and hold harmless, FECR, Brightline, and either entity’s officers, agents, employees, and successors and assigns from and against:

- Any liability, cost, and expense, regardless of whether the loss, damage, destruction, injury, or death giving rise to such liability, cost, or expense is caused in whole or in part by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR or Brightline, their successors and assigns, or their officers, agents, and employees, or any other person; and
- Any loss, injury, or damage incurred by FECR or Brightline, or allocated to FECR or Brightline, up to \$5 million with respect to coastal link corridor limited covered accidents caused by an agency.

The bill provides that an agency’s assumption of liability by contract, as provided above, may not exceed the following parameters regarding its allocation of risk:

- An agency may assume sole responsibility for any liability, loss, or expense to its passengers, or coastal link corridor invitees, third parties, or trespassers, regardless of circumstance or cause.
- If FECR or Brightline, including either of their officers, agents, employees, or successors and assigns, causes a limited covered accident, an agency may not protect, defend, and indemnify FECR or Brightline for any liability, cost, or expense, including punitive or exemplary damages, in excess of the \$5 million self-insurance retention amount unless FECR or Brightline, agrees, with respect to the limited covered accident, to protect, defend, and indemnify an agency for the self-insurance retention amount.

Under the bill, if an incident occurs and only an agency train is involved, including an incident with a trespasser or an at-grade crossing, an agency may agree to be solely responsible for any loss, injury, or damage.

If an incident occurs and only an authority train is involved, including an incident with a trespasser or an at-grade crossing, an agency is solely responsible for any loss of, or injury or damage to, the agency’s property, passengers, and coastal link corridor invitees.

If an incident occurs and only an FECR train is involved, including an incident with a trespasser or an at-grade crossing, FECR is solely responsible for any loss, injury, or damage, except that:

- An agency is responsible for any loss of, or injury or damage to, the agency’s passengers and coastal link corridor invitees; and

- Brightline is responsible for any loss of, or injury or damage to, Brightline's passengers and coastal link corridor invitees.

If an incident occurs and only a Brightline train is involved, including an incident with a trespasser or an at-grade crossing, Brightline is solely responsible for any loss, injury, or damage, except that:

- An agency is responsible for any loss of, or injury or damage to, the agency's passengers and coastal link corridor invitees; and
- FECR is responsible for any loss of, or injury or damage to, FECR's passengers and coastal link corridor invitees.

If an incident occurs involving two or more operators, the bill provides that each operator is responsible for all of the following, subject to the limits provided above:

- Its own property;
- Its own passengers; employees, excluding employees who are, at the time of the incident, coastal link corridor invitees of another operator; and other coastal link corridor invitees.
- Its proportionate share of any loss or damage to joint infrastructure; and
- Its proportionate share of any loss of, or injury or damage to, coastal link corridor invitees who are not coastal link corridor invitees of such operator, and trespassers or third parties outside the coastal link corridor as a result of the incident; however, an agency remains responsible for its passengers and its coastal link corridor invitees regardless of whether the agency was involved in the incident.

Under the bill, the contractual duty, individually or jointly with another agency to the extent such agencies are jointly operating a commuter rail service, to protect, defend, indemnify, and hold harmless Brightline or FECR with respect to claims by rail passengers must expressly include a limitation on the amount of the contractual duty, which may not exceed \$323 million per occurrence.

However, this \$323 million limitation on liability must be adjusted so that the per occurrence insurance requirement is equal to the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident in accordance with federal regulations,⁴² without the agency receiving prior legislative approval.

The bill provides that an operator's employee is not considered to be an operator's coastal link corridor invitee if the employee is a passenger or is otherwise present on the coastal link corridor at the request of, or pursuant to a contract with, or otherwise for the purpose of doing business with or at the command of, another operator. A passenger transferring from one operator's service (original operator), to another operator's service (connecting operator), is the original operator's coastal link corridor invitee until the passenger has left the original operator's platform. Once the passenger leaves the original operator's platform, the passenger is the connecting operator's coastal link corridor invitee.

⁴² 49 U.S.C. s. 28103, or any successor provision.

However, any allocation of liability between an agency and any other agency of the state must be allocated as agreed to by the agencies and limited by s. 768.28(19), F.S.⁴³ This does not limit an agency's authority to indemnify FECR or Brightline.

Purchase of Insurance

The bill authorizes an agency to purchase, either individually or jointly if operating with another agency, liability insurance in an amount of up to \$323 million per occurrence. However, this amount must be adjusted so that the per occurrence insurance requirement is equal to the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident in accordance with federal regulations.⁴⁴

The bill authorizes an agency to establish a self-insurance retention fund to pay the deductible limits established in its insurance policies, including coverage for an agency, a freight rail operator, Brightline, commuter rail service providers, governmental entities, or any ancillary development. This self-insurance retention fund or deductible may not exceed \$5 million.

The bill authorizes the agency's insurance and self-insurance retention fund to cover all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of, or connected with, the ownership, operation, maintenance, and management of the coastal link corridor. Any self-insurance retention fund must be held in a segregated account and is subject to the same conditions, restrictions, exclusions, obligations, and duties included in any of the railroad liability insurance policies.

Sovereign Immunity

The bill provides that the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; or the establishment of a self-insurance retention fund is not a waiver of any defense of sovereign immunity for tort claims and does not increase an agency's limits of liability for tort claims under sovereign immunity.⁴⁵

The bill provides that unless otherwise specifically provided by law, FECR and Brightline and their respective officers, agents, and employees may not be construed to be officers, agents, employees, or subdivisions of the state and are not entitled to sovereign immunity.

Effective Date

The bill takes effect July 1, 2025.

⁴³ Section 768.28(19), F.S., provides that neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into a contractual relationship with another agency or subdivision of the state. It also provides requirements for certain contracts.

⁴⁴ 49 U.S.C. s. 28103, or any successor provision.

⁴⁵ See s. 768.28, F.S. (codifying sovereign immunity).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill authorizes an agency to purchase liability insurance and establish a self-insurance retention fund of \$5 million. The agency will incur costs associated with the purchase of such insurance and establish a self-insurance retention fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill creates the “Coastal Link Commuter Rail Service Act” as part III of ch. 343, F.S. Chapter 343, F.S., relates to regional transportation.⁴⁶ Various other Florida Statutes include references to authorities created in s. 343, F.S. Based on these provisions, the agency may be:

⁴⁶ Entities created in ch. 343, F.S., are the South Florida Regional Transportation Authority (part I) and the Center Florida Regional Transportation Authority (part II).

- Subject to performance monitoring by the Florida Transportation Commission;⁴⁷
- Required to have members of its governing body file Form 6 financial disclosures;⁴⁸
- Required to provide fare discounts for disabled veterans;⁴⁹
- Eligible for state funding for public transportation projects;⁵⁰
- Eligible for certain fixed-guideway transportation funding;⁵¹ and
- Considered a public transit provider for purposes of the Florida Public Transit Act.⁵²

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 343.711 and 343.712.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Transportation on March 19, 2025:

- Removes the word “Act” from the name of the part of the statute chapter created in the bill.
- Removes the word “county” and changes a reference from “self-insured” to “self-insurance.”

B. Amendments:

None.

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

⁴⁷ Section 20.23(2)(b)8., F.S.

⁴⁸ Section 112.3144(1)(b), F.S. These are the more detailed financial disclosures filed by certain elected officials.

⁴⁹ Section 163.58, F.S.

⁵⁰ Section 206.46(3), F.S.

⁵¹ Section 215.615, F.S.

⁵² Section 341.031(1), F.S. The Florida Public Transit Act is codified in ss. 341.011-341.061, F.S.

By the Committee on Transportation; and Senator Rodriguez

596-02599-25

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1 A bill to be entitled
 2 An act relating to indemnification of commuter rail
 3 transportation providers; creating part III of ch.
 4 343, F.S., entitled "Coastal Link Commuter Rail
 5 Service"; creating s. 343.711, F.S.; providing a short
 6 title; creating s. 343.712, F.S.; defining terms;
 7 authorizing an agency to assume the obligation to
 8 protect, defend, indemnify, and hold harmless certain
 9 entities from and against certain liabilities, costs,
 10 and expenses in certain circumstances; prohibiting
 11 such assumption of liability from exceeding certain
 12 parameters of allocation of risk; requiring that a
 13 contractual duty to protect, defend, indemnify, and
 14 hold harmless certain entities with respect to claims
 15 by rail passengers include a specific limitation on
 16 the amount of such duty; requiring the adjustment of
 17 such amount in certain circumstances; providing that
 18 an employee of an operator is not a coastal link
 19 corridor invitee of such operator in certain
 20 circumstances; specifying the circumstances under
 21 which certain passengers are coastal link corridor
 22 invitees of certain operators; requiring that the
 23 allocation of liability between certain agencies be
 24 allocated as agreed and limited by certain provisions;
 25 authorizing an agency to purchase liability insurance
 26 up to a specified amount; requiring the adjustment of
 27 such amount in certain circumstances; authorizing an
 28 agency to establish a self-insurance retention fund
 29 for a specified purpose; providing construction;

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30 providing requirements for such fund; providing an
 31 effective date.
 32
 33 Be It Enacted by the Legislature of the State of Florida:
 34
 35 Section 1. Part III of chapter 343, Florida Statutes,
 36 consisting of ss. 343.711 and 343.712, Florida Statutes, is
 37 created and entitled "Coastal Link Commuter Rail Service."
 38 Section 2. Section 343.711, Florida Statutes, is created to
 39 read:
 40 343.711 Short title.—This part may be cited as the "Coastal
 41 Link Commuter Rail Service Act."
 42 Section 3. Section 343.712, Florida Statutes, is created to
 43 read:
 44 343.712 Power to assume indemnification and insurance
 45 obligations; definitions.—
 46 (1) As used in this section, the term:
 47 (a) "Agency" means any state agency, county, municipality,
 48 district, authority, or other separate unit of government
 49 created or established by law which has entered into an
 50 agreement with Brightline which authorizes the agency, or a
 51 third party selected by the agency, to operate commuter rail
 52 service on the coastal link corridor.
 53 (b) "Authority" means the South Florida Regional
 54 Transportation Authority.
 55 (c) "Brightline" means Brightline Trains Florida LLC, or
 56 its successors or assigns, or any affiliate that is a party to
 57 an agreement with an agency in connection with the coastal link
 58 corridor. For purposes of its status as indemnitee under

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paragraph (2) (b), the term includes Florida East Coast Dispatch, LLC, or its successors or assigns.

(d) "Brightline station" means any intercity passenger rail service station owned and operated by Brightline in the cities of Miami, Fort Lauderdale, Boca Raton, or West Palm Beach or near Aventura, as well as any future station developed by Brightline in connection with its intercity passenger rail service.

(e) "Coastal link corridor" means the rail transit system, including the intercity passenger rail service stations and vehicle maintenance facilities, located on or adjacent to a Brightline or Florida East Coast Railway corridor in Miami-Dade County, Broward County, or Palm Beach County. The term includes structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, ancillary developments, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

(f) "Coastal link corridor invitee" means any person who is on or about the coastal link corridor and who is a passenger or is otherwise present on the coastal link corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of, an operator. The term does not include patrons at any station, except those patrons who are also the operator's passengers; commercial or residential tenants at any station or the developments in and around the stations, or their invitees; or third parties

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performing work at a station or in the coastal link corridor, including any utilities or fiber optic companies.

(g) "Coastal link corridor limited covered accident" means a collision directly between the trains, locomotives, rail cars, or rail equipment of more than one operator on the coastal link corridor, where the collision is caused by or arising from the willful misconduct of one of the operators, as adjudicated pursuant to a final and unappealable court order, or, if punitive damages or exemplary damages are awarded due to the conduct of such operator, as adjudicated pursuant to a final and unappealable court order.

(h) "Commuter rail service" means the operation of an agency's trains transporting passengers and making frequent stops within urban areas and their immediate suburbs along the coastal link corridor for the purpose of passenger boarding and alighting, and the nonrevenue movement of passenger trains for storage, maintenance, or repairs. The term does not include the operation of trains by Brightline at Brightline stations in connection with Brightline's intercity passenger rail service.

(i) "Florida East Coast Railway" or "FECR" means Florida East Coast Railway, LLC, or its successors and assigns. For purposes of its status as indemnitee under paragraph (2) (a), the term includes Florida East Coast Dispatch, LLC, or its successors or assigns.

(j) "Intercity passenger rail service" means all passenger service on the rail corridor or coastal link corridor, as applicable, other than commuter rail service which is characterized by trains making less frequent stops along the rail corridor than are made by the commuter rail service.

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(k) "Joint infrastructure" means any portion or segment of the coastal link corridor, except that the term does not include tracks or infrastructure designated for the exclusive use of an agency, the authority, Brightline, or FECR or portions of any Brightline station used by Brightline, the authority, or an agency, as applicable, including, but not limited to, pedestrian bridges, stairs, elevators, and escalators.

(l) "Operator" means Brightline, including any passenger rail operators that access the coastal link corridor pursuant to a contract with Brightline, other than an agency; FECR, including Amtrak or any freight rail operators that access the coastal link corridor pursuant to a contract with FECR; the authority, with respect to its operations contemplated under s. 343.545; or an agency.

(m) "Passenger" means, with respect to intercity passenger rail service or commuter rail service, any person, ticketed or unticketed, using the intercity passenger rail service or commuter rail service on the coastal link corridor:

1. On board trains, locomotives, rail cars, or rail equipment employed in such intercity passenger rail service or commuter rail service, or boarding or alighting therefrom;

2. On or about the coastal link corridor for any purpose related to such intercity passenger rail service or commuter rail service, including parking or purchasing tickets therefor and coming to, waiting for, and leaving from locomotives, rail cars, or rail equipment; or

3. Meeting, assisting, or in the company of any person described in subparagraph 1. or subparagraph 2.

(n) "Proportionate share" means, with respect to any loss,

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injury, or damage for which operators share responsibility pursuant to this section, a percentage in proportion to the number of operators involved in the relevant incident. When one or more agencies are jointly operating a commuter rail service, such agencies are considered a single operator for purposes of computing and assessing the proportionate share of such loss, injury, or damage.

(o) "Self-insurance retention amount" means an amount equal to \$5 million.

(2)(a) An agency, in conjunction with the development or operation of a commuter rail service on the coastal link corridor, may assume the obligation by contract to protect, defend, indemnify, and hold harmless, subject to the limitations set forth in paragraph (b):

1. FECR and its officers, agents, employees, and successors and assigns from and against:

a. Any liability, cost, and expense, regardless of whether the loss, damage, destruction, injury, or death giving rise to such liability, cost, or expense is caused in whole or in part by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR, its successors and assigns, or its officers, agents, and employees, or any other person; and

b. Any loss, injury, or damage incurred by FECR, or allocated to FECR under subparagraph (b)6., up to an amount of \$5 million with respect to coastal link corridor limited covered accidents caused by an agency.

2. Brightline and its officers, agents, employees, and successors and assigns from and against:

a. Any liability, cost, and expense, regardless of whether

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the loss, damage, destruction, injury, or death giving rise to such liability, cost, or expense is caused in whole or in part by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of Brightline, its successors and assigns, or its officers, agents, and employees, or any other person; and

b. Any loss, injury, or damage incurred by Brightline, or allocated to Brightline under subparagraph (b)7., up to an amount of \$5 million with respect to coastal link corridor limited covered accidents caused by an agency.

(b) The assumption of liability of an agency by contract pursuant to paragraph (a) may not exceed the following parameters of allocation of risk:

1. An agency may assume sole responsibility for any liability, loss, or expense to such agency's passengers, or coastal link corridor invitees, third parties, or trespassers, regardless of circumstance or cause, subject to this paragraph.

2. If a coastal link corridor limited covered accident is caused by FECR or its officers, agents, employees, or successors and assigns, an agency may not protect, defend, and indemnify FECR for any liability, cost, or expense, including punitive or exemplary damages, in excess of the self-insurance retention amount unless FECR, or Brightline on FECR's behalf, agrees, with respect to the coastal link corridor limited covered accident, to protect, defend, and indemnify an agency for the self-insurance retention amount.

3. If a coastal link corridor limited covered accident is caused by Brightline or its officers, agents, employees, and successors and assigns, an agency may not protect, defend, and indemnify Brightline for any liability, cost, or expense,

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including punitive or exemplary damages, in excess of the self-insurance retention amount unless Brightline agrees, with respect to the coastal link corridor limited covered accident, to protect, defend, and indemnify an agency for the amount of the self-insurance retention amount.

4. When an incident occurs with only an agency train involved, including an incident with a trespasser or an at-grade crossing, an agency may agree to be solely responsible for any loss, injury, or damage.

5. When an incident occurs with only an authority train involved, including an incident with a trespasser or an at-grade crossing, an agency is solely responsible for any loss of, or injury or damage to, the agency's property, passengers, and coastal link corridor invitees.

6. When an incident occurs with only an FECR train involved, including an incident with a trespasser or an at-grade crossing, FECR is solely responsible for any loss, injury, or damage, except that:

a. An agency is responsible for any loss of, or injury or damage to, the agency's passengers and coastal link corridor invitees; and

b. Brightline is responsible for any loss of, or injury or damage to, Brightline's passengers and coastal link corridor invitees.

7. When an incident occurs with only a Brightline train involved, including an incident with a trespasser or an at-grade crossing, Brightline is solely responsible for any loss, injury, or damage, except that:

a. An agency is responsible for any loss of, or injury or

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233 damage to, the agency's passengers and coastal link corridor
 234 invitees; and

235 b. FECR is responsible for any loss of, or injury or damage
 236 to, FECR's passengers and coastal link corridor invitees.

237 8. When an incident occurs involving two or more operators,
 238 each operator is responsible for all of the following, subject
 239 to the limits provided in paragraph (a):

240 a. Its own property.

241 b. Its own passengers; employees, excluding employees who
 242 are, at the time of the incident, coastal link corridor invitees
 243 of another operator; and other coastal link corridor invitees.

244 c. Its proportionate share of any loss or damage to the
 245 joint infrastructure.

246 d. Its proportionate share of any loss of, or injury or
 247 damage to, coastal link corridor invitees who are not coastal
 248 link corridor invitees of such operator and trespassers or third
 249 parties outside the coastal link corridor as a result of the
 250 incident, provided that an agency is responsible for its
 251 passengers and its coastal link corridor invitees regardless of
 252 whether the agency was involved in the incident.

253 (c) The contractual duty, individually or jointly with
 254 another agency to the extent such agencies are jointly operating
 255 a commuter rail service, to protect, defend, indemnify, and hold
 256 harmless Brightline or FECR with respect to claims by rail
 257 passengers must expressly include a limitation on the amount of
 258 the contractual duty, which may not exceed \$323 million per
 259 occurrence. However, the amount must be adjusted so that the per
 260 occurrence insurance requirement is equal to the aggregate
 261 allowable awards to all rail passengers, against all defendants,

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262 for all claims, including claims for punitive damages, arising
 263 from a single accident or incident in accordance with 49 U.S.C.
 264 s. 28103, or any successor provision thereto, without prior
 265 legislative approval on the part of the agency.

266 (d) An employee of an operator is not a coastal link
 267 corridor invitee of such operator at any time the employee is a
 268 passenger or is otherwise present on the coastal link corridor
 269 at the request of, or pursuant to a contract with, or otherwise
 270 for the purpose of doing business with or at the behest of,
 271 another operator. A passenger transferring from the service of
 272 one operator, an original operator, to another operator, a
 273 connecting operator, is a coastal link corridor invitee of the
 274 original operator until the passenger has left the original
 275 operator's platform. Once the passenger leaves the original
 276 operator's platform, the passenger is a coastal link corridor
 277 invitee of the connecting operator.

278 (e) Notwithstanding any provision to the contrary in this
 279 section, any allocation of liability between an agency and any
 280 other agency of the state must be allocated as is agreed to by
 281 such agencies and limited by s. 768.28(19). This paragraph does
 282 not limit the authority of an agency to indemnify FECR or
 283 Brightline pursuant to this section.

284 (f) An agency may purchase, either individually or jointly
 285 when operating with another agency, liability insurance, at an
 286 amount up to \$323 million per occurrence. However, the amount of
 287 liability insurance must be adjusted so that the per occurrence
 288 insurance requirement is equal to the aggregate allowable awards
 289 to all rail passengers, against all defendants, for all claims,
 290 including claims for punitive damages, arising from a single

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291 accident or incident in accordance with 49 U.S.C. s. 28103, or
 292 any successor provision thereto. Additionally, an agency may
 293 establish a self-insurance retention fund for the purpose of
 294 paying the deductible limit established in the insurance
 295 policies it obtains, including coverage for an agency, a freight
 296 rail operator, Brightline, commuter rail service providers,
 297 governmental entities, or any ancillary development, which self-
 298 insurance retention fund or deductible may not exceed the self-
 299 insurance retention amount. Such insurance and self-insurance
 300 retention fund may provide coverage for all damages, including,
 301 but not limited to, compensatory, special, and exemplary, and be
 302 maintained to provide an adequate fund to cover claims and
 303 liabilities for loss, injury, or damage arising out of or
 304 connected with the ownership, operation, maintenance, and
 305 management of the coastal link corridor. Any self-insurance
 306 retention fund must be a segregated account of an agency and
 307 subject to the same conditions, restrictions, exclusions,
 308 obligations, and duties included in any of the policies of the
 309 railroad liability insurance specified in this paragraph.

310 (g) The assumption by contract to protect, defend,
 311 indemnify, and hold harmless; the purchase of insurance; or the
 312 establishment of a self-insurance retention fund is not a waiver
 313 of any defense of sovereign immunity for tort claims and does
 314 not increase the limits of an agency's liability for tort claims
 315 provided in s. 768.28.

316 (h) Unless otherwise specifically provided by law, FECR and
 317 Brightline and their respective officers, agents, and employees
 318 may not be construed to be officers, agents, employees, or
 319 subdivisions of the state and are not entitled to sovereign

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320 immunity.

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

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The Florida Senate
APPEARANCE RECORD

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4/17/2025

Meeting Date

Fiscal Policy

Committee

916

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Colton Madill

Phone

850-766-7983

Address

136 S. Bronough St

Email

cmadill@flchambers.com

Street

Tallahassee, 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 Chambers of Commerce

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 984

INTRODUCER: Senator Gruters

SUBJECT: Aggravating Factors

DATE: April 16, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Stokes	CJ	Favorable
2. Atchley	Harkness	ACJ	Favorable
3. Cellon	Siples	FP	Favorable

I. Summary:

SB 984 amends s. 921.141, F.S., to create an additional aggravating factor for consideration during sentencing proceedings for capital felonies regarding whether the victim of the capital felony was gathered with one or more people for a school activity, religious activity, or a public government meeting.

The bill may have an indeterminate fiscal impact on prison beds within the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Current Sentencing Proceedings in Capital Cases

Most of the statutes governing the proceedings to determine a sentence of either death or life imprisonment without the possibility of parole¹ in capital cases are set forth in s. 921.141, F.S. The court conducts the sentencing proceeding upon conviction or adjudication of guilt of a defendant in a capital felony.² Typically, the proceeding is conducted by the trial judge before the trial jury as soon as practicable.³

Aggravating Factors and Mitigating Circumstances

During the sentencing proceeding, the jury (or the judge if the jury is waived by the defendant) considers evidence that is relevant to the nature of the crime and the character of the defendant.

¹ Section 775.082(1)(a), F.S.

² Section 921.141(1), F.S.

³ *Id.*

The evidence includes matters relating to any of the aggravating factors⁴ or mitigating circumstances.⁵

Aggravating factors are facts that tend to show a particular trait or status of the victim, a trait of the defendant, or facts related to the nature of the crime or the manner in which the defendant committed it.⁶

The aggravating factors are limited to the following:

- The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.
- The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.
- The defendant knowingly created a great risk of death to many persons.
- The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.
- The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- The capital felony was committed for pecuniary gain.
- The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- The capital felony was especially heinous, atrocious, or cruel.
- The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.
- The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.
- The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.
- The victim of the capital felony was a person less than 12 years of age.
- The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.
- The capital felony was committed by a criminal gang member.⁷

⁴ Section 921.141(6), F.S.

⁵ Section 921.141(7), F.S.

⁶ Section 921.141(6), F.S.

⁷ "Criminal gang member" means a person who meets two or more of the following criteria: Admits to criminal gang membership; Is identified as a criminal gang member by a parent or guardian; Is identified as a criminal gang member by a documented reliable informant; Adopts the style of dress of a criminal gang; Adopts the use of a hand sign identified as used by a criminal gang; Has a tattoo identified as used by a criminal gang; Associates with one or more known criminal gang members; Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information; Is identified as a criminal gang member by physical evidence; Has been observed in the company of one or more known criminal gang members four or more times; (Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members

- The capital felony was committed by a person designated as a sexual predator⁸ or a person previously designated as a sexual predator who had the sexual predator designation removed.
- The capital felony was committed by a person subject to a domestic violence injunction⁹, or an injunction for protection against repeat violence, dating violence and of sexual violence,¹⁰ or a foreign protection order,¹¹ and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Additionally, the following mitigating circumstances may be considered by the jury or the court as reasons this particular defendant may not be sentenced to death, in the opinion of the jury or the court.

Statutory mitigating circumstances are the following:

- The defendant has no significant history of prior criminal activity.
- The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- The victim was a participant in the defendant's conduct or consented to the act.
- The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.
- The defendant acted under extreme duress or under the substantial domination of another person.
- The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.
- The age of the defendant at the time of the crime.
- The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.¹²

Jury Findings and Recommended Sentence

The jury must return findings identifying each aggravating factor found to exist beyond a reasonable doubt. A finding that an aggravating factor exists must be unanimous.¹³ If the jury:

- Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.
- Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
 - Whether sufficient aggravating factors exist.

who recruit and organize in jails, prisons, and other detention settings.) Has authored any communication indicating responsibility for the commission of any crime by the criminal gang. Where a single act or factual transaction satisfies the requirements of more than one of the criteria in this subsection, each of those criteria has thereby been satisfied for the purposes of the statute. s. 874.03, F.S.

⁸ Section 775.21(4)(a), F.S.

⁹ Injunction for protection against domestic violence, s.741.30 F.S.

¹⁰ Injunction for protection against repeat violence, dating violence, and protection in cases of sexual violence, s.784.046, F.S.

¹¹ Section 741.315, F.S.

¹² Section 921.141(7)(a)-(h), F.S.

¹³ Section 921.141(2)(b), F.S.

- Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
- Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.¹⁴

If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of death¹⁵. If at least eight jurors do not determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.¹⁶

Imposition of Sentence

If the jury has recommended a sentence of:

- Life imprisonment without the possibility of parole, the court must impose the recommended sentence.¹⁷
- Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury.¹⁸

If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least one aggravating factor has been proven to exist beyond a reasonable doubt.¹⁹

III. Effect of Proposed Changes:

The bill amends s. 921.141, F.S., to create an additional aggravating factor for consideration during sentencing proceedings for capital felonies regarding whether the victim of the capital felony was gathered with one or more people for a school activity, religious activity, or a public government meeting.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

¹⁴ Section 921.141(2) and (b), F.S.

¹⁵ Section 921.141(2)(c), F.S.

¹⁶ Section 921.141(2)(c), F.S.

¹⁷ Section 921.141(3), F.S.

¹⁸ Section 921.141(3), F.S.

¹⁹ Section 921.141(3), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate prison bed impact based on the new aggravating factor if additional defendants are convicted and sentenced to life imprisonment or imprisoned until the death sentence is carried out.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 921.141 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Gruters

22-01386-25

2025984__

A bill to be entitled

An act relating to aggravating factors; amending s.
921.141, F.S.; providing an additional aggravating
factor for capital felonies; providing an effective
date.

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

Section 1. Paragraph (q) is added to subsection (6) of
section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital
felonies; further proceedings to determine sentence.—

(6) AGGRAVATING FACTORS.—Aggravating factors shall be
limited to the following:

(q) The victim of the capital felony was gathered with one
or more persons for school activities, religious activities, or
public government meetings.

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/17

Meeting Date

Fiscal Policy

Committee

984

Aggravating Factors

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Joseph Harmon

Phone

850-205-6826

Address

201 W Park Ave

Street

Email

jharmon@flaccb.org

Tall.

City

FL

State

32301

Zip

Speaking:

☐

For

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Against

☐

Information

OR

Waive Speaking:

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In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

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I am a registered lobbyist,
representing:

FL. Conference of Catholic Bishops

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Fiscal Policy Committee

BILL: CS/CS/SB 988

INTRODUCER: Fiscal Policy Committee; Banking and Insurance Committee; and Senator Truenow

SUBJECT: Securities

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Fav/CS
2.	Sanders	Betta	AEG	Favorable
3.	Johnson	Siples	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 988 revises provisions of ch. 517, F.S., the “Securities and Investor Protection Act” (Act), which is subject to oversight by the Office of Financial Regulation (OFR). In 2024, the Florida Legislature enacted legislation¹ that substantially revised ch. 517, F.S., which was based on recommendations contained in the report issued by the Chapter 517 Task Force of the Business Law Section of The Florida Bar (Task Force) in coordination with the OFR.² The impetus for the Task Force is to increase the ability of small and developing Florida businesses to raise capital, while at the same time assuring and improving investor protections and enforcement measures to guard against abuse.³ The bill clarifies provisions that were enacted, revises related provisions enacted in 2024, or provides technical changes.

Exempt Securities Transactions and Exempt Securities

The bill:

- Removes the applicability of certain issuer disqualification provisions under the Securities and Exchange Commission (SEC) Rule 506(d) on certain exempt private placement transactions by institutional securities sellers with institutional investors in Florida, which

¹ Chapter 2024-168, Laws of Fla.

² Report of the Chapter 517 Task Force of the Business Law Section of The Florida Bar, Recommendations and Analysis of Proposed Amendments to the Florida Securities and Investor Protection Act (Nov. 2023) (on file with the Senate Committee on Banking and Insurance).

³ *Id.*

cures the applicability of the issuer disqualification provisions to the institutional issuers, which is consistent with federal rules. It appears the provision was meant to apply to issuer disqualifications;⁴ however, Rule 506(d) applies to issuers as well as significant number of other covered persons. Representatives of the financial services industry expressed concerns regarding this disqualification provision in connection with the effect of prohibiting exempt transactions conducted with institutional investors in Florida, including offerings made pursuant to Rule 144A under the Securities Act. Such transaction continues to be subject to the anti-fraud provisions of ch. 517, F.S.

- Expands the list of institutional investors covered by the exempt securities transactions, which is consistent with the Uniform Securities Act and federal rules. Institutional investors include financial institutions, insurers, dealers, investment companies, pension or profit-sharing trust, and qualified institutional buyers.
- Revises provisions, relating to the Florida Invest Local Exemption, to require an issuer making an offering under this exemption to file a notice of the offering and a copy of the disclosure statement with the OFR.
- Provides that offers and sales made in compliance with s. 517.061(9), F.S., relating to exempt securities transactions of institutional issuers with institutional investors, are not subject to integration with other offerings. These transactions involve sophisticated investors.
- Requires the Financial Services Commission (commission) to consider certain factors when designating a foreign securities exchange or foreign securities market by rule in connection with certain exempt transactions.

Investor Protections

The bill:

- Revises provisions relating to the Securities Guaranty Fund (fund), which was created to provide relief to victims of securities violations under ch. 517, F.S., and who are entitled to monetary damages or restitution but cannot recover the full amount of such damages or restitution from the wrongdoer. The term, “restitution order” is created for purposes of eligibility for compensation, and the minimum information an applicant must provide to the OFR to seek payment from the fund is revised to specifically include such restitution orders. The bill clarifies the requirements a person must meet to be eligible for payment from the fund.
- Revises a provision, relating to the protection of specified adults who may be victims of financial exploitation, to extend the number of additional days a dealer or investment adviser may delay a disbursement or transaction from 10 to 30 days to conduct a review if the dealer or investment adviser believes financial exploitation of the specified adult has occurred. This change would make the provisions relating to securities dealers and investment advisers consistent with the provisions applicable to financial institutions.

Registration Requirements of Dealers, Associated Persons, Intermediaries, and Investment Advisers

The bill:

⁴ Stuart Cohn, Chapter 517 Task Force of the Business Law Section of The Florida Bar, Follow-up on s. 517.061(9), (Oct. 29, 2024) (on file with Senate Banking and Insurance Committee staff).

- Updates provisions relating to the Mergers and Acquisitions model rule to conform to the 2024 revisions to the model rule that were made because of 2022 federal law changes, and provides rulemaking authority for the commission to adjust earnings and revenue eligibility requirements for privately held companies every five years, if necessary.
- Creates and revises definitions and provisions relating to the application process to clarify the population of persons who must submit fingerprints as part of the registration process for dealers, associated persons, investment advisors, and intermediaries. To ensure compliance with the criteria established in Public Law 92-544, the applicants for registration and any associated or affiliated person must be clearly identified for the Federal Bureau of Investigation (FBI) to continue conducting such background checks.

The bill has an indeterminate impact on state revenue or expenditures. **See Section V. Fiscal Impact Statement below.**

The bill takes effect upon becoming a law.

II. Present Situation:

Federal Regulation of Securities

Securities Act of 1933

Following the stock market crash of 1929, the Securities Act of 1933⁵ (Securities Act) was enacted to regulate the offers and sales of securities. The Securities Act requires every offer and sale of securities must be registered with the Securities and Exchange Commission (SEC), unless an exemption from registration is available.⁶ The Securities Act requires issuers to disclose financial and other significant information regarding securities offered for public sale and prohibits deceit, misrepresentations, and other kinds of fraud in the sale of securities. The Securities Act requires issuers to disclose information deemed relevant to investors as part of the mandatory SEC registration of the securities that those companies offer for sale to the public.⁷

Registered securities offerings, often called public offerings, are available to all types of investors and have more rigorous disclosure requirements. Initial public offerings (IPOs) provide an initial pathway for companies to raise unlimited capital from the public through a registered offering. After its IPO, the company will be a public company with ongoing public reporting requirements.⁸

By contrast, securities offerings that are exempt from SEC registration are referred to as private offerings and are mainly available to more sophisticated investors. The SEC exempts certain

⁵ Public Law 73-22, as amended through P.L. 117-268, enacted December 23, 2022.

⁶ 15 U.S.C. s. 77a *et seq.*

⁷ *Id.*

⁸ U.S. Securities and Exchange Commission (SEC), *What does it mean to be a public company?*

<https://www.sec.gov/education/capitalraising/building-blocks/what-does-it-mean-be-a-public-company> (last visited Dec. 9, 2024).

small offerings from registration requirements to foster capital formation by lowering the cost of offering securities to the public. Examples of exempt offerings⁹ include:

- Rule 506(b) Private Placement Offerings allow companies to raise unlimited capital from investors with whom the company has a relationship and who meet certain wealth thresholds or have certain professional credentials;¹⁰
- Rule 506(c) of Regulation D. General Solicitation Offerings allow companies to raise unlimited capital by broadly soliciting investors who meet certain wealth thresholds or have certain professional credentials;¹¹
- Rule 504 of Regulation D, Limited Offerings allow companies to raise up to \$10 million in a 12-month period, in many cases from investors with whom the company has a relationship;¹²
- Regulation Crowdfunding offerings allow eligible companies to raise up to five million dollars in investment capital in a 12-month period from investors via an online portal;¹³
- Intrastate offerings¹⁴ allow companies to raise capital within a single state according to state law. Many states limit the offering to between one million and five million dollars in a 12-month period; and¹⁵
- Regulation A offerings allow eligible companies to raise up to \$20 million in a 12-month period in a Tier I offering and up to \$75 million through a similar, but less extensive registered offering.¹⁶

Securities and Exchange Act of 1934

The Securities and Exchange Act of 1934 (Exchange Act) created the U.S. Securities and Exchange Commission (SEC) as an independent agency to enforce federal securities laws.¹⁷ The SEC oversees federal securities laws¹⁸ broadly aimed at protecting investors; maintaining fair, orderly, and efficient markets; and facilitating capital formation.¹⁹ The SEC has regulatory authority over significant parts of the securities industry, including stock exchanges, mutual funds, investment advisers, brokerage firms, as well as securities self-regulatory organizations (SROs), such as the Financial Industry Regulatory Authority, Inc. (FINRA).²⁰

⁹ SEC, *The Laws That Govern the Securities Industry*, <https://www.sec.gov/about/about-securities-laws> (last visited March 13, 2025). Security offerings of municipal, state, and the federal government are exempt from registration.

¹⁰ 17 C.F.R. s. 230.506(b).

¹¹ 17 C.F.R. s. 230.506(c).

¹² 17 C.F.R. s. 230.504.

¹³ 17 C.F.R. s. 227.100.

¹⁴ Section (3)(a)(11) of the Securities Act of 1933, 17 C.F.R. s. 230.147 and 17 C.F.R. s. 230.147A.

¹⁵ SEC, 17 CFR Parts 227, 229, 230, 239, 249, 270 and 274; RIN-3235-AM27, Final rule: Facilitating Capital Formation and Expanding Investment Opportunities by Improving Access to Capital in Private Markets, <https://www.sec.gov/files/rules/final/2020/33-10884.pdf> (last visited March 13, 2025).

¹⁶ 17 C.F.R. s. 230.251.

¹⁷ Public Law 73-291, as amended through P.L. 117-328, enacted December 29, 2022.

¹⁸ Section 15, Securities and Exchange Act of 1934.

¹⁹ Securities and Exchange Commission, Mission, <https://www.sec.gov/about/mission> (last visited March 13, 2025).

²⁰ National securities exchanges (e.g., the New York Stock Exchange) and clearing and settlement systems may register as SROs with the SEC or CFTC, making them subject to SEC or CFTC oversight. See <https://www.sec.gov/rules/sro> for a list of self-regulatory organizations (SROs) registered with the SEC (last visited March 13, 2025).

Accredited Investors²¹

Regulation D, adopted in 1982, provides several exemptions from the registration requirements of the Securities Act, thereby allowing certain issuers to offer and sell their securities without having to register the offering with the SEC. It was designed to facilitate capital formation by simplifying and clarifying existing exemptions for private or limited offerings, expanding their availability, and providing more uniformity between federal and state exemptions. Regulation D is the most widely used set of exemptions for securities offerings by issuers.

Regulation D includes the definition of “accredited investor” in Rule 501(a).²² Individuals meeting certain criteria may qualify as an accredited investor. Institutions may qualify as accredited investors based on their status alone or on a combination of their status and the amount of their total assets or investments. Institutions that qualify based on status alone include banks, savings and loan associations, state-registered investment advisers, small business investment companies, investment companies registered under the Investment Company Act, business development companies,²³ employment benefit plans²⁴ meeting certain conditions.

Institutions qualifying as accredited investors based on a combination of their status and the amount of their total assets or investments include:

- Plans established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000;
- Employee benefit plans (within the meaning of the Employee Retirement Income Security Act of 1974 (ERISA)) with total assets in excess of \$5,000,000;
- Tax exempt charitable organizations, corporations, Massachusetts or similar business trusts, partnerships, or limited liability companies not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;
- Trusts with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities offered, the purchases of which are directed by a person who meets the legal standard of having sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment under Rule 501(a)(7);
- Any entity, of a type not listed in Rules 501(a)(1), (2), (3), (7), or (8), not formed for the specific purpose of acquiring the securities offered, owning investments in excess of \$5,000,000 under Rule 501(a)(9); and
- Entities that are “family offices,” under Rule 501(a)(12), which cross references the definition in Rule 202(a)(11)(G)-1 of the Advisers Act, meeting the requirements of Rule 501(a)(12).²⁵

²¹ See Securities and Exchange Commission, Review of the Accredited Investor Definition under the Dodd-Frank Act (Dec. 14, 2023), <https://www.sec.gov/files/review-definition-accredited-investor-2023.pdf> (last visited March 13, 2025).

²² 17 CFR s. 230.501(a), known as Rule 501 (a).

²³ As defined in s. 2(a)(48) of the Investment Company Act.

²⁴ Within the meaning of the Employee Retirement Income Security Act of 1974 (ERISA).

²⁵ U.S. Securities and Exchange Commission, Exempt Offerings, *Frequently Asked Questions About Exempt Offerings*, https://www.sec.gov/resources-small-businesses/exempt-offerings/frequently-asked-questions-about-exempt-offerings?auHash=rh5WfJi9h3wRzP6X2anOmgYLDhPHNuo-3Vw0YNZyR_M#faq2 (last visited March 13, 2025).

SEC Rule 506(d) Disqualification

On July 10, 2013, the SEC adopted the “bad actor” disqualification provisions for Rule 506 of Regulation D under the Securities Act, to implement s. 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.²⁶ As a result of Rule 506(d) bad actor disqualification, an offering is disqualified from relying on Rule 506(b) and 506(c) of Regulation D if the issuer or any other person covered²⁷ by Rule 506(d) has a relevant criminal conviction, regulatory or court order or other disqualifying event that occurred on or after September 23, 2013, the effective date of the rule amendment.

Private Resales of Securities to Institutional Investors

Corporations often issue unregistered bonds in private placements pursuant to Rule 144A²⁸ of the Securities Act. In 1990, the SEC approved Rule 144A of the Securities Act. The intent of the rule was to facilitate “a more liquid and efficient institutional resale market for unregistered securities.” Institutional investors are considered sophisticated investors, thereby understanding the complexities and risks inherent in private placement securities.

Rule 144A is a non-exclusive safe harbor exemption from the registration requirements of the Securities Act for resales of certain securities to qualified institutional buyers (QIBs).²⁹ A QIB includes certain entities that, in the aggregate, own and invest on a discretionary basis at least \$100 million in securities of unaffiliated issuers.³⁰ A registered broker-dealer qualifies as a QIB if it owns and invests on a discretionary basis at least \$10 million in securities of unaffiliated issuers.³¹

Integration of Offerings³²

SEC Rule 152 provides a framework for determining whether multiple securities transactions should be considered part of the same offering and contains four non-exclusive safe harbors from integration. Offerings may not be integrated if, based on particular facts and circumstances, the issuer can establish either that each offering complies with the registration requirements of ch. 517, F.S.; or that an exemption from registration is available for the particular offering, provided that any transaction or series of transactions that, although in technical compliance with

²⁶ U.S. Securities and Exchange Commission, Disqualification of Felons and Other “Bad Actors” from Rule 506 Offerings and Related Disclosure Requirements (Sept. 19, 2013), [SEC.gov | Disqualification of Felons and Other “Bad Actors” from Rule 506 Offerings and Related Disclosure Requirements](https://www.sec.gov/disqualification-of-felons-and-other-bad-actors-from-rule-506-offerings-and-related-disclosure-requirements) (last visited March 13, 2025).

²⁷ “Covered persons” include the issuer, including affiliated issuers; directors, general partners, and managing members of the issuer; executive officers of the issuer, and other officers of the issuers that participate in the offering; 20 percent beneficial owners of the issuer, calculated on the basis of total voting power; promoters connected to the issuer; for pooled investment fund issuers, the fund’s investment manager and its principals; and persons compensated for soliciting investors, including their directors, general partners and managing members.

²⁸ 17 C.F.R. s. 230.144A.

²⁹ Bloomberg Law, Capital Markets, Overview-Rule 144A Debt Offering (Pre-Transaction Considerations) <https://www.bloomberglaw.com/external/document/XCUO8474000000/capital-markets-overview-rule-144a-debt-offering-pre-transaction> (last visited March 13, 2025).

³⁰ See 17 C.F.R. s. 230.144A(a)(1)(i) for a listing of QIBs.

³¹ Securities and Exchange Commission, <https://www.sec.gov/resources-small-businesses/small-business-compliance-guides/eliminating-prohibition-against-solicitation-general-advertising-rule-506-rule-144a> (last visited March 13, 2025).

³² 17 C.F.R. s. 230.172.

ch. 517, F.S., is part of a plan or scheme to evade the registration requirements of ch. 517, F.S., will not have the effect of avoiding integration.

SEC Rule 152 significantly reduces the risk to companies, especially smaller ones that have continuing and sporadic needs for capital, that multiple offerings will be integrated as one, with the result that otherwise distinct valid exempt offerings will be deemed in violation of the registration provisions.

Florida Regulation of Securities

The federal securities acts expressly allow for concurrent state regulation under blue sky laws,³³ which are designed to protect investors against fraudulent sales practices and activities. Most state laws typically require companies making offerings of securities to register their offerings before they can be sold in a particular state, unless a specific state exemption is available. The laws also license brokerage firms, their brokers, and investment adviser representatives.³⁴

The Office of Financial Regulation (OFR) is responsible for administering the provisions of ch. 517, F.S. The OFR, along with the Office of Insurance Regulation (OIR), are units under the Financial Services Commission (commission). The commission is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.³⁵ The commission members serve as agency head of OFR and OIR for purposes of rulemaking.³⁶ The commissioners of OFR and OIR are appointed by the commission.

The scope of the OFR's jurisdiction includes the regulation and registration of the offer and sale of securities in, to, or from Florida by firms, branch offices, and individuals associated with these firms in accordance with the ch. 517, F.S.³⁷ The Division of Securities (division) within the OFR is responsible for administering the Securities and Investor Protection Act (Act). The Act prohibits dealers, associated persons, and issuers from offering or selling securities in this state unless registered with the OFR or specifically exempted.³⁸ Additionally, all securities in Florida must be registered with the OFR unless they meet one of the exemptions in ss. 517.051 or 517.061, F.S., or are federally covered (i.e., under the exclusive jurisdiction of the SEC). As of December 30, 2024, the division had total registrants in the following categories:

- Dealers: 2,367;
- Investment Advisers: 8,559;
- Branches: 11,728; and
- Associated Persons: 380,993.³⁹

³³ The term “blue sky” derives from the characterization of baseless and broad speculative investment schemes, which such laws targeted. Cornell Law School, Blue Sky Laws, https://www.law.cornell.edu/wex/blue_sky_law#:~:text=In%20the%20early%201900s%2C%20decades,schemes%20which%20such%20laws%20targeted (last visited March 13, 2025).

³⁴ SEC, *Blue Sky Laws*, <http://www.sec.gov/answers/bluesky.htm> (last visited March 13, 2025).

³⁵ Section 20.121(3), F.S.

³⁶ Section 20.121(3)(a), F.S.

³⁷ Pursuant to s. 20.121(3), F.S. The jurisdiction of the OFR also includes state-chartered financial institutions and finance companies, and other specified entities.

³⁸ Section 517.12, F.S.

³⁹ Office of Financial Regulation, *Senate Bill 988 Legislative Bill Analysis* (Feb. 25, 2025) (on file with the Senate Committee on Banking and Insurance).

Licensure Requirements

Pursuant to s. 517.12, F.S., dealers, associated persons, intermediaries, and investment advisers must submit an application with the OFR for registration to sell, offer for sale, or to facilitate the offer or sale of securities. Each applicant and any direct owners, principals, or indirect owners that are required to be reported on Form BD, Form ADV, or on a form adopted by commission rule are required to electronically submit fingerprints to the Florida Department of Law Enforcement (FDLE) for a state and national criminal history record check (i.e., Level 2 background check). The OFR reviews the results of the Level 2 background checks to determine whether applicants meet licensure requirements. The Federal Bureau of Investigation (FBI) had previously approved the aforementioned list of applicants for fingerprint-based, state and national criminal history record checks, pursuant to s. 517.12, F.S. In 2024, legislation was enacted that revised provisions and definitions relating to these terms.⁴⁰ During the 2024 Legislative Session, the FDLE provided detailed comments and suggestions regarding the fingerprint provisions in ch. 517, F.S.⁴¹ Specifically, the FDLE recommended that the OFR should clarify the population subject to the criminal background checks to ensure compliance with the criteria established in Public Law 92-544.

Since 1972, the FBI, with the assistance of the United States Department of Justice, has determined the parameters of Pub. L. 92-544. The criteria are as follows:

- The statute must exist as a result of a legislative enactment;
- It must require the fingerprinting of applicants who are subject to a national criminal history background check;
- It must, expressly (“submit to the FBI”) or by implication (“submit for a national check”), authorize the use of FBI records for the screening of applicants;
- It must identify the specific category(ies) of licensees/employees falling within its purview, thereby avoiding overbreadth;
- It must not be against public policy; and
- It may not authorize receipt of the criminal history record information (CHRI) by a private entity.⁴²

Additionally, FBI policy requires fingerprints be initially submitted to the state identification bureau (for a check of state records) and thereafter forwarded to the FBI for a “national” criminal history check.⁴³ State agencies wishing to submit statutes for review must work through their State Identification Bureau (FDLE) or appointed CJIS systems officer.⁴⁴

Exempt Private Placements and SEC Rule 506(d)

As part of the 2024 legislation, s. 517.0616, F.S., was created, which provides that a registration exemption for private placement offerings of securities, pursuant to s. 517.061(9), (10), and (11),

⁴⁰ Chapter 2024-168, Laws of Fla.

⁴¹ Florida Department of Law Enforcement, *Senate Bill 988 Legislative Bill Analysis* (March 4, 2025) (on file with the Senate Committee on Banking and Insurance).

⁴² Federal Bureau of Investigation [Public Law 92-544 — FBI](#) (last visited March 13, 2025).

⁴³ *Id.*

⁴⁴ *Id.*

s. 517.0611, or s. 517.0612, F.S., is not available to an *issuer* that would be disqualified under SEC Rule 506(d) at the time the issuer makes an offer for the sale of a security. Rule 506(d) provides that an offering is disqualified from relying on the exemption if the *issuer or any other person covered* by Rule 506(d) has a relevant criminal conviction, regulatory or court order or other disqualifying event.

Members of the financial services industry expressed concerns regarding this disqualification provision in connection with transactions conducted with institutional investors in Florida, including offerings made pursuant to Rule 144A under the Securities Act. At the federal level, the SEC has not applied any of the disqualification provisions for the safe harbors under Regulation D to these s. 4(a)(2) private placements. Pursuant to s. 517.0616, F.S., the disqualification provisions apply to issuers and covered persons for the following registration exemptions:

- Section 517.061(9), F.S., Institutional Investor Exemption. Exempts the offer or sale of private placement offerings securities to a financial institution, insurer, dealer, investment company, pension or profit-sharing trust, or qualified institutional buyer.
- Section 517.061(10), F.S., Private Limited Offering Exemption. Exempts from registration the offer or sale of securities by or on behalf of an issuer, of its own securities, if the offer or sale is a part of an offering that meets certain conditions, including there are no more than 35 non-accredited purchasers in Florida.
- Section 517.061(11), F.S., Accredited Investor Exemption. Exempts from registration the offer or sale of securities of an issuer in a transaction that meets certain conditions, including the offer or sale of securities made to accredited investors in Florida, and meets other conditions.
- Section 517.0611, F.S., Florida Limited Offering Exemption. Exempts from registration the offer or sale of securities that meet the requirements of the federal exemption for intrastate offerings authorized in Section 3(a)(11) of the Securities Act of 1933, SEC Rule 147, or SEC Rule 147A.
- Section 517.0612, F.S., Florida Invest Local Exemption. Exempts from registration the offer or sale of securities in the amount of \$500,000 or less that meet the requirements of the federal exemption for intrastate offerings authorized in s. 3(a)(11) of the Securities Act of 1933, SEC Rule 147, or SEC Rule 147A.

In accordance with the State of Florida, Office of the Governor, Executive Orders 24-208 and 24-214,⁴⁵ which declared a state of emergency for certain counties in Florida, and to prevent negative impacts on Florida's financial markets associated with the implementation of s. 517.0616, F.S., as applied to transactions described in s. 517.061(9), F.S., effective October 1, 2024, , the OFR Commissioner issued a proclamation on October 27, 2024⁴⁶ which suspended the disqualification provisions of s. 517.0616, F.S., as applied to transactions described in s. 517.061(9), F.S., relating to the institutional investor exemption (*e.g.*, sales to banks, trusts, and

⁴⁵ Executive Office of the Governor, Ron DeSantis, *Executive Orders*, Executive Order Numbers 2024-208 and 2024-214, available at <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-24-208-1.pdf> and <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-24-214-1.pdf>, respectively. (last visited March 13, 2025).

⁴⁶ Office of Financial Regulation, OFR 2024-654 (PROC), Proclamation (Securities Industry), Commissioner Russell C. Weigel, III, (Oct. 27, 2024), available at https://flofr.gov/docs/default-source/documents/industry-alerts/ofr-proclamation-2024-654.pdf?sfvrsn=af7511de_1 (last visited March 13, 2025).

institutional investors). The proclamation states the application of this provision “could negatively affect financial markets that are vital to ensuring the availability of financial resources...”⁴⁷ The suspension of this provision remains effective until the expiration or rescission of Executive Orders 24-208 and 24-214, as amended, or further order, whichever is earlier.

Subsequently, the Florida Governor issued Executive Order 25-10 on January 17, 2025, which extended the state of emergency and all provisions of Executive Order 24-208 for 60 days. Further, the Governor issued Executive Order 25-26 on January 31, 2025, which extended the state of emergency and all provisions of Executive Order 24-214 for 60 days.⁴⁸

Securities Guaranty Fund⁴⁹

The Securities Guaranty Fund (fund) was created to provide relief to victims of securities violations under ch. 517, F.S., who are entitled to monetary damages or restitution but cannot recover the full amount of such damages or restitution from the wrongdoer. A person seeking to recover from the fund must meet certain conditions to be eligible for payment from the fund, including the following:

- Holds an unsatisfied final judgment entered on or after October 1, 2024, in which a wrongdoer was found to have violated ss. 517.07, F.S., or 517.301, F.S.;
- Has applied any amounts recovered from the judgment debtor or from any other source to the damages awarded by the court or arbitrator; and
- Is a natural person who was a resident of this state, or is a business entity that was domiciled in this state, at the time of the violation giving rise to the claim; or
- Is a receiver appointed pursuant to s. 517.191(2), F.S., by a court of competent jurisdiction for a wrongdoer order to pay restitution under s. 517.191, F.S., because of a violation of s. 517.07, F.S., or s. 517.301, F.S.

Florida’s Law on the Protection of Vulnerable Investors⁵⁰

In 2020, legislation was enacted in Florida to protect vulnerable investors.⁵¹ The provisions of s. 517.34, F.S., protection of specified adults, allows a dealer or investment adviser to delay a disbursement or transaction of funds or securities from the account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner if the dealer or investment adviser reasonably believes that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted in connection with the

⁴⁷ Office of Financial Regulation, OFR 2024-654 (PROC), Proclamation (Securities Industry), Commissioner Russell C. Weigel, III, (Oct. 27, 2024), available at https://flofr.gov/docs/default-source/documents/industry-alerts/ofr-proclamation-2024-654.pdf?sfvrsn=af7511de_1 (last visited March 13, 2025).

⁴⁸ Executive Office of the Governor, Ron DeSantis, Executive Orders, available at <https://www.flgov.com/eog/news/executive-orders> (last visited March 13, 2025).

⁴⁹ Section 517.131, F.S.

⁵⁰ Section 517.34, F.S.

⁵¹ Ch. 2020-157, Laws of Fla.

disbursement or transaction. A specified adult is an individual who is age 65 or older or who meets the definition of “vulnerable adult” under s. 415.102, F.S.

Under s. 517.34, F.S., the suspected financial exploitation must be immediately reported to the Florida Abuse Hotline if required by the act. Not later than three business days after placing a delay, the dealer or investment adviser must notify all parties authorized to transact business on the account, as well as any designated trusted contact unless such person is believed to be engaged in the suspected financial exploitation. Not later than three business days after placing or extending a delay, the dealer or investment adviser must notify the OFR of the delay or extension.

A delay expires 15 business days but may be terminated sooner. The dealer or investment adviser may extend the delay up to an additional 10 business days. The length of the hold may be shortened or extended by a court of competent jurisdiction. A dealer or investment adviser must annually conduct training that is reasonably designed to educate its associated persons on issues pertaining to financial exploitation. A dealer, an investment adviser, or an associated person who, in good faith and exercising reasonable care, complies with s. 517.34, F.S., is immune from any administrative or civil liability that might otherwise arise from a delay in a disbursement or transaction.

Exempt Transactions Relating to Foreign Securities Markets and Foreign Securities Exchanges

Section 517.061(20), F.S., provides that the registration provisions of s. 517.07, F.S., do not apply to a nonissuer transaction in an outstanding security by or through a dealer registered or exempt from registration under ch. 517, F.S., if the two following conditions are met:

- The issuer is a reporting issuer in a foreign jurisdiction designated by this subsection or by commission rule, and the issuer has been subject to continuous reporting requirements in such foreign jurisdiction for not less than 180 days before the transaction.
- The security is listed on the securities exchange designated by this subsection or by commission rule, is a security of the same issuer which is of senior or substantially equal rank to the listed security, or is a warrant or right to purchase or subscribe to any such security.

Exempt transactions conducted pursuant to this subsection are subject to the antifraud provisions of s. 517.301, F.S.

Further, subsection (20) designates Canada, together with its provinces and territories, is designated as a foreign jurisdiction, and Toronto Stock Exchange, Inc., as a securities exchange. If, after an administrative hearing in compliance with ss. 120.569 and 120.57, F.S., the OFR finds that revocation is necessary or appropriate in furtherance of the public interest and for the protection of investors, it may revoke the designation of a securities exchange under this subsection.

Model Rule Exempting Certain Merger and Acquisition Brokers from Registration

Merger and acquisition (M&A) brokers may introduce buyers and sellers, help value the business, recommend terms and structure of the sale, and assist with negotiations in the closing sales of privately held businesses. Smaller transactions may involve the sale of the assets of the business in exchange for cash. However, the ownership of a business may be transferred by means of the purchase, sale, exchange, issuance, merger, repurchase, or redemption of, or other business combinations involving securities. If a transaction involves securities, then state and federal securities laws may apply to the parties and the transactions.

The North American Securities Administrators Association (NASAA) is a voluntary association of securities regulators in the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the 13 provincial and territorial securities regulators in Canada, and the securities regulator in México.⁵² In November 2015, NASAA adopted the Model Rule Exempting Certain Merger and Acquisition Brokers from Registration (model rule), which provides a uniform approach to state-level securities regulation and provides an exemption for M&A brokers if certain conditions are met.⁵³

In 2016, the Florida Legislature enacted legislation consistent with the model rule.⁵⁴ The law creates an exemption from registration with the OFR for a merger and acquisition (M&A) broker facilitating the offer or sale of securities in connection with the transfer of ownership of an eligible privately held company. To be an “eligible privately held company,” (1) the acquired company must not have any class of securities registered with the SEC pursuant to Section 12 of the Exchange Act of 1934; or be subject to the reporting obligations of Section 15(d) of the Exchange Act of 1934 or with the OFR under s. 517.07, F.S.; and (2) in the fiscal year prior to the engagement of the M&A broker, the company must have earnings before income tax depreciation and amortization of less than \$25 million, or gross revenues of less than \$250 million.⁵⁵

In 2024, NASAA amended the model rule to align it with recently enacted amendments to subsection 15(b)(13) of the Securities Exchange Act of 1934, which exempts certain merger and acquisition brokers from dealer registration.⁵⁶ Although the M&A brokers are exempt from registration, they remain subject to antifraud provisions and enforcement.

⁵² The North American Securities Administrators Association, <https://www.nasaa.org/about-us/> (last visited March 13, 2025).

⁵³ North American Securities Administrators Association, *Model Rule Exempting Certain Merger and Acquisition Brokers From Registration*, (Adopted Sep. 29, 2015; Amended May 6, 2024), available at <https://www.nasaa.org/wp-content/uploads/2024/05/Model-Rule-Exempting-Certain-Merger-and-Acquisition-Brokers-From-Registration-5-6-2024.pdf> (last visited March 13, 2025).

⁵⁴ Ch. 2016-111, Laws of Fla.

⁵⁵ Section 517.12(21), F.S.

⁵⁶ HR 2617, Consolidated Appropriations Act of 2023 (Public Law 117-328). For the statutory exemption to be available, in the fiscal year ending immediately before the fiscal year in which the services of the M&A broker are initially engaged with respect to the M&A transaction, the privately held company must either have earnings before interest, taxes, depreciation, and amortization (EBITDA) of less than \$25 million or gross revenues of less than \$250 million. See Exchange Act s. 15(b)(13)(E)(iii)(II). Congress authorized the SEC to adjust these dollar thresholds for inflation every five years.

III. Effect of Proposed Changes:

Section 1 amends s. 517.021, F.S., to create and revise definitions of terms used in ch. 517, F.S. The following terms are defined to clarify which applicants and persons associated with a license application under s. 517.12, F.S., (e.g., dealer, associated person, intermediary, and investment adviser) are subject to the national criminal background checks:

- Branch manager.
- Corporation.
- Director.
- General partner.
- Limited liability company.
- Limited liability company manager.
- Partnership.
- Trust.

Subsection (19) revises the definition of the term, “intermediary,” to mean a person who facilitates through its website the offer or sale of securities of an issuer with a principal place of business in Florida. The terms “corporation,” “trust,” “partnership,” “association,” and “other legal entity” previously flagged by the Federal Bureau of Investigation (FBI) as overly broad are removed from the definition.

An intermediary is no longer required, as a natural person to reside in Florida or if an intermediary is a specified entity, it is no longer required to register with the Secretary of State to do business in Florida.

The section provides a technical conforming cross-reference within the definition of the term, “federal covered adviser.”

Section 2 amends s. 517.061, F.S., to apply the self-executing registration exemption to the offer or sale of securities to the following categories of institutional investors under subsection (9):

- A savings and loan association, building and loan association, cooperative bank, or credit union, which is supervised and examined by a state or federal authority having supervision over any such institution.
- A federal covered adviser, investment adviser registered pursuant to the laws of a state, exempt reporting adviser or private fund adviser as those terms are defined in s. 517.12(23)(a)2. and 3., F.S., respectively, investment adviser relying on the exemption from registering with the U.S. Securities and Exchange Commission (SEC) under s. 203(l) or (m) of the Investment Advisers Act of 1940, as amended, business development company as defined in s. 2(a)(48) of the Investment Company Act of 1940, as amended, or business development company as defined in s. 202(a)(22) of the Investment Advisers Act of 1940, as amended.
- A small business investment company licensed by the Small Business Administration under s. 301(c) of the Small Business Investment Act of 1958, as amended, or rural business investment company as defined in s. 384A of the Consolidated Farm and Rural Development Act.

- A plan established and maintained by a state, a political subdivision thereof, or any agency or instrumentality of a state or a political subdivision, for the benefit of its employees, if such plan has total assets in excess of \$5 million dollars, an employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 if the investment decision is made by a plan fiduciary, as described in s. 3(21) of such act, which is a bank, savings and loan association, insurance company, or federal covered adviser, or if the employee benefit plan has total assets in excess of \$5 million dollars or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors.
- An organization described in s. 501(c)(3) of the Internal Revenue Code, corporation, Massachusetts trust or similar business trust, partnership, or limited liability company, not formed for the specific purpose of acquiring the securities offered, with total assets of more than \$5 million dollars.
- A trust, with total assets of more than \$5 million dollars, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in United States Securities and Exchange Commissions (SEC) Rule 506(b)(2)(ii), 17 C.F.R. s. 230.506(b)(2)(ii), as amended.
- An entity, of a type not listed in other paragraphs (a)-(g) or paragraph (j) which owns investments as defined in SEC Rule 2a51-1(b), 17 C.F.R s. 270.2a51-1(b), as amended, of more than \$5 million dollars and is not formed for the specific purpose of acquiring the securities offered.
- A family office as defined in SEC Rule 202(a)(11)(G)-1 under the Investment Advisers Act of 1940, 17 C.F.R. 275.202(a)(11)(G)-1), as amended, provided that: (1) The family office has assets under management in excess of \$5 five million dollars; (2) The family office is not formed for the specific purpose of acquiring the securities offered; and (3) The prospective investment of the family office is directed by a person who has such knowledge and experience in financial and business matters that such family office is capable of evaluating the merits and risks of the prospective investment.
- An entity in which all the equity owners are described in s. 517.061(9)(a) – (i), F.S.

The registration exemption in subsection (11) is revised to require an issuer claiming this exemption to file a notice of transaction on a form prescribed by Financial Services Commission (commission) rule, an irrevocable written consent to service of civil process in accordance with s. 517.101, F.S.

Subsections (7), (18) and (19) are amended to provide technical changes.

Subsection (20), relating to the registration exemption for nonissuer transactions by a dealer, is amended to clarify that the conditions for the exemption must be met at the time of the transaction. The bill repeals the requirement that foreign jurisdictions be designated by this subsection or by rules prescribed by the commission. The bill requires the commission to consider the following factors when designating a foreign securities exchange or foreign securities market by rule:

- Organization under foreign law.
- Association of dealers, financial institutions, or other professional intermediaries with an established operating history.
- Oversight by a governmental or self-regulatory body.

- Oversight standards set by general law.
- Reporting of securities transactions on a regular basis to a governmental or self-regulatory body.
- A system for exchange of price quotations through common communications media.
- An organized clearance and settlement system.
- Listing in SEC Regulation S Rule 902 (17 C.F.R. s. 230.902).

The section is also amended to remove the designation of Canada, together with its provinces and territories, as a foreign jurisdiction and to remove the designation of the Toronto Stock Exchange, Inc. as a designated securities exchange.

Section 3 amends s. 517.0612, F.S., the Florida Invest Local Exemption, which is a micro-offering that is limited to \$500,000, to require the issuer to file a notice of transaction on a form prescribed by commission rule and an irrevocable written consent to service of civil process in accordance s. 517.101, F.S. The registration provisions of s. 517.07, F.S., do not apply to a securities transaction conducted in accordance with this section. However, such transactions are subject to the anti-fraud provisions of s. 517.301, F.S.

Section 4 amends s. 517.0614, F.S., relating to integration of offerings. Subsection (2) is amended to provide that s. 517.061(9), F.S., relating to exempt transactions of institutional investors, is not subject to integration with other offerings.

Section 5 amends s. 517.0616, F.S., relating to disqualification, to limit the application of SEC Rule 506(d) to registration exemptions under ss. 517.061(11), 517.0611, or 517.0612, F.S. A registration exemption is not available to an issuer if, at the time the issuer makes an offer for the sale of a security, the issuer or other specified covered persons, would be disqualified under SEC Rule 506(d). Other specified covered persons include all of the following:

- A predecessor of the issuer.
- An affiliated issuer.
- A director, executive officer, or other officer of the issuer participating in the offering.
- A general partner or managing member of the issuer.
- A beneficial owner of 20 percent or more of the issuer's outstanding voting equity securities, calculated on the basis of voting power.
- A promoter connected with the issuer in any capacity at the time of the sale.

Subsection (2) is created to clarify that the disqualification under SEC Rule 506(d) does not apply to any other person or entity listed in such rule.

SEC Rule 506(d) provides that an offering is disqualified from relying on a specified exemption if the issuer or any other person covered by the rule has a relevant criminal conviction, regulatory or court order or other disqualifying event. The applicability of SEC Rule 506(d) to offerings under subsections (9) and (10) of s. 517.061, F.S., are removed from this section due to concerns that the inclusion of s. 517.061(9), F.S., would prohibit certain transactions with institutional investors in Florida, including offerings made pursuant to SEC Rule 144A under the Securities Act and private placements under section 4(a)(2) of the Securities Act. At the federal

level, the SEC has not applied any of the disqualification provisions for the safe harbors under Regulation D to these s. 4(a)(2) private placements.

Section 6 amends s. 517.075, F.S., to provide a technical change.

Section 7 amends s. 517.081, F.S., relating to registration procedures, to revise the criteria the Office of Financial Regulation (OFR) uses to determine whether OFR will record the registration of a security of an applicant. Subsection (9) eliminates the merit review standard that requires the OFR to find that an “enterprise or business of the issuer is not based upon unsound business principles.” However, the “fair, just, and equitable” standard still applies, as provided in subsection (9)(a)4., of this section.

Under current law, the OFR must record the registration of a security in the register if, upon examination of an application, it finds that all of the following requirements are met:

- The application is complete.
- The fee imposed pursuant to s. 517.081(8), F.S., has been paid.
- The sale of the security would not be fraudulent and would not work or tend to work a fraud upon the purchaser.
- The terms of the sale of such securities would be fair, just, and equitable.
- The enterprise or business of the issuer is not based upon unsound business principles.

Section 8 amends s. 517.12, F.S., relating to registration of dealers, associated persons, intermediaries, and investment advisers. Multiple subsections are revised to address the concerns of the Federal Bureau of Investigation (FBI). Current terms and categories of persons used within the definitions of these terms do not clearly identify who, for purposes of registration, are subject to a national fingerprint-based criminal history background check, thereby not complying with federal law Pub. L. 92-544.

According to the OFR, the amended portions of s. 517.12, F.S., are derived from the Securities and Exchange Commission’s Uniform Application for Investment Adviser Registration (Form ADV) and the Uniform application for Broker-Dealer Registration (Form BD), which are uniform application forms used nationally for the registration of dealers and investment advisers. The persons that are required to submit fingerprints are those natural persons listed on Schedules A and B of the forms.⁵⁷

In subsection (7), the definition of the term, “dealer,” is amended to clarify that only certain natural persons affiliated with an entity that has elected to file an application with the OFR for registration in Florida to engage in activities requiring registration as a “dealer” are subject to fingerprinting. The definition of the term, “associated person,” is amended to provide that only a natural person who has elected to file an application with the OFR for registration in Florida to engage in activities requiring registration as an “associated person” is subject to fingerprinting.⁵⁸

⁵⁷ Office of Financial Regulation, *Senate Bill 988 Legislative Bill Analysis* (Feb. 25, 2025) (on file with the Senate Committee on Banking and Insurance).

⁵⁸ See **Section 1** of SB 988, amending s. 517.021, F.S., defining the term, “branch manager,” to clarify the definition of associated person. **Section 1** further clarifies the definition of associated person by defining the terms, “general partner,” “limited partner,” and “partnership.”

The definition of the term, “investment adviser,” is clarified to provide that only certain natural persons affiliated with an entity that has elected to file an application with the OFR for registration in Florida to engage in activities requiring registration as a “investment adviser” be fingerprinted.

The term, “shareholder,” is defined in subsections (7), relating to a dealer or investment adviser application, and (20), relating to an intermediary application, for purposes of specifying the population of persons who are subject to fingerprinting.

Subsection (20) provides that only certain natural persons affiliated with an entity that has elected to file an application with the OFR for registration as an intermediary be fingerprinted.

The term, “direct owner,” is defined for purposes of specifying the population of persons who are subject to fingerprinting.

Subsection (22) is amended to update the provisions relating to the North American Securities Administrators Association (NASAA) Model Rule Exempting Certain Merger and Acquisition Brokers from Registration. The definition of the term, “business combination related shell company,” is created. The definition of the term, “control person,” is revised to provide that a person is presumed to be the control person of a company if, at completion of a transaction, the buyer or group of buyers meets two, rather than three, statutory conditions:

- Has the power to vote 25 percent or more of a class of voting securities or has the power to sell or direct the sale of 25 percent or more of a class of voting securities; and
- May receive upon dissolution, or has contributed, 25 percent of the capital of a partnership or limited liability company.

The subsection increases the percentage of voting stock and capital contributions from 20 to 25 percent, as described above. The subsection removes one of the current conditions relating to control person, that it is a person who “is a director, a general partner, a member or a manager of a limited liability company or is an officer who exercises executive responsibility or has a similar status or function”.

Section 9 amends s. 517.131, F.S., relating to the Securities Guaranty Fund (fund). The term, “restitution order,” is defined in subsection (1) to mean a court order awarding a specified monetary amount to a named aggrieved person for a violation of s. 517.07, F.S., or s. 517.301, F.S., to be paid by a named violator.

Subsection (2) is amended to update cross references.

Subsection (3) is amended to clarify the conditions a person must meet to be eligible for payment from the fund. Restitution orders are added to the first two conditions for eligibility. As amended, a person is eligible for payment from the fund if the person:

- Is a judgment creditor in an unsatisfied final judgment or a named beneficiary or victim in an unsatisfied restitution order entered on or after October 1, 2024, in which a wrongdoer was found to have violated s. 517.07 or s. 517.301;

- Has applied any amount recovered from the judgment debtor, a person ordered to pay restitution, or any other source to the damages awarded in a final judgment or restitution order; are a named beneficiary or victim in an unsatisfied restitution order.

Subsection (5) is amended to revise and clarify the minimum information that is required to be provided on an application for payment from the fund and to include restitution orders.

Section 10 amends s. 517.301, F.S., relating to fraudulent transactions and falsification or concealment of facts to replace the term, “business entity,” with “person.”

Section 11 amends s. 517.34, F.S., to extend the number of additional days a dealer or investment adviser may delay a disbursement or transaction from 10 to 30 days to conduct a review if the dealer or investment adviser has a reasonable belief that financial exploitation of the specified adult has occurred. This change would make the provision relating to securities dealers and investment advisers consistent with the provision applicable to financial institutions.

Sections 12 and 13 amend ss. 517.211 and 517.517.315, F.S., respectively, to provide technical, conforming amendments.

Section 14 provides the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The elimination of the Rule 506d disqualification provision, as it relates to s. 517.061(9) and (10), F.S., exempting security transactions in connection with institutional investors offerings, pursuant to Rule 144A and private placements under section 4(a)(2) of the Securities Act, respectively, will provide greater clarity and certainty regarding the applicability of the disqualifications provisions.

Currently, the application of the disqualification provisions relating to subsection (9) has been suspended by a proclamation issued by the Office of Financial Regulation (OFR) since October 27, 2024.⁵⁹ (*See* Section II. Present Situation, Florida Regulation of Securities, *Exempt Private Placements and SEC Rule 506(d)* above.)

Applicants may incur out of pocket expenses for any fingerprint or state or national background check required under the bill. The cost for a state and national criminal history record check is \$36 per name.⁶⁰

In addition, applicants may incur additional costs as the Florida Department of Law Enforcement (FDLE) indicates Livescan service providers may assess additional processing fees, in addition to the cost of the criminal history record check fee imposed by FDLE and the Federal Bureau of Investigation (FBI).⁶¹ The number of additional individuals who would be screened under SB 988 is indeterminate.

C. Government Sector Impact:

The bill has an indeterminate impact to state revenue or expenditures. The OFR indicates the bill does not impact state revenue or expenditures.⁶² However, the bill provides the OFR with rulemaking authority. It is anticipated that any costs associated with rulemaking could be absorbed within existing resources.

The bill may have an indeterminate impact to the FDLE's Operating Trust Fund as the cost for a state and national criminal history record check is \$36 per name submitted. The FBI receives \$12 and, pursuant to s. 943.053(3)(e), F.S., the FDLE retains \$24. The exact impact to state revenues is indeterminate as the number of individuals who would be screened under this bill is unknown.

⁵⁹ The OFR's proclamation suspending the disqualification provisions of s. 517.0616, F.S., as applied to s. 517.061(9), F.S., was based on State of Florida, Office of the Governor, Executive Orders 24-208, 24-214 and 24-215,⁵⁹ which collectively declared a state of emergency for certain counties in Florida. Executive Orders 25-10 and 25-26 extended the provisions of Executive Orders 24-208 and 24-14, respectively.

⁶⁰ Florida Department of Law Enforcement, *Senate Bill 988 Legislative Bill Analysis* (March 4, 2025) (on file with the Senate Committee on Banking and Insurance).

⁶¹ *Id.*

⁶² Office of Financial Regulation, *Senate Bill 988 Legislative Bill Analysis* (Feb. 25, 2025) (on file with the Senate Committee on Banking and Insurance).

The FDLE indicates the bill, in combination with additional criminal history records check legislation, could rise to the level of requiring additional staff and additional capacity for the FDLE's Multi-Biometric Identification System (MBIS).⁶³

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the Florida Department of Law Enforcement (FDLE),⁶⁴ the Federal Bureau of Investigation's (FBI) Criminal Justice Information Law Unit (CJILU) must review the bill due to the legislative changes made to ss. 517.021 and 517.12, F.S. to ensure compliance with Public Law 92-544. The FDLE recommends that the Office of Financial Regulation (OFR) continues to work on amending and clarifying certain language within the applicable sections of ch. 517, F.S., in accordance with the FBI's CJILU guidelines. It should be noted that continued access to national criminal history record information is reliant upon the FBI's approval of the 2025 legislative changes.⁶⁵

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 517.021, 517.061, 517.0612, 517.0614, 517.0616, 517.075, 517.081, 517.12, 517.131, 517.211, 517.301, 517.315, and 517.34.

IX. Additional Information:

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

CS/CS by Fiscal Policy on April 17, 2025:

The CS clarifies provisions specifying what persons are subject to fingerprinting pursuant to the registration application process, as provided in s. 517.12, F.S.

CS by Banking and Insurance on March 10, 2025:

The CS:

- Defines additional terms and revises existing terms (general partner, limited partner, partnership, and shareholder) to clarify what persons are subject to fingerprinting pursuant to the registration application process, as provided in s. 517.12, F.S.
- Clarifies factors the Financial Services Commission may use for purposes of designating a foreign securities exchange or foreign securities market.
- Clarifies provisions specifying what persons must submit fingerprints as part of the registration application process. (associated person, dealer, intermediary, investment

⁶³ Florida Department of Law Enforcement, *Senate Bill 988 Legislative Bill Analysis* (March 4, 2025) (on file with the Senate Committee on Banking and Insurance).

⁶⁴ *Id* at 4, 5.

⁶⁵ *Id* at 4.

adviser). Clarifies categories of persons affiliated with a registration application must submit fingerprints.

- Provides factors that the commission may use in rulemaking to provide specific standards in determining what persons the commission may waive from the fingerprinting requirements associated with registration applications.
- Clarifies factors the commission may use in revising revenue and earnings caps for purposes of determining eligible privately held companies.
- Clarifies the factors that the Office of Financial Regulation may use to determine if a person who acquires securities or assets of the eligible privately held company is deemed active in the management of the company.
- Revises a provision, relating to the protection of specified adults who may be victims of financial exploitation, to extend the number of additional days a dealer or investment adviser may delay a disbursement or transaction from 10 to 30 days to conduct a review if the dealer or investment adviser believes that financial exploitation of the specified adult has occurred. This change would make the provision relating to securities dealers and investment advisers consistent with the provisions applicable to financial institutions.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
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The Committee on Fiscal Policy (Truenow) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 102 - 716

and insert:

(34) "Trust" has the same meaning as in s. 731.201.

Section 2. Subsections (7) and (9), paragraph (f) of subsection (11), and subsections (18), (19), and (20) of section 517.061, Florida Statutes, are amended to read:

517.061 Exempt transactions.—Except as otherwise provided in subsection (11), the exemptions provided herein from the



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11 registration requirements of s. 517.07 are self-executing and do
12 not require any filing with the office before being claimed. Any
13 person who claims entitlement to an exemption under this section
14 bears the burden of proving such entitlement in any proceeding
15 brought under this chapter. The registration provisions of s.
16 517.07 do not apply to any of the following transactions;
17 however, such transactions are subject to s. 517.301:

18 (7) The offer or sale of securities, solely in connection
19 with the transfer of ownership of an eligible privately held
20 company, through a merger and acquisition broker in accordance
21 with s. 517.12(22) ~~s. 517.12(21)~~.

22 (9) The offer or sale of securities to:

23 (a) A bank, trust company, savings institution, insurance
24 company, dealer, investment company as defined in the Investment
25 Company Act of 1940, 15 U.S.C. s. 80a-3, as amended, pension or
26 profit-sharing trust, or qualified institutional buyer, whether
27 any of such entities is acting in its individual or fiduciary
28 capacity.

29 (b) A savings and loan association, building and loan
30 association, cooperative bank, or credit union, which is
31 supervised and examined by a state or federal authority having
32 supervision over any such institution.

33 (c) A federal covered adviser, investment adviser
34 registered pursuant to the laws of a state, exempt reporting
35 adviser or private fund adviser as those terms are defined in s.
36 517.12(23)(a)2. and 3., respectively, investment adviser relying
37 on the exemption from registering with the Securities and
38 Exchange Commission under s. 203(l) or (m) of the Investment
39 Advisers Act of 1940, as amended, business development company



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as defined in s. 2(a)(48) of the Investment Company Act of 1940,
as amended, or business development company as defined in s.
202(a)(22) of the Investment Advisers Act of 1940, as amended.

(d) A small business investment company licensed by the
Small Business Administration under s. 301(c) of the Small
Business Investment Act of 1958, as amended, or rural business
investment company as defined in s. 384A of the Consolidated
Farm and Rural Development Act.

(e) A plan established and maintained by a state, a
political subdivision thereof, or any agency or instrumentality
of a state or a political subdivision, for the benefit of its
employees, if such plan has total assets in excess of \$5
million, an employee benefit plan within the meaning of the
Employee Retirement Income Security Act of 1974 if the
investment decision is made by a plan fiduciary, as described in
s. 3(21) of such act, which is a bank, savings and loan
association, insurance company, or federal covered adviser, or
if the employee benefit plan has total assets in excess of \$5
million or, if a self-directed plan, with investment decisions
made solely by persons that are accredited investors.

(f) An organization described in s. 501(c)(3) of the
Internal Revenue Code, corporation, Massachusetts trust or
similar business trust, partnership, or limited liability
company, not formed for the specific purpose of acquiring the
securities offered, with total assets in excess of \$5 million.

(g) A trust, with total assets in excess of \$5 million, not
formed for the specific purpose of acquiring the securities
offered, whose purchase is directed by a sophisticated person as
described in Securities and Exchange Commission Rule



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506(b)(2)(ii), 17 C.F.R. s. 230.506(b)(2)(ii), as amended.

(h) An entity of a type not listed in paragraphs (a)-(g) or paragraph (j) which owns investments as defined in Securities and Exchange Commission Rule 2a51-1(b), 17 C.F.R. s. 270.2a51-1(b), as amended, in excess of \$5 million and is not formed for the specific purpose of acquiring the securities offered.

(i) A family office as defined in Securities and Exchange Commission Rule 202(a)(11)(G)-1 under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1, as amended, provided that:

1. The family office has assets under management in excess of \$5 million;

2. The family office is not formed for the specific purpose of acquiring the securities offered; and

3. The prospective investment of the family office is directed by a person who has knowledge and experience in financial and business matters that the family office is capable of evaluating the merits and risks of the prospective investment.

(j) An entity in which all of the equity owners are described in paragraphs (a)-(i).

(11) Offers or sales of securities by an issuer in a transaction that meets all of the following conditions:

(f) The issuer files with the office a notice of transaction on a form prescribed by commission rule, an irrevocable written, a consent to service of civil process in accordance with s. 517.101, and a copy of the general announcement within 15 days after the first sale is made in this state. The commission may adopt by rule procedures for filing



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documents by electronic means.

(18) Any nonissuer transaction by a registered dealer, and any resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940, as amended, in a security of a class that has been outstanding in the hands of the public for at least 90 days; provided that, at the time of the transaction, the following conditions in paragraphs (a), (b), and (c) and either paragraph (d) or paragraph (e) are met:

(a) The issuer of the security is actually engaged in business and is not in the organizational stage or in bankruptcy or receivership and is not a blank check, blind pool, or shell company whose primary plan of business is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person.

(b) The security is sold at a price reasonably related to the current market price of the security.

(c) The security does not constitute the whole or part of an unsold allotment to, or a subscription or participation by, the dealer as an underwriter of the security.

(d) The security is listed in a nationally recognized securities manual designated by rule of the commission or a document filed with and publicly viewable through the Securities and Exchange Commission electronic data gathering and retrieval system and contains:

1. A description of the business and operations of the issuer.

2. The names of the issuer's officers and directors, if any, or, in the case of an issuer not domiciled in the United States, the corporate equivalents of such persons in the



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issuer's country of domicile.~~†~~

3. An audited balance sheet of the issuer as of a date within 18 months before such transaction or, in the case of a reorganization or merger in which parties to the reorganization or merger had such audited balance sheet, a pro forma balance sheet.~~†~~~~and~~

4. An audited income statement for each of the issuer's immediately preceding 2 fiscal years, or for the period of existence of the issuer, if in existence for less than 2 years or, in the case of a reorganization or merger in which the parties to the reorganization or merger had such audited income statement, a pro forma income statement.

(e)1. The issuer of the security has a class of equity securities listed on a national securities exchange registered under the Securities Exchange Act of 1934, as amended;

2. The class of security is quoted, offered, purchased, or sold through an alternative trading system registered under Securities and Exchange Commission Regulation ATS, 17 C.F.R. s. 242.301, as amended, and the issuer of the security has made current information publicly available in accordance with Securities and Exchange Commission Rule 15c2-11, 17 C.F.R. s. 240.15c2-11, as amended;

3. The issuer of the security is a unit investment trust registered under the Investment Company Act of 1940, as amended;

4. The issuer of the security has been engaged in continuous business, including predecessors, for at least 3 years; or

5. The issuer of the security has total assets of at least \$2 million based on an audited balance sheet as of a date within



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18 months before such transaction or, in the case of a reorganization or merger in which parties to the reorganization or merger had such audited balance sheet, a pro forma balance sheet.

(19) The offer or sale of any security effected by or through a person in compliance with s. 517.12(17) ~~s. 517.12(16)~~.

(20) (a) A nonissuer transaction in an outstanding security by or through a dealer registered or exempt from registration under this chapter, if, at the time of the transaction, all of the following conditions are met ~~true~~:

~~1. (a)~~ The issuer is a reporting issuer in a foreign jurisdiction ~~designated by this subsection or by commission rule~~, and the issuer has been subject to continuous reporting requirements in such foreign jurisdiction for not less than 180 days before the transaction.

~~2. (b)~~ The security is listed on a foreign securities exchange or foreign securities market ~~the securities exchange~~ ~~designated by this subsection or by commission rule~~, is a security of the same issuer which is of senior or substantially equal rank to the listed security, or is a warrant or right to purchase or subscribe to any such security.

(b) The commission shall consider all of the following in designating a foreign securities exchange or foreign securities market for purposes of this subsection:

1. Organization under foreign law.

2. Association with a community of dealers, financial institutions, or other professional intermediaries with an established operating history.

3. Oversight by a governmental or self-regulatory body.



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- 185 4. Oversight standards set by general law.
- 186 5. Reporting of securities transactions on a regular basis
- 187 to a governmental or self-regulatory body.
- 188 6. A system for exchange of price quotations through common
- 189 communications media.
- 190 7. An organized clearance and settlement system.
- 191 8. Listing in Securities and Exchange Commission Regulation
- 192 S Rule 902, 17 C.F.R. s. 230.902, as amended.

193

194 ~~For purposes of this subsection, Canada, together with its~~

195 ~~provinces and territories, is designated as a foreign~~

196 ~~jurisdiction, and Toronto Stock Exchange, Inc., is designated as~~

197 ~~a securities exchange. If, after an administrative hearing in~~

198 ~~compliance with ss. 120.569 and 120.57, the office finds that~~

199 ~~revocation is necessary or appropriate in furtherance of the~~

200 ~~public interest and for the protection of investors, it may~~

201 ~~revoke the designation of a foreign securities exchange or~~

202 ~~foreign securities market under this subsection.~~

203 Section 3. Subsection (10) of section 517.0612, Florida

204 Statutes, is amended to read:

205 517.0612 Florida Invest Local Exemption.—

206 (10) The issuer must file with the office a notice of

207 transaction on a form prescribed by commission rule, an

208 irrevocable written consent to service of civil process in

209 accordance with s. 517.101, and a copy of the disclosure

210 statement described in subsection (8) at least ~~the offering with~~

211 ~~the office, in writing or in electronic form, in a format~~

212 ~~prescribed by commission rule, no less than 5 business days~~

213 ~~before the offering commences, along with the disclosure~~



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~~statement described in subsection (8).~~ If there are any material changes to the information previously submitted, the issuer must, within 3 business days after such material change, file an amended notice.

Section 4. Paragraph (b) of subsection (2) of section 517.0614, Florida Statutes, is amended to read:

517.0614 Integration of offerings.—

(2) The integration analysis required by subsection (1) is not required if any of the following nonexclusive safe harbors apply:

(b) Offers and sales made in compliance with any of the following provisions are not subject to integration with other offerings:

1. Section 517.051 or s. 517.061, except s. 517.061(10) or (11) ~~s. 517.061(9), (10), or (11)~~.

2. Section 517.0611 or s. 517.0612.

Section 5. Section 517.0616, Florida Statutes, is amended to read:

517.0616 Disqualification.—

(1) A registration exemption under s. 517.061(11) ~~s.~~ 517.061(9), (10), and (11), s. 517.0611, or s. 517.0612 is not available to an issuer if, at the time the issuer makes an offer for the sale of a security, the issuer; a predecessor of the issuer; an affiliated issuer; a director, an executive officer, or other officer of the issuer participating in the offering; a general partner or managing member of the issuer; a beneficial owner of 20 percent or more of the issuer's outstanding voting equity securities, calculated on the basis of voting power; or a promoter connected with the issuer in any capacity at the time



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of such sale ~~that~~ would be disqualified under Securities and Exchange Commission Rule 506(d), 17 C.F.R. s. 230.506(d), as amended, ~~at the time the issuer makes an offer for the sale of a security.~~

(2) The disqualification under Securities and Exchange Commission Rule 506(d), 17 C.F.R. s. 230.506(d), as amended, does not apply to any other person or entity listed in such rule.

Section 6. Subsection (2) of section 517.075, Florida Statutes, is amended to read:

517.075 Cuba, prospectus disclosure of doing business with, required.—

(2) Any disclosure required by subsection (1) must include:

(a) The name of such person, affiliate, or government with which the issuer does business and the nature of that business. ~~+~~

(b) A statement that the information is accurate as of the date the securities were effective with the ~~United States~~ Securities and Exchange Commission or with the office, whichever date is later. ~~+~~ ~~and~~

(c) A statement that current information concerning the issuer's business dealings with the government of Cuba or with any person or affiliate located in Cuba may be obtained from the office, which statement must include the address and phone number of the office.

Section 7. Subsection (5) and paragraph (a) of subsection (9) of section 517.081, Florida Statutes, are amended to read:

517.081 Registration procedure.—

(5) ~~All of~~ The following issuers are not eligible to submit a simplified offering circular:



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(a) An issuer that is subject to any of the disqualifications described in Securities and Exchange Commission Rule 262, 17 C.F.R. s. 230.262, as amended, or that has been or is engaged or is about to engage in an activity that would be grounds for denial, revocation, or suspension under s. 517.111. For purposes of this paragraph, an issuer includes an issuer's director, officer, general partner, manager or managing member, trustee, or a person owning at least 10 percent of the ownership interests of the issuer; a promoter or selling agent of the securities to be offered; or any officer, director, partner, or manager or managing member of such selling agent.

(b) An issuer that is a development-stage company that either has no specific business plan or purpose or has indicated that its business plan is to merge with an unidentified business entity or entities.

(c) An issuer of offerings in which the specific business or properties cannot be described.

(d) An issuer that the office determines is ineligible because the simplified circular does not provide full and fair disclosure of material information for the type of offering to be registered by the issuer.

(9)(a) The office shall record the registration of a security in the register of securities if, upon examination of an application, it finds that all of the following requirements are met:

1. The application is complete.
2. The fee imposed in subsection (8) has been paid.
3. The sale of the security would not be fraudulent and would not work or tend to work a fraud upon the purchaser.



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4. The terms of the sale of such securities would be fair, just, and equitable.

~~5. The enterprise or business of the issuer is not based upon unsound business principles.~~

Section 8. Present subsections (7) through (22) of section 517.12, Florida Statutes, are redesignated as subsections (8) through (23), respectively, a new subsection (7) is added to that section, and subsection (6), present subsection (10), paragraph (b) of present subsection (14), and present subsections (19), (20), and (21) of that section are amended, to read:

517.12 Registration of dealers, associated persons, intermediaries, and investment advisers.—

(6) The application must also contain such information as the commission or office may require about the applicant; any member, principal, or director of the applicant or any person having a similar status or performing similar functions; any person directly or indirectly controlling the applicant; or any employee of a dealer or of an investment adviser rendering investment advisory services. ~~Each applicant and any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (14) shall submit fingerprints for live-scan processing in accordance with rules adopted by the commission. The fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement to provide live-scan fingerprinting. The costs of fingerprint processing shall be borne by the person subject to the background check. The Department of Law Enforcement shall conduct a state criminal~~



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~~history background check, and a federal criminal history background check must be conducted through the Federal Bureau of Investigation. The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets licensure requirements. The commission may waive, by rule, the requirement that applicants, including any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (14), submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. The~~
commission or office may require information about any such applicant or person concerning such matters as:

(a) The applicant's or person's full name, and any other names by which the applicant or person may have been known, and the applicant's or person's age, social security number, photograph, qualifications, and educational and business history.

(b) Any injunction or administrative order by a state or federal agency, national securities exchange, or national securities association involving a security or any aspect of a dealer's or investment adviser's regulated business and any injunction or administrative order by a state or federal agency regulating banking, insurance, finance, or small loan companies, real estate, mortgage brokers, or other related or similar industries, which injunctions or administrative orders relate to such person.

(c) The applicant's or person's conviction of, or plea of nolo contendere to, a criminal offense or the applicant's or



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person's commission of any acts which would be grounds for refusal of an application under s. 517.161.

(d) The names and addresses of other persons of whom the office may inquire as to the applicant's or person's character, reputation, and financial responsibility.

(7)(a)1. The following natural persons shall submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, an entity, or an agency authorized under s. 943.053(13) for live-scan processing in accordance with rules adopted by the commission:

a. A natural person who files an application with the office for registration as an associated person.

b. A natural person who holds the title of president, treasurer, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, or director for a dealer or investment adviser applicant.

c. A natural person who owns at least 5 percent of a dealer or investment adviser applicant.

d. With respect to each owner who owns at least 5 percent of a dealer or investment adviser applicant which is a corporation, partnership, trust, or limited liability company, each natural person who is a 25 percent or more owner or trustee of such entity, and each natural person who is a 25 percent or more owner or trustee at each level up the chain of ownership up to, but not including, an entity subject to s. 12 or s. 15(d) of the Securities Exchange Act of 1934, as amended.

2. For purposes of this subsection, the term "owner" means:

a. A shareholder who owns a percentage of a class of voting



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securities of a dealer or investment adviser applicant, and
includes any person who owns, beneficially owns, has the right
to vote on, or has the power to sell or direct the sale of, the
percentage of a class of a voting security of the dealer or
investment adviser applicant specified in sub-subparagraph 1.c.
or sub-subparagraph 1.d. For purposes of this sub-subparagraph,
a person beneficially owns any securities:

(I) That are owned by the shareholder's child, stepchild,
grandchild, parent, stepparent, grandparent, spouse, sibling,
mother-in-law, father-in-law, son-in-law, daughter-in-law,
brother-in-law, or sister-in-law, sharing the same residence; or

(II) That the shareholder has the right to acquire, within
60 days, through the exercise of any option, warrant, or right
to purchase the securities.

b. A general partner of a partnership, and a limited
partner of a partnership who has the right to receive upon
dissolution, or has contributed, a percentage of the capital of
a dealer or investment adviser applicant.

c. A trustee of a trust that owns a percentage of a class
of a voting security of a dealer or investment adviser
applicant, or that has the right to receive upon dissolution, or
has contributed, a percentage of the capital of a dealer or
investment adviser applicant.

d. A member of a limited liability company who has the
right to receive upon dissolution, or has contributed, a
percentage of the capital of a dealer or investment adviser
applicant, and all limited liability company managers of a
dealer or investment adviser applicant.

3. For purposes of this subsection, the term "shareholder"



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means a person who owns at least one share of a corporation and whose ownership is reflected in the records of the corporation.

(b) A vendor, entity, or agency authorized under s. 943.053(13) to submit fingerprints electronically to the Department of Law Enforcement shall submit the fingerprints to the department for state processing, and the department shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(c) Fees for state and federal fingerprint processing shall be borne by the person subject to the criminal history record check. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e).

(d) The office shall review the results of the state and federal criminal history record checks and determine whether the applicant is disqualified from registration. The commission may waive by rule the requirement that the persons listed in this subsection submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. In waiving the requirement, the commission may consider the rules and regulations of the Securities and Exchange Commission, the model rules and acts of the North American Securities Administrators Association, Inc., and the rules and regulations of the Financial Industry Regulatory Authority.

(11) ~~(a)-(10)-(a)~~ If the office finds that the applicant has complied with the applicable registration provisions of this chapter and the rules made pursuant hereto, it shall register the applicant unless the applicant is otherwise disqualified for registration pursuant to law. The registration of each dealer,



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investment adviser, and associated person expires on December 31 of the year the registration became effective unless the registrant has renewed its registration on or before that date. Registration may be renewed by furnishing such information as the commission may require, together with payment of the fee required in paragraph (10)(a) ~~(9)(a)~~ for dealers, investment advisers, or associated persons and the payment of any amount lawfully due and owing to the office pursuant to any order of the office or pursuant to any agreement with the office. Any dealer, investment adviser, or associated person who has not renewed a registration by the time the current registration expires may request reinstatement of such registration by filing with the office, on or before January 31 of the year following the year of expiration, such information as may be required by the commission, together with payment of the fee required in paragraph (10)(a) ~~(9)(a)~~ for dealers, investment advisers, or associated persons and a late fee equal to the amount of such fee. Any reinstatement of registration granted by the office during the month of January shall be deemed effective retroactive to January 1 of that year.

(b) The office shall waive the \$50 assessment fee for an associated person required by paragraph (10)(a) ~~(9)(a)~~ for a registrant renewing his or her registration who:

1. Is an active duty member of the United States Armed Forces or the spouse of such member;

2. Is or was a member of the United States Armed Forces and served on active duty within the 2 years preceding the expiration date of the registration pursuant to paragraph (a).
To qualify for the fee waiver, a registrant who is a former



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member of the United States Armed Forces who served on active duty within the 2 years preceding the expiration date of the registration must have received an honorable discharge upon separation or discharge from the United States Armed Forces; or

3. Is the surviving spouse of a member of the United States Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's registration expiration date pursuant to paragraph (a).

A registrant seeking such fee waiver must submit proof, in a form prescribed by commission rule, that the registrant meets one of the qualifications in this paragraph.

(15) ~~(14)~~

(b) In lieu of filing with the office the applications specified in subsection (5), the fees required by subsection (10) ~~(9)~~, the renewals required by subsection (11) ~~(10)~~, and the termination notices required by subsection (12) ~~(11)~~, the commission may by rule establish procedures for the deposit of such fees and documents with the Central Registration Depository or the Investment Adviser Registration Depository of the Financial Industry Regulatory Authority, as developed under contract with the North American Securities Administrators Association, Inc.

(20) ~~(19)~~ An intermediary may not engage in business in this state unless the intermediary is registered as a dealer or as an intermediary with the office pursuant to this section to facilitate the offer or sale of securities in accordance with s. 517.0611. An intermediary, in order to obtain registration, must



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file with the office a written application on a form prescribed by commission rule and pay a registration fee of \$200. The fees under this subsection shall be deposited into the Regulatory Trust Fund of the office. The commission may establish by rule procedures for depositing fees and filing documents by electronic means if such procedures provide the office with the information and data required by this section. Each intermediary must also file an irrevocable written consent to service of civil process, as provided in s. 517.101.

(a) The application must contain such information as the commission or office may require concerning:

1. The name of the applicant and address of its principal office and each office in this state.

2. The applicant's form and place of organization; and, if the applicant is:

a. A corporation, a copy of its articles of incorporation and amendments to the articles of incorporation;

b. A limited liability company, a copy of its articles of organization and amendments to the articles and a copy of the company's operating agreement as may be amended; or

c. A partnership, a copy of the partnership agreement.

3. The website address where securities of the issuer will be offered.

4. Contact information.

(b) The application must also contain such information as the commission may require by rule about the applicant; any member, principal, or director of the applicant or any person having a similar status or performing similar functions; or any persons directly or indirectly controlling the applicant. ~~Each~~



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~~applicant and any direct owners, principals, or indirect owners that are required to be reported on a form adopted by commission rule shall submit fingerprints for live scan processing in accordance with rules adopted by the commission. The fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement to provide live-scan fingerprinting. The costs of fingerprint processing shall be borne by the person subject to the background check. The Department of Law Enforcement shall conduct a state criminal history background check, and a federal criminal history background check must be conducted through the Federal Bureau of Investigation. The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets registration requirements. The commission may waive, by rule, the requirement that applicants, including any direct owners, principals, or indirect owners, which are required to be reported on a form adopted by commission rule, submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. The commission, by rule, or the office may require information about any applicant or person, including:~~

1. The applicant's or person's full name and any other names by which the applicant or person may have been known and the applicant's or person's age, social security number, photograph, qualifications, and educational and business history.

2. Any injunction or administrative order by a state or federal agency, national securities exchange, or national



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securities association involving a security or any aspect of an intermediary's regulated business and any injunction or administrative order by a state or federal agency regulating banking, insurance, finance, real estate, mortgage brokers, or other related or similar industries, which relate to such person.

3. The applicant's or person's conviction of, or plea of nolo contendere to, a criminal offense or the applicant's or person's commission of any acts that would be grounds for refusal of an application under s. 517.161.

(c)1. The following natural persons must submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, an entity, or an agency authorized under s. 943.053(13) for live-scan processing in accordance with rules adopted by the commission:

a. A natural person filing an application with the office for registration as an intermediary.

b. A natural person who holds the title of president, treasurer, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, or director for an intermediary applicant.

c. A natural person who is a 5 percent or more owner of an intermediary applicant.

d. With respect to each 5 percent or more owner of an intermediary applicant that is a corporation, partnership, trust, or limited liability company, each natural person who is a 25 percent or more owner or trustee of such entity, and each natural person who is a 25 percent or more owner or trustee at each level up the chain of ownership up to, but not including an



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entity subject to s. 12 or s. 15(d) of the Securities Exchange Act of 1934, as amended.

2. For purposes of this subsection, the term "owner" means:

a. A shareholder who owns a percentage of a class of voting securities of an intermediary applicant, and includes any person who owns, beneficially owns, has the right to vote on, or has the power to sell or direct the sale of, the percentage of a class of a voting security of the intermediary applicant specified in sub-subparagraph 1.c. or sub-subparagraph 1.d. For purposes of this sub-subparagraph, a person beneficially owns any securities:

(I) That are owned by the shareholder's child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or

(II) That the shareholder has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the securities.

b. A general partner of a partnership, and a limited partner of a partnership who has the right to receive upon dissolution, or has contributed, a percentage of the capital of an intermediary applicant.

c. A trustee of a trust that owns a percentage of a class of a voting security of an intermediary applicant, or that has the right to receive upon dissolution, or has contributed, a percentage of the capital of an intermediary applicant.

d. A member of a limited liability company who has the right to receive upon dissolution, or has contributed, a percentage of the capital of an intermediary applicant, and, all



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limited liability company managers of an intermediary applicant.

3. For purposes of this subsection, the term "shareholder"
means a person who owns at least one share of a corporation and
whose ownership is reflected in the records of the corporation.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 54 - 56

and insert:

(21), (25), (26), (28) through (33), (35), and (36),
respectively, new subsections (6), (11), (13), (16), (22), (23),
(24), (27), and (34) are added to that section, and

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

And the title is amended as follows:

Delete line 23

and insert:

fingerprint processing; defining the terms "owner" and
"shareholder";

By the Committee on Banking and Insurance; and Senator Truenow

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1 A bill to be entitled
 2 An act relating to securities; amending s. 517.021,
 3 F.S.; providing and revising definitions; amending s.
 4 517.061, F.S.; revising the circumstances under which
 5 securities transactions are exempt from registration
 6 requirements; conforming cross-references; amending s.
 7 517.0612, F.S.; revising the filing requirements for
 8 securities issuers under the Florida Invest Local
 9 Exemption law; amending s. 517.0614, F.S.; revising
 10 circumstances under which securities offers and sales
 11 are not subject to integration with other offerings;
 12 amending s. 517.0616, F.S.; revising the registration
 13 exemptions that are available to specified issuers
 14 under certain circumstances; providing applicability
 15 of certain disqualification provisions under a
 16 specified Securities and Exchange Commission rule;
 17 amending s. 517.075, F.S.; making a technical change;
 18 amending s. 517.081, F.S.; revising the requirements
 19 for securities registration applications; amending s.
 20 517.12, F.S.; revising the list of persons who must
 21 submit fingerprints for live-scan processing for
 22 registration applications; providing fees for
 23 fingerprint processing; defining the term "owner";
 24 authorizing the Financial Services Commission to
 25 consider certain rules and regulations in waiving the
 26 fingerprint requirement; providing and revising
 27 definitions; revising the written assurances
 28 requirements that merger and acquisition brokers must
 29 receive from certain control persons under specified

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

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30 circumstances; revising the circumstances under which
 31 merger and acquisition brokers are not exempt from
 32 specified securities registration; conforming cross-
 33 references; amending s. 517.131, F.S.; defining the
 34 term "restitution order"; revising the circumstances
 35 under which a person is eligible for payment from the
 36 Securities Guaranty Fund; revising the requirements
 37 for applications for payment from the fund; conforming
 38 cross-references; amending s. 517.301, F.S.;
 39 specifying a prohibition against certain
 40 misrepresentations in a person issuing and selling
 41 securities; amending s. 517.34, F.S.; revising the
 42 maximum number of days by which a dealer or investment
 43 adviser may extend a delay on a disbursement or
 44 transaction; amending ss. 517.211 and 517.315, F.S.;
 45 conforming cross-references; providing an effective
 46 date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Present subsections (6) through (9), (10), (11),
 51 (12), (13) through (17), (18), (19), (20) through (25), (26),
 52 and (27) of section 517.021, Florida Statutes, are redesignated
 53 as subsections (7) through (10), (12), (14), (15), (17) through
 54 (21), (25), (26), (28) through (33), (36), and (37),
 55 respectively, new subsections (6), (11), (13), (16), (22), (23),
 56 (24), (27), (34), and (35) are added to that section, and
 57 present subsections (11) and (15) of that section are amended,
 58 to read:

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517.021 Definitions.—When used in this chapter, unless the context otherwise indicates, the following terms have the following respective meanings:

(6) “Branch manager” means a natural person who administers or supervises the affairs or operations of a branch office.

(11) “Corporation” has the same meaning as “corporation,” “domestic corporation,” or “foreign corporation” in s. 607.01401.

(13) “Director” means a person appointed or elected to sit on a board that manages the affairs of a corporation or other organization by electing or exercising control over its officers.

(14)(11) “Federal covered adviser” means a person that is registered or required to be registered under s. 203 of the Investment Advisers Act of 1940, as amended. The term does not include any person that is excluded from the definition of investment adviser under subparagraphs (20)(b)1.-7. (16)(b)1.-7. and 9.

(16) “General partner” has the same meaning as in s. 620.1102 and includes a co-owner or manager of a partnership who has unlimited liability for the partnership’s debts.

(19)(15) “Intermediary” means a ~~natural person that residing in this state or a corporation, trust, partnership, limited liability company, association, or other legal entity registered with the Secretary of State to do business in this state, which~~ facilitates through its website the offer or sale of securities of an issuer with a principal place of business in this state.

(22) “Limited liability company” has the same meaning as in

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s. 605.0102, including a “foreign limited liability company,” as that term is defined in that section.

(23) “Limited liability company manager” or “limited liability managing member” means a person who is responsible alone, or in concert with others, for performing the management functions of a limited liability company.

(24) “Limited partner” has the same meaning as in s. 620.1102 and includes a co-owner of a partnership who has limited liability for the partnership’s debts.

(27) “Partnership” means two or more persons who are the co-owners of a business, including those operating as a “foreign limited liability limited partnership,” a “foreign limited partnership,” a “limited liability limited partnership,” or a “limited partnership” as those terms are defined in s. 620.1102.

(34) “Shareholder” means a person who owns at least one share of a corporation and whose ownership is reflected in the records of the corporation.

(35) “Trust” has the same meaning as in s. 731.201.

Section 2. Subsections (7) and (9), paragraph (f) of subsection (11), and subsections (18), (19), and (20) of section 517.061, Florida Statutes, are amended to read:

517.061 Exempt transactions.—Except as otherwise provided in subsection (11), the exemptions provided herein from the registration requirements of s. 517.07 are self-executing and do not require any filing with the office before being claimed. Any person who claims entitlement to an exemption under this section bears the burden of proving such entitlement in any proceeding brought under this chapter. The registration provisions of s. 517.07 do not apply to any of the following transactions;

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however, such transactions are subject to s. 517.301:

(7) The offer or sale of securities, solely in connection with the transfer of ownership of an eligible privately held company, through a merger and acquisition broker in accordance with s. 517.12(22) ~~s. 517.12(21)~~.

(9) The offer or sale of securities to:

(a) A bank, trust company, savings institution, insurance company, dealer, investment company as defined in the Investment Company Act of 1940, 15 U.S.C. s. 80a-3, as amended, pension or profit-sharing trust, or qualified institutional buyer, whether any of such entities is acting in its individual or fiduciary capacity.

(b) A savings and loan association, building and loan association, cooperative bank, or credit union, which is supervised and examined by a state or federal authority having supervision over any such institution.

(c) A federal covered adviser, investment adviser registered pursuant to the laws of a state, exempt reporting adviser or private fund adviser as those terms are defined in s. 517.12(23)(a)2. and 3., respectively, investment adviser relying on the exemption from registering with the Securities and Exchange Commission under s. 203(l) or (m) of the Investment Advisers Act of 1940, as amended, business development company as defined in s. 2(a)(48) of the Investment Company Act of 1940, as amended, or business development company as defined in s. 202(a)(22) of the Investment Advisers Act of 1940, as amended.

(d) A small business investment company licensed by the Small Business Administration under s. 301(c) of the Small Business Investment Act of 1958, as amended, or rural business

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investment company as defined in s. 384A of the Consolidated Farm and Rural Development Act.

(e) A plan established and maintained by a state, a political subdivision thereof, or any agency or instrumentality of a state or a political subdivision, for the benefit of its employees, if such plan has total assets in excess of \$5 million, an employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 if the investment decision is made by a plan fiduciary, as described in s. 3(21) of such act, which is a bank, savings and loan association, insurance company, or federal covered adviser, or if the employee benefit plan has total assets in excess of \$5 million or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors.

(f) An organization described in s. 501(c)(3) of the Internal Revenue Code, corporation, Massachusetts trust or similar business trust, partnership, or limited liability company, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5 million.

(g) A trust, with total assets in excess of \$5 million, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in Securities and Exchange Commission Rule 506(b)(2)(ii), 17 C.F.R. s. 230.506(b)(2)(ii), as amended.

(h) An entity of a type not listed in paragraphs (a)-(g) or paragraph (j) which owns investments as defined in Securities and Exchange Commission Rule 2a51-1(b), 17 C.F.R. s. 270.2a51-1(b), as amended, in excess of \$5 million and is not formed for the specific purpose of acquiring the securities offered.

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(i) A family office as defined in Securities and Exchange Commission Rule 202(a)(11)(G)-1 under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1, as amended, provided that:

1. The family office has assets under management in excess of \$5 million;

2. The family office is not formed for the specific purpose of acquiring the securities offered; and

3. The prospective investment of the family office is directed by a person who has knowledge and experience in financial and business matters that the family office is capable of evaluating the merits and risks of the prospective investment.

(j) An entity in which all of the equity owners are described in paragraphs (a)-(i).

(11) Offers or sales of securities by an issuer in a transaction that meets all of the following conditions:

(f) The issuer files with the office a notice of transaction on a form prescribed by commission rule, an irrevocable written,~~a~~ consent to service of civil process in accordance with s. 517.101, and a copy of the general announcement within 15 days after the first sale is made in this state. The commission may adopt by rule procedures for filing documents by electronic means.

(18) Any nonissuer transaction by a registered dealer, and any resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940, as amended, in a security of a class that has been outstanding in the hands of the public for at least 90 days; provided that, at the time

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of the transaction, the following conditions in paragraphs (a), (b), and (c) and either paragraph (d) or paragraph (e) are met:

(a) The issuer of the security is actually engaged in business and is not in the organizational stage or in bankruptcy or receivership and is not a blank check, blind pool, or shell company whose primary plan of business is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person.

(b) The security is sold at a price reasonably related to the current market price of the security.

(c) The security does not constitute the whole or part of an unsold allotment to, or a subscription or participation by, the dealer as an underwriter of the security.

(d) The security is listed in a nationally recognized securities manual designated by rule of the commission or a document filed with and publicly viewable through the Securities and Exchange Commission electronic data gathering and retrieval system and contains:

1. A description of the business and operations of the issuer.~~+~~

2. The names of the issuer's officers and directors, if any, or, in the case of an issuer not domiciled in the United States, the corporate equivalents of such persons in the issuer's country of domicile.~~+~~

3. An audited balance sheet of the issuer as of a date within 18 months before such transaction or, in the case of a reorganization or merger in which parties to the reorganization or merger had such audited balance sheet, a pro forma balance sheet.~~+~~~~and~~

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4. An audited income statement for each of the issuer's immediately preceding 2 fiscal years, or for the period of existence of the issuer, if in existence for less than 2 years or, in the case of a reorganization or merger in which the parties to the reorganization or merger had such audited income statement, a pro forma income statement.

(e)1. The issuer of the security has a class of equity securities listed on a national securities exchange registered under the Securities Exchange Act of 1934, as amended;

2. The class of security is quoted, offered, purchased, or sold through an alternative trading system registered under Securities and Exchange Commission Regulation ATS, 17 C.F.R. s. 242.301, as amended, and the issuer of the security has made current information publicly available in accordance with Securities and Exchange Commission Rule 15c2-11, 17 C.F.R. s. 240.15c2-11, as amended;

3. The issuer of the security is a unit investment trust registered under the Investment Company Act of 1940, as amended;

4. The issuer of the security has been engaged in continuous business, including predecessors, for at least 3 years; or

5. The issuer of the security has total assets of at least \$2 million based on an audited balance sheet as of a date within 18 months before such transaction or, in the case of a reorganization or merger in which parties to the reorganization or merger had such audited balance sheet, a pro forma balance sheet.

(19) The offer or sale of any security effected by or through a person in compliance with s. 517.12(17) ~~s. 517.12(16)~~.

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(20) (a) A nonissuer transaction in an outstanding security by or through a dealer registered or exempt from registration under this chapter, if, at the time of the transaction, all of the following conditions are met ~~true~~:

~~1. (a)~~ The issuer is a reporting issuer in a foreign jurisdiction ~~designated by this subsection or by commission rule~~, and the issuer has been subject to continuous reporting requirements in such foreign jurisdiction for not less than 180 days before the transaction.

~~2. (b)~~ The security is listed on a foreign securities exchange or foreign securities market ~~the securities exchange~~ designated ~~by this subsection or~~ by commission rule, is a security of the same issuer which is of senior or substantially equal rank to the listed security, or is a warrant or right to purchase or subscribe to any such security.

(b) The commission shall consider all of the following in designating a foreign securities exchange or foreign securities market for purposes of this subsection:

1. Organization under foreign law.

2. Association with a community of dealers, financial institutions, or other professional intermediaries with an established operating history.

3. Oversight by a governmental or self-regulatory body.

4. Oversight standards set by general law.

5. Reporting of securities transactions on a regular basis to a governmental or self-regulatory body.

6. A system for exchange of price quotations through common communications media.

7. An organized clearance and settlement system.

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291 8. Listing in Securities and Exchange Commission Regulation
 292 S Rule 902, 17 C.F.R. s. 230.902, as amended.

293
 294 ~~For purposes of this subsection, Canada, together with its~~
 295 ~~provinces and territories, is designated as a foreign~~
 296 ~~jurisdiction, and Toronto Stock Exchange, Inc., is designated as~~
 297 ~~a securities exchange. If, after an administrative hearing in~~
 298 ~~compliance with ss. 120.569 and 120.57, the office finds that~~
 299 ~~revocation is necessary or appropriate in furtherance of the~~
 300 ~~public interest and for the protection of investors, it may~~
 301 ~~revoke the designation of a foreign securities exchange or~~
 302 ~~foreign securities market under this subsection.~~

303 Section 3. Subsection (10) of section 517.0612, Florida
 304 Statutes, is amended to read:

305 517.0612 Florida Invest Local Exemption.—

306 (10) The issuer must file with the office a notice of
 307 transaction on a form prescribed by commission rule, an
 308 irrevocable written consent to service of civil process in
 309 accordance with s. 517.101, and a copy of the disclosure
 310 statement described in subsection (8) at least ~~the offering with~~
 311 ~~the office, in writing or in electronic form, in a format~~
 312 ~~prescribed by commission rule, no less than 5 business days~~
 313 ~~before the offering commences, along with the disclosure~~
 314 ~~statement described in subsection (8).~~ If there are any material
 315 changes to the information previously submitted, the issuer
 316 must, within 3 business days after such material change, file an
 317 amended notice.

318 Section 4. Paragraph (b) of subsection (2) of section
 319 517.0614, Florida Statutes, is amended to read:

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320 517.0614 Integration of offerings.—

321 (2) The integration analysis required by subsection (1) is
 322 not required if any of the following nonexclusive safe harbors
 323 apply:

324 (b) Offers and sales made in compliance with any of the
 325 following provisions are not subject to integration with other
 326 offerings:

327 1. Section 517.051 or s. 517.061, except s. 517.061(10) or
 328 (11) s. 517.061(9), (10), or (11).

329 2. Section 517.0611 or s. 517.0612.

330 Section 5. Section 517.0616, Florida Statutes, is amended
 331 to read:

332 517.0616 Disqualification.—

333 (1) A registration exemption under s. 517.061(11) or
 334 517.061(9), (10), and (11), s. 517.0611, or s. 517.0612 is not
 335 available to an issuer if, at the time the issuer makes an offer
 336 for the sale of a security, the issuer; a predecessor of the
 337 issuer; an affiliated issuer; a director, executive officer, or
 338 other officer of the issuer participating in the offering; a
 339 general partner or managing member of the issuer; a beneficial
 340 owner of 20 percent or more of the issuer's outstanding voting
 341 equity securities, calculated on the basis of voting power; or a
 342 promoter connected with the issuer in any capacity at the time
 343 of such sale that would be disqualified under Securities and
 344 Exchange Commission Rule 506(d), 17 C.F.R. s. 230.506(d), as
 345 amended, at the time the issuer makes an offer for the sale of a
 346 security.

347 (2) The disqualification under Securities and Exchange
 348 Commission Rule 506(d), 17 C.F.R. s. 230.506(d), as amended,

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349 does not apply to any other person or entity listed in such
 350 rule.

351 Section 6. Subsection (2) of section 517.075, Florida
 352 Statutes, is amended to read:

353 517.075 Cuba, prospectus disclosure of doing business with,
 354 required.—

355 (2) Any disclosure required by subsection (1) must include:

356 (a) The name of such person, affiliate, or government with
 357 which the issuer does business and the nature of that business. ~~+~~

358 (b) A statement that the information is accurate as of the
 359 date the securities were effective with the ~~United States~~
 360 Securities and Exchange Commission or with the office, whichever
 361 date is later, ~~+~~ ~~and~~

362 (c) A statement that current information concerning the
 363 issuer's business dealings with the government of Cuba or with
 364 any person or affiliate located in Cuba may be obtained from the
 365 office, which statement must include the address and phone
 366 number of the office.

367 Section 7. Subsection (5) and paragraph (a) of subsection
 368 (9) of section 517.081, Florida Statutes, are amended to read:

369 517.081 Registration procedure.—

370 (5) ~~All of~~ The following issuers are not eligible to submit
 371 a simplified offering circular:

372 (a) An issuer that is subject to any of the
 373 disqualifications described in Securities and Exchange
 374 Commission Rule 262, 17 C.F.R. s. 230.262, as amended, or that
 375 has been or is engaged or is about to engage in an activity that
 376 would be grounds for denial, revocation, or suspension under s.
 377 517.111. For purposes of this paragraph, an issuer includes an

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378 issuer's director, officer, general partner, manager or managing
 379 member, trustee, or a person owning at least 10 percent of the
 380 ownership interests of the issuer; a promoter or selling agent
 381 of the securities to be offered; or any officer, director,
 382 partner, or manager or managing member of such selling agent.

383 (b) An issuer that is a development-stage company that
 384 either has no specific business plan or purpose or has indicated
 385 that its business plan is to merge with an unidentified business
 386 entity or entities.

387 (c) An issuer of offerings in which the specific business
 388 or properties cannot be described.

389 (d) An issuer that the office determines is ineligible
 390 because the simplified circular does not provide full and fair
 391 disclosure of material information for the type of offering to
 392 be registered by the issuer.

393 (9)(a) The office shall record the registration of a
 394 security in the register of securities if, upon examination of
 395 an application, it finds that all of the following requirements
 396 are met:

- 397 1. The application is complete.
- 398 2. The fee imposed in subsection (8) has been paid.
- 399 3. The sale of the security would not be fraudulent and
 400 would not work or tend to work a fraud upon the purchaser.
- 401 4. The terms of the sale of such securities would be fair,
 402 just, and equitable.

403 ~~5. The enterprise or business of the issuer is not based~~
 404 ~~upon unsound business principles.~~

405 Section 8. Present subsections (7) through (22) of section
 406 517.12, Florida Statutes, are redesignated as subsections (8)

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through (23), respectively, a new subsection (7) is added to that section, and subsection (6), present subsection (10), paragraph (b) of present subsection (14), and present subsections (19), (20), and (21) of that section are amended, to read:

517.12 Registration of dealers, associated persons, intermediaries, and investment advisers.—

(6) The application must also contain such information as the commission or office may require about the applicant; any member, principal, or director of the applicant or any person having a similar status or performing similar functions; any person directly or indirectly controlling the applicant; or any employee of a dealer or of an investment adviser rendering investment advisory services. ~~Each applicant and any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (14) shall submit fingerprints for live-scan processing in accordance with rules adopted by the commission. The fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement to provide live-scan fingerprinting. The costs of fingerprint processing shall be borne by the person subject to the background check. The Department of Law Enforcement shall conduct a state criminal history background check, and a federal criminal history background check must be conducted through the Federal Bureau of Investigation. The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets licensure requirements. The commission may waive, by rule, the requirement that applicants,~~

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~~including any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (14), submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. The~~ commission or office may require information about any such applicant or person concerning such matters as:

(a) The applicant's or person's full name, and any other names by which the applicant or person may have been known, and the applicant's or person's age, social security number, photograph, qualifications, and educational and business history.

(b) Any injunction or administrative order by a state or federal agency, national securities exchange, or national securities association involving a security or any aspect of a dealer's or investment adviser's regulated business and any injunction or administrative order by a state or federal agency regulating banking, insurance, finance, or small loan companies, real estate, mortgage brokers, or other related or similar industries, which injunctions or administrative orders relate to such person.

(c) The applicant's or person's conviction of, or plea of nolo contendere to, a criminal offense or the applicant's or person's commission of any acts which would be grounds for refusal of an application under s. 517.161.

(d) The names and addresses of other persons of whom the office may inquire as to the applicant's or person's character, reputation, and financial responsibility.

(7)(a)1. The following natural persons shall submit a full

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set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized under s. 943.053(13) for live-scan processing in accordance with rules adopted by the commission:

a. A natural person who files an application with the office for registration as an associated person.

b. A natural person who holds the title of president, treasurer, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, or director for a dealer or investment adviser applicant.

c. A natural person who owns at least 5 percent of a dealer or investment adviser applicant.

d. With respect to each owner who owns at least 5 percent of a dealer or investment adviser applicant which is a corporation, partnership, trust, or limited liability company, each natural person who is a 25 percent or more owner or trustee of such entity, and each natural person who is a 25 percent or more owner or trustee at each level up the chain of ownership up to, but not including, an entity subject to s. 12 or s. 15(d) of the Securities Exchange Act of 1934, as amended.

2. For purposes of this subsection, the term "owner" means:

a. A shareholder who owns a percentage of a class of voting securities of a dealer or an investment adviser applicant, and includes any person who owns, beneficially owns, has the right to vote on, or has the power to sell or direct the sale of, the percentage of a class of a voting security of the dealer or investment adviser applicant specified in sub-subparagraph 1.c. or 1.d. For purposes of this sub-subparagraph, a person

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beneficially owns any securities:

(I) That are owned by the shareholder's child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or

(II) That the shareholder has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the securities.

b. A general partner of a partnership, and a limited partner of a partnership who has the right to receive upon dissolution, or has contributed, a percentage of the capital of a dealer or investment adviser applicant.

c. A trustee of a trust that owns a percentage of a class of a voting security of a dealer or investment adviser applicant, or that has the right to receive upon dissolution, or has contributed, a percentage of the capital of a dealer or investment adviser applicant.

d. A member of a limited liability company who has the right to receive upon dissolution, or has contributed, a percentage of the capital of a dealer or investment adviser applicant, and all limited liability company managers of a dealer or investment adviser applicant.

(b) A vendor, entity, or agency authorized under s. 943.053(13) to submit fingerprints electronically to the Department of Law Enforcement shall submit the fingerprints to the department for state processing, and the department shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(c) Fees for state and federal fingerprint processing shall

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be borne by the person subject to the criminal history record check. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e).

(d) The office shall review the results of the state and federal criminal history record checks and determine whether the applicant is disqualified from registration. The commission may waive by rule the requirement that the persons listed in this subsection submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. In waiving the requirement, the commission may consider the rules and regulations of the Securities and Exchange Commission, the model rules and acts of the North American Securities Administrators Association, Inc., and the rules and regulations of the Financial Industry Regulatory Authority.

(11)(a)(10)(a) If the office finds that the applicant has complied with the applicable registration provisions of this chapter and the rules made pursuant hereto, it shall register the applicant unless the applicant is otherwise disqualified for registration pursuant to law. The registration of each dealer, investment adviser, and associated person expires on December 31 of the year the registration became effective unless the registrant has renewed its registration on or before that date. Registration may be renewed by furnishing such information as the commission may require, together with payment of the fee required in paragraph (10)(a) ~~(9)(a)~~ for dealers, investment advisers, or associated persons and the payment of any amount lawfully due and owing to the office pursuant to any order of the office or pursuant to any agreement with the office. Any

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dealer, investment adviser, or associated person who has not renewed a registration by the time the current registration expires may request reinstatement of such registration by filing with the office, on or before January 31 of the year following the year of expiration, such information as may be required by the commission, together with payment of the fee required in paragraph (10)(a) ~~(9)(a)~~ for dealers, investment advisers, or associated persons and a late fee equal to the amount of such fee. Any reinstatement of registration granted by the office during the month of January shall be deemed effective retroactive to January 1 of that year.

(b) The office shall waive the \$50 assessment fee for an associated person required by paragraph (10)(a) ~~(9)(a)~~ for a registrant renewing his or her registration who:

1. Is an active duty member of the United States Armed Forces or the spouse of such member;

2. Is or was a member of the United States Armed Forces and served on active duty within the 2 years preceding the expiration date of the registration pursuant to paragraph (a). To qualify for the fee waiver, a registrant who is a former member of the United States Armed Forces who served on active duty within the 2 years preceding the expiration date of the registration must have received an honorable discharge upon separation or discharge from the United States Armed Forces; or

3. Is the surviving spouse of a member of the United States Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's registration expiration date pursuant to paragraph (a).

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A registrant seeking such fee waiver must submit proof, in a form prescribed by commission rule, that the registrant meets one of the qualifications in this paragraph.

~~(15)-(14)~~

(b) In lieu of filing with the office the applications specified in subsection (5), the fees required by subsection (10) ~~(9)~~, the renewals required by subsection (11) ~~(10)~~, and the termination notices required by subsection (12) ~~(11)~~, the commission may by rule establish procedures for the deposit of such fees and documents with the Central Registration Depository or the Investment Adviser Registration Depository of the Financial Industry Regulatory Authority, as developed under contract with the North American Securities Administrators Association, Inc.

(20) ~~(19)~~ An intermediary may not engage in business in this state unless the intermediary is registered as a dealer or as an intermediary with the office pursuant to this section to facilitate the offer or sale of securities in accordance with s. 517.0611. An intermediary, in order to obtain registration, must file with the office a written application on a form prescribed by commission rule and pay a registration fee of \$200. The fees under this subsection shall be deposited into the Regulatory Trust Fund of the office. The commission may establish by rule procedures for depositing fees and filing documents by electronic means if such procedures provide the office with the information and data required by this section. Each intermediary must also file an irrevocable written consent to service of civil process, as provided in s. 517.101.

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(a) The application must contain such information as the commission or office may require concerning:

1. The name of the applicant and address of its principal office and each office in this state.

2. The applicant's form and place of organization; and, if the applicant is:

a. A corporation, a copy of its articles of incorporation and amendments to the articles of incorporation;

b. A limited liability company, a copy of its articles of organization and amendments to the articles and a copy of the company's operating agreement as may be amended; or

c. A partnership, a copy of the partnership agreement.

3. The website address where securities of the issuer will be offered.

4. Contact information.

(b) The application must also contain such information as the commission may require by rule about the applicant; any member, principal, or director of the applicant or any person having a similar status or performing similar functions; or any persons directly or indirectly controlling the applicant. ~~Each applicant and any direct owners, principals, or indirect owners that are required to be reported on a form adopted by commission rule shall submit fingerprints for live-scan processing in accordance with rules adopted by the commission. The fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement to provide live-scan fingerprinting. The costs of fingerprint processing shall be borne by the person subject to the background check. The Department of Law Enforcement shall conduct a state criminal~~

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639 ~~history background check, and a federal criminal history~~
 640 ~~background check must be conducted through the Federal Bureau of~~
 641 ~~Investigation. The office shall review the results of the state~~
 642 ~~and federal criminal history background checks and determine~~
 643 ~~whether the applicant meets registration requirements. The~~
 644 ~~commission may waive, by rule, the requirement that applicants,~~
 645 ~~including any direct owners, principals, or indirect owners,~~
 646 ~~which are required to be reported on a form adopted by~~
 647 ~~commission rule, submit fingerprints or the requirement that~~
 648 ~~such fingerprints be processed by the Department of Law~~
 649 ~~Enforcement or the Federal Bureau of Investigation. The~~
 650 commission, by rule, or the office may require information about
 651 any applicant or person, including:

652 1. The applicant's or person's full name and any other
 653 names by which the applicant or person may have been known and
 654 the applicant's or person's age, social security number,
 655 photograph, qualifications, and educational and business
 656 history.

657 2. Any injunction or administrative order by a state or
 658 federal agency, national securities exchange, or national
 659 securities association involving a security or any aspect of an
 660 intermediary's regulated business and any injunction or
 661 administrative order by a state or federal agency regulating
 662 banking, insurance, finance, real estate, mortgage brokers, or
 663 other related or similar industries, which relate to such
 664 person.

665 3. The applicant's or person's conviction of, or plea of
 666 nolo contendere to, a criminal offense or the applicant's or
 667 person's commission of any acts that would be grounds for

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668 refusal of an application under s. 517.161.

669 (c)1. The following natural persons must submit a full set
 670 of fingerprints to the Department of Law Enforcement or to a
 671 vendor, entity, or agency authorized under s. 943.053(13) for
 672 live-scan processing in accordance with rules adopted by the
 673 commission:

674 a. A natural person filing an application with the office
 675 for registration as an intermediary.

676 b. A natural person who holds the title of president,
 677 treasurer, chief executive officer, chief financial officer,
 678 chief operations officer, chief legal officer, chief compliance
 679 officer, or director for an intermediary applicant.

680 c. A natural person who is a 5 percent or more owner of an
 681 intermediary applicant.

682 d. With respect to each 5 percent or more owner of an
 683 intermediary applicant that is a corporation, partnership,
 684 trust, or limited liability company, each natural person who is
 685 a 25 percent or more owner or trustee of such entity, and each
 686 natural person who is a 25 percent or more owner or trustee at
 687 each level up the chain of ownership up to, but not including an
 688 entity subject to s. 12 or s. 15(d) of the Securities Exchange
 689 Act of 1934, as amended.

690 2. For purposes of this subsection, the term "owner" means:

691 a. A shareholder who owns a percentage of a class of voting
 692 securities of an intermediary applicant, and includes any person
 693 who owns, beneficially owns, has the right to vote on, or has
 694 the power to sell or direct the sale of, the percentage of a
 695 class of a voting security of the intermediary applicant
 696 specified in sub-subparagraph 1.c. or 1.d. For purposes of this

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sub-subparagraph, a person beneficially owns any securities:

(I) That are owned by the shareholder's child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or

(II) That the shareholder has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the securities.

b. A general partner of a partnership, and a limited partner of a partnership who has the right to receive upon dissolution, or has contributed, a percentage of the capital of an intermediary applicant.

c. A trustee of a trust that owns a percentage of a class of a voting security of an intermediary applicant, or that has the right to receive upon dissolution, or has contributed, a percentage of the capital of an intermediary applicant.

d. A member of a limited liability company who has the right to receive upon dissolution, or has contributed, a percentage of the capital of an intermediary applicant, and, all limited liability company managers of an intermediary applicant.

(d) The vendor, entity, or agency authorized under s. 943.053(13) to submit fingerprints electronically to the Department of Law Enforcement shall submit the fingerprints to the department for state processing, and the department shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(e) Fees for state and federal fingerprint processing must be borne by the person subject to the criminal history record check. The state cost for fingerprint processing is as provided

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in s. 943.053(3)(e).

(f) The office shall review the results of the state and federal criminal history record checks and determine whether the applicant is disqualified from registration. The commission may waive by rule the requirement that applicants, including any persons listed in sub-subparagraphs (c)1.a.-d., submit fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. In waiving the requirement, the commission may consider the rules and regulations of the Securities and Exchange Commission, the model rules and acts of the North American Securities Administrators Association, Inc., and the rules and regulations of the Financial Industry Regulatory Authority.

(g)(e) The application must be amended within 30 days if any information contained in the form becomes inaccurate for any reason.

(h)(d) An intermediary or persons affiliated with the intermediary are not subject to any disqualification described in s. 517.1611 or Securities and Exchange Commission Rule 506(d), 17 C.F.R. 230.506(d), adopted pursuant to the Securities Act of 1933, as amended. Each director, officer, manager or managing member, control person of the issuer, any person occupying a similar status or performing a similar function, and each person holding more than 20 percent of the ownership interests of the intermediary is subject to this requirement.

(i)(e) If the office finds that the applicant has complied with the applicable registration provisions of this chapter and the rules adopted thereunder, it shall register the applicant.

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The registration of each intermediary expires on December 31 of the year the registration became effective unless the registrant renews his or her registration on or before that date.

Registration may be renewed by furnishing such information as the commission may require by rule, together with payment of a \$200 fee and the payment of any amount due to the office pursuant to any order of the office or pursuant to any agreement with the office. An intermediary who has not renewed a registration by the time that the current registration expires may request reinstatement of such registration by filing with the office, on or before January 31 of the year following the year of expiration, such information as required by the commission, together with payment of the \$200 fee and a late fee of \$200. Any reinstatement of registration granted by the office during the month of January is deemed effective retroactive to January 1 of that year.

~~(21)(20)~~ The registration requirements of this section do not apply to any general lines insurance agent or life insurance agent licensed under chapter 626, with regard to the sale of a security as defined in s. 517.021(30)(g) ~~s. 517.021(25)(g)~~, if the individual is directly authorized by the issuer to offer or sell the security on behalf of the issuer and the issuer is a federally chartered savings bank subject to regulation by the Federal Deposit Insurance Corporation. Actions under this subsection constitute activity under the insurance agent's license for purposes of ss. 626.611 and 626.621.

(22)(a)(21)(a) As used in this subsection, the term:

1. "Broker" has the same meaning as "dealer" as defined in s. 517.021.

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2. "Business combination related shell company" means a shell company that is formed by an entity that is not a shell company solely for the purpose of:

a. Changing the corporate domicile of the entity solely within the United States; or

b. Completing a business combination transaction, as defined in 17 C.F.R. s. 230.165(f), among one or more entities other than the company itself, none of which is a shell company.

3.2- "Control person" means a person an individual or entity that possesses the power, directly or indirectly, to direct the management or policies of a company through ownership of securities, by contract, or otherwise. A person is presumed to be a control person of a company if, upon completion of a transaction, the buyer or group of buyers with respect to a particular company, the person:

a. Is a director, a general partner, a member, or a manager of a limited liability company, or is an officer who exercises executive responsibility or has a similar status or function;

a.b- Has the power to vote 25 20 percent or more of a class of voting securities or has the power to sell or direct the sale of 25 20 percent or more of a class of voting securities; or

b.e- In the case of a partnership or limited liability company, may receive upon dissolution, or has contributed, 25 20 percent or more of the capital.

4.3- "Eligible privately held company" means a privately held company that meets all of the following conditions:

a. The company does not have any class of securities which is registered, or which is required to be registered, with the United States Securities and Exchange Commission under the

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813 Securities Exchange Act of 1934, 15 U.S.C. ss. 78a et seq., as
 814 amended, or with the office under s. 517.07, or for which the
 815 company files, or is required to file, summary and periodic
 816 information, documents, and reports under s. 15(d) of the
 817 Securities Exchange Act of 1934, 15 U.S.C. s. 78o(d), as
 818 amended.

819 b. In the fiscal year immediately preceding the fiscal year
 820 during which the merger and acquisition broker begins to provide
 821 services for the securities transaction, the company, in
 822 accordance with its historical financial accounting records, has
 823 earnings before interest, taxes, depreciation, and amortization
 824 of less than \$25 million or has gross revenues of less than \$250
 825 million. On July 1, 2021, and every 5 years thereafter, each
 826 dollar amount in this sub-subparagraph shall be adjusted by
 827 dividing the annual value of the Employment Cost Index for wages
 828 and salaries for private industry workers, or any successor
 829 index, as published by the Bureau of Labor Statistics, for the
 830 calendar year preceding the calendar year in which the
 831 adjustment is being made, by the annual value of such index or
 832 successor index for the calendar year ending December 31, 2020
 833 2012, and multiplying such dollar amount by the quotient
 834 obtained. Each dollar amount determined under this sub-
 835 subparagraph must ~~shall~~ be rounded to the nearest multiple of
 836 \$100,000 and adopted by commission rule.

837 5.4- "Merger and acquisition broker" means a ~~any~~ broker and
 838 any person associated with a broker engaged in the business of
 839 effecting securities transactions solely in connection with the
 840 transfer of ownership of an eligible privately held company,
 841 regardless of whether the ~~that~~ broker acts on behalf of a seller

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842 or buyer, through the purchase, sale, exchange, issuance,
 843 repurchase, or redemption of, or a business combination
 844 involving, securities or assets of the eligible privately held
 845 company.

846 6.5- "Public Shell company" means a company that at the
 847 time of a transaction with an eligible privately held company:

848 ~~a. Has any class of securities which is registered, or~~
 849 ~~which is required to be registered, with the United States~~
 850 ~~Securities and Exchange Commission under the Securities Exchange~~
 851 ~~Act of 1934, 15 U.S.C. ss. 78a et seq., or with the office under~~
 852 ~~s. 517.07, or for which the company files, or is required to~~
 853 ~~file, summary and periodic information, documents, and reports~~
 854 ~~under s. 15(d) of the Securities Exchange Act of 1934, 15 U.S.C.~~
 855 ~~s. 78o(d)).~~

856 ~~a.b-~~ Has nominal or no operations, ~~and~~

857 ~~b.e-~~ Has nominal assets or no assets, assets consisting
 858 solely of cash and cash equivalents, or assets consisting of any
 859 amount of cash and cash equivalents and nominal other assets.

860 (b) Prior to the completion of any securities transaction
 861 described in s. 517.061(7), a merger and acquisition broker must
 862 receive written assurances from the control person with the
 863 largest percentage of ownership for both the buyer and seller
 864 engaged in the transaction that:

865 1. After the transaction is completed, any person who
 866 acquires securities or assets of the eligible privately held
 867 company, acting alone or in concert, will be a control person of
 868 the eligible privately held company or will be a control person
 869 for the business conducted with the assets of the eligible
 870 privately held company, ~~and~~

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871 2. After the transaction is completed, any person who
 872 acquires securities or assets of the eligible privately held
 873 company, acting alone or in concert, will be deemed to be active
 874 in the management of the eligible privately held company or the
 875 business conducted with the assets of the eligible privately
 876 held company, and active in the management of the assets of the
 877 eligible privately held company, if he or she engages in any of
 878 the following acts or activities:
 879 a. Electing executive officers.
 880 b. Approving the annual budget.
 881 c. Serving as an executive or other executive manager.
 882 d. Carrying out such other activities as the commission may
 883 by rule determine to be in the public interest.
 884 3.2- If any person is offered securities in exchange for
 885 securities or assets of the eligible privately held company,
 886 such person will, before becoming legally bound to complete the
 887 transaction, receive or be given reasonable access to the most
 888 recent year-end financial statements of the issuer of the
 889 securities offered in exchange. The most recent year-end
 890 financial statements shall be customarily prepared by the
 891 issuer's management in the normal course of operations. If the
 892 financial statements of the issuer are audited, reviewed, or
 893 compiled, the most recent year-end financial statements must
 894 include any related statement by the independent certified
 895 public accountant; a balance sheet dated not more than 120 days
 896 before the date of the exchange offer; and information
 897 pertaining to the management, business, results of operations
 898 for the period covered by the foregoing financial statements,
 899 and material loss contingencies of the issuer.

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900 (c) A merger and acquisition broker engaged in a
 901 transaction exempt under s. 517.061(7) is exempt from
 902 registration under this section unless the merger and
 903 acquisition broker:
 904 1. Directly or indirectly, in connection with the transfer
 905 of ownership of an eligible privately held company, receives,
 906 holds, transmits, or has custody of the funds or securities to
 907 be exchanged by the parties to the transaction;
 908 2. Engages on behalf of an issuer in a public offering of
 909 any class of securities which is registered, or which is
 910 required to be registered, with the ~~United States~~ Securities and
 911 Exchange Commission under the Securities Exchange Act of 1934,
 912 15 U.S.C. ss. 78a et seq., as amended, or with the office under
 913 s. 517.07; or for which the issuer files, or is required to
 914 file, periodic information, documents, and reports under s.
 915 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. s.
 916 78o(d), as amended;
 917 3. Engages on behalf of any party in a transaction
 918 involving a ~~public~~ shell company, other than a business
 919 combination related shell company;
 920 4. Directly, or indirectly through any of its affiliates,
 921 provides financing related to the transfer of ownership of an
 922 eligible privately held company;
 923 5. Assists any party to obtain financing from an
 924 unaffiliated third party without:
 925 a. Complying with all other applicable laws in connection
 926 with such assistance, including, if applicable, Regulation T
 927 under 12 C.F.R. ss. 220 et seq., as amended; and
 928 b. Disclosing any compensation in writing to the party;

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6. Represents both the buyer and the seller in the same transaction without providing clear written disclosure as to the parties the broker represents and obtaining written consent from both parties to the joint representation;

7. Facilitates a transaction with a group of buyers formed with the assistance of the merger and acquisition broker to acquire the eligible privately held company;

8. Engages in a transaction involving the transfer of ownership of an eligible privately held company to a passive buyer or group of passive buyers;

9. Binds a party to a transfer of ownership of an eligible privately held company; or

10. Is subject to, or an officer, director, member, manager, partner, or employee of the broker is subject to, the following disciplinary actions:

a. Has been barred from association with a broker or dealer by the Securities and Exchange Commission, any state, or any self-regulatory organization; or

b. Is suspended from association with a broker or dealer.

~~4. Is subject to a suspension or revocation of registration under s. 15(b)(4) of the Securities Exchange Act of 1934, 15 U.S.C. s. 78o(b)(4),~~

~~5. Is subject to a statutory disqualification described in s. 3(a)(39) of the Securities Exchange Act of 1934, 15 U.S.C. s. 78e(a)(39),~~

~~6. Is subject to a disqualification under the United States Securities and Exchange Commission Rule 506(d), 17 C.F.R. s. 230.506(d), or~~

~~7. Is subject to a final order described in s. 15(b)(4)(H)~~

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~~of the Securities Exchange Act of 1934, 15 U.S.C. s. 78o(b)(4)(H).~~

Section 9. Subsection (1), paragraph (a) of subsection (2), and subsections (3) and (5) of section 517.131, Florida Statutes, are amended to read:

517.131 Securities Guaranty Fund.—

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

(a) "Final judgment" includes an arbitration award confirmed by a court of competent jurisdiction.

(b) "Restitution order" means a court order awarding a specified monetary amount to a named aggrieved person for a violation of s. 517.07 or s. 517.301 to be paid by a named violator.

(2)(a) The Chief Financial Officer shall establish a Securities Guaranty Fund to provide monetary relief to victims of securities violations under this chapter who are entitled to monetary damages or restitution and cannot recover the full amount of such monetary damages or restitution from the wrongdoer. An amount not exceeding 20 percent of all revenues received as assessment fees pursuant to s. 517.12(10) and (11) ~~s. 517.12(9) and (10)~~ for dealers and investment advisers or s. 517.1201 for federal covered advisers and an amount not exceeding 10 percent of all revenues received as assessment fees pursuant to s. 517.12(10) and (11) ~~s. 517.12(9) and (10)~~ for associated persons must be part of the regular registration license fee and must be transferred to or deposited in the Securities Guaranty Fund.

(3) A person is eligible for payment from the Securities Guaranty Fund if the person:

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(a)1. Is a judgment creditor in ~~Holds~~ an unsatisfied final judgment or a named beneficiary or victim in an unsatisfied restitution order entered on or after October 1, 2024, in which a wrongdoer was found to have violated s. 517.07 or s. 517.301;

2. Has applied any amount recovered from the judgment debtor, a person ordered to pay restitution, or any other source to the damages awarded in a final judgment or restitution order ~~by the court or arbitrator~~; and

3. Is a natural person who was a resident of this state, or is a business entity that was domiciled in this state, at the time of the violation of s. 517.07 or s. 517.301; or

(b) Is a receiver appointed pursuant to s. 517.191(2) by a court of competent jurisdiction for a wrongdoer ordered to pay restitution under s. 517.191(3) as a result of a violation of s. 517.07 or s. 517.301 which has requested payment from the Securities Guaranty Fund on behalf of a person eligible for payment under paragraph (a).

If a person holds an unsatisfied final judgment or restitution order entered before October 1, 2024, in which a wrongdoer was found to have violated s. 517.07 or s. 517.301, such person's claim for payment from the Securities Guaranty Fund shall be governed by the terms of this section and s. 517.141 which were effective on the date of such final judgment or restitution order.

(5) An eligible person, or a receiver on behalf of the eligible person, seeking payment from the Securities Guaranty Fund must file with the office a written application on a form that the commission may prescribe by rule. The commission may

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adopt by rule procedures for filing documents by electronic means, provided that such procedures provide the office with the information and data required by this section. The application must be filed with the office within 1 year after the date of the final judgment, the date on which a restitution order has been ripe for execution, or the date of any appellate decision thereon, and, at minimum, must contain all of the following information:

(a) The eligible person's and, if applicable, the receiver's full names, addresses, and contact information.

(b) The name of the judgment debtor or person ordered to pay restitution.

(c) If the eligible person is a business entity, the eligible person's type and place of organization and, as applicable, a copy, as amended, of its articles of incorporation, articles of organization, trust agreement, or partnership agreement.

(d) A copy of any final judgment or ~~and a copy thereof.~~

~~(e) Any restitution order pursuant to s. 517.191(3), and a copy thereof.~~

~~(e)-(f)~~ An affidavit from the eligible person stating either one of the following:

1. That the eligible person has made all reasonable searches and inquiries to ascertain whether the judgment debtor or person ordered to pay restitution possesses real or personal property or other assets subject to being sold or applied in satisfaction of the final judgment or restitution order and, by the eligible person's search, that the eligible person has not discovered any property or assets.

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2. That the eligible person has taken necessary action on the property and assets of the wrongdoers but the final judgment or restitution order remains unsatisfied.

~~(f)(g)~~ If the application is filed by the receiver, an affidavit from the receiver stating the amount of restitution owed to the eligible person on whose behalf the claim is filed; the amount of any money, property, or assets paid to the eligible person on whose behalf the claim is filed by the person over whom the receiver is appointed; and the amount of any unsatisfied portion of any eligible person's restitution order ~~of restitution~~.

~~(g)(h)~~ The eligible person's residence or domicile at the time of the violation of s. 517.07 or s. 517.301 which resulted in the eligible person's monetary damages.

~~(h)(i)~~ The amount of any unsatisfied portion of the eligible person's final judgment or restitution order.

~~(i)(j)~~ Whether an appeal ~~or motion to vacate an arbitration award~~ has been filed.

Section 10. Subsection (3) of section 517.301, Florida Statutes, is amended to read:

517.301 Fraudulent transactions; falsification or concealment of facts.—

(3) It is unlawful for a person in issuing or selling a security within this state, including a security exempted under s. 517.051 and including a transaction exempted under s. 517.061, s. 517.0611, or s. 517.0612, to misrepresent that such security or person business entity has been guaranteed, sponsored, recommended, or approved by the state or an agency or officer of the state or by the United States or an agency or

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officer of the United States.

Section 11. Subsection (4) of section 517.34, Florida Statutes, is amended to read:

517.34 Protection of specified adults.—

(4) A delay on a disbursement or transaction under subsection (3) expires 15 business days after the date on which the delay was first placed. However, the dealer or investment adviser may extend the delay for up to 30 ~~40~~ additional business days if the dealer's or investment adviser's review of the available facts and circumstances continues to support such dealer's or investment adviser's reasonable belief that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted. A dealer or investment adviser that extends a delay must notify the office on a form prescribed by commission rule not later than 3 business days after the date on which the extension was applied. The notice must identify the dealer or investment adviser that extended the delay and the date on which the delay was originally made. The length of the delay may be shortened or extended at any time by a court of competent jurisdiction. This subsection does not prevent a dealer or investment adviser from terminating a delay after communication with the parties authorized to transact business on the account and any trusted contact on the account.

Section 12. Subsection (1) of section 517.211, Florida Statutes, is amended to read:

517.211 Private remedies available in cases of unlawful sale.—

(1) Every sale made in violation of either s. 517.07 or s.

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1103 ~~517.12(1), (3), (4), (9), (11), (13), (16), or (18) or~~
 1104 ~~517.12(1), (3), (4), (8), (10), (12), (15), or (17)~~ may be
 1105 rescinded at the election of the purchaser; however, a sale made
 1106 in violation of the provisions of s. 517.1202(3) relating to a
 1107 renewal of a branch office notification or in violation of the
 1108 provisions of s. 517.12(13) ~~s. 517.12(12)~~ relating to filing a
 1109 change of address amendment is not subject to this section. Each
 1110 person making the sale and every director, officer, partner, or
 1111 agent of or for the seller, if the director, officer, partner,
 1112 or agent has personally participated or aided in making the
 1113 sale, is jointly and severally liable to the purchaser in an
 1114 action for rescission, if the purchaser still owns the security,
 1115 or for damages, if the purchaser has sold the security. No
 1116 purchaser otherwise entitled will have the benefit of this
 1117 subsection who has refused or failed, within 30 days after
 1118 receipt, to accept an offer made in writing by the seller, if
 1119 the purchaser has not sold the security, to take back the
 1120 security in question and to refund the full amount paid by the
 1121 purchaser or, if the purchaser has sold the security, to pay the
 1122 purchaser an amount equal to the difference between the amount
 1123 paid for the security and the amount received by the purchaser
 1124 on the sale of the security, together, in either case, with
 1125 interest on the full amount paid for the security by the
 1126 purchaser at the legal rate, pursuant to s. 55.03, for the
 1127 period from the date of payment by the purchaser to the date of
 1128 repayment, less the amount of any income received by the
 1129 purchaser on the security.

1130 Section 13. Subsection (2) of section 517.315, Florida
 1131 Statutes, is amended to read:

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

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1132 517.315 Fees.—All fees of any nature collected by the
 1133 office pursuant to this chapter shall be disbursed as follows:
 1134 (2) After the transfer required in subsection (1), the
 1135 office shall transfer the \$50 assessment fee collected from each
 1136 associated person under s. 517.12(10) and (11) ~~s. 517.12(9) and~~
 1137 ~~(10)~~ and 30.44 percent of the \$100 assessment fee paid by
 1138 dealers and investment advisers for each office in the state
 1139 under s. 517.12(10) and (11) ~~s. 517.12(9) and (10)~~ to the
 1140 Regulatory Trust Fund.
 1141 Section 14. This act shall take effect upon becoming a law.

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

The Florida Senate
APPEARANCE RECORD

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4/17/25

Meeting Date

Fiscal Policy

Committee

988

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Anthony DiMarco

Phone

(850) 224-2265

Address

1001 Thomasville Rd

Email

adiMarco@floridabankers.com

Street

Tallahassee

FL

32303

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒

In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida Bankers Assoc



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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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4/17/25

Meeting Date

Fiscal Policy

Committee

Ash Mason

Name

Phone

Address

Email

Street

Tallah

City

FL

State

Zip

988

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

FL Office of Financial Regulation

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1072

INTRODUCER: Fiscal Policy Committee and Senator McClain

SUBJECT: Expedited DNA Testing Grant Program

DATE: April 18, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2. <u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3. <u>Cellon</u>	<u>Siples</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1072 creates the Expedited DNA Testing Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to law enforcement agencies for the processing of DNA samples at private laboratories.

A private laboratory is defined as any DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the International Organization for Standardization and FBI Quality Assurance Standards or any laboratory deemed appropriate by the department (the FDLE).

The bill requires FDLE to annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by specified private laboratories when:

- The technology or technique needed to properly test the evidence or DNA sample is not readily available at a local or state laboratory; or
- When expedited testing of the DNA sample is in the agency's judgment, justice is best served by expedited processing and testing.

An agency receiving grant funds must submit a report to the executive director of FDLE no later than one year after receiving grant funding, including specified information.

The FDLE must adopt rules to implement and administer the grant program.

Grant awards to support the program are subject to appropriation. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

FBI's Combined DNA Index System (CODIS)

Deoxyribonucleic acid (DNA) is hereditary material existing in the cells of all living organisms. A DNA profile may be created by testing the DNA in a person's cells. Similar to fingerprints, a person's DNA profile is a unique identifier, except for identical twins, who have the exact same DNA profile. DNA evidence may be collected from any biological material, such as hair, teeth, bones, skin cells, blood, semen, saliva, urine, feces, and other bodily substances.¹

Historically, the most common form of DNA analysis used to match samples and test for identification in forensic laboratories analyzes only certain parts of DNA, known as short tandem repeats (STRs).² In the early 1990s, the Federal Bureau of Investigation (FBI) chose 13 STRs as the basis for a DNA identification profile, and the 13 STRs became known as the Combined DNA Index System (CODIS).³ CODIS is now the general term used to describe the FBI's program of support for local, state, and national criminal justice DNA databases, as well as the software used to run these databases.⁴

When a suspect's identity is unknown, a participating crime laboratory may upload a forensic profile into CODIS to compare against additional DNA profiles uploaded by other federal, state, or local participating laboratories. If a match is identified, the laboratories involved exchange information to verify the match and establish coordination between the two agencies. This match can provide probable cause for law enforcement to obtain a warrant to collect a biological reference sample from an offender. A laboratory can then perform DNA analysis on the known biological sample and present the analysis as evidence in court.⁵

ISO/IEC 17025:2017

The International Organization for Standardization (ISO) is a worldwide federation consisting of technical committees that work with governmental and nongovernmental organizations to prepare standards related to technology and manufacturing.⁶ ISO and the International Electrotechnical Commission (IEC) develop joint ISO/IEC documents to provide uniform

¹ FindLaw, [How DNA Evidence Works](#) (last visited April 2, 2025).

² Kelly Lowenberg, *Applying the Fourth Amendment when DNA Collected for One Purpose is Tested for Another*, 79 U. Cin. L. Rev. 1289, 1293 (2011), available at <https://law.stanford.edu/wp-content/uploads/2011/11/APPLYING-THE-FOURTH-AMENDMENT-WHEN-DNA-COLLECTED-FOR-ONE-PURPOSE.pdf> (last visited March 28, 2025).

³ *Id.*

⁴ FBI, [Frequently Asked Questions on CODIS and NDIS](#) (last visited April 2, 2025).

⁵ *Id.*

⁶ International Standard, [ISO/IEC 17025:2017 - General Requirements for the Competence of Testing and Calibration Laboratories](#) (last visited March 28 2025).

guidelines in each subject for which a technical committee has been established, including technical committees that establish international standards for DNA laboratories.⁷

ISO/IEC standards for DNA laboratories outline requirements related to:

- Personnel;
- Facilities and environmental conditions;
- Equipment;
- Selection, verification, and validation of methods;
- Ensuring the validity of results; and
- Reporting results.⁸

Federal Bureau of Investigation Quality Assurance Standards

The FBI provides quality assurance requirements that laboratories performing forensic DNA testing or utilizing the CODIS must follow.⁹ These standards ensure the quality and integrity of the data generated by the laboratory and apply to:

- Forensic DNA testing laboratories using Rapid DNA instruments/Systems on casework reference samples.
- Vendor laboratories that perform forensic DNA testing in accordance with specified standards.¹⁰

The FBI standards also require laboratories to establish, follow, and maintain quality assurance systems that include elements related to:

- Goals and objectives;
- Organization and management;
- Personnel;
- Training;
- Facilities and evidence control;
- Validation;
- Analytical procedures;
- Equipment;
- Reports;
- Review;
- Proficiency testing;
- Corrective action;
- Audits;
- Professional development; and
- Outsourcing ownership.¹¹

Additionally, each laboratory must:

⁷ *Id.*

⁸ *Id.*

⁹ FBI, [Quality Assurance Standards for Forensic DNA Testing Laboratories](#) (last visited April 2, 2025).

¹⁰ *Id.* Additionally, FBI standards do not preclude the participation of a laboratory, by itself or in collaboration with others, in research and development on procedures that have not been validated.

¹¹ *Id.*

- Have and develop a policy regarding document retention that specifically addresses proficiency tests, corrective action, audits, training records, continuing education, case files, and court testimony monitoring;
- Annually review each quality assurance system related to DNA; and
- Annually review case files that are a representative sample of cases worked.¹²

III. Effect of Proposed Changes:

The bill creates the Expedited DNA Testing Grant Program within the FDLE to award grants to law enforcement agencies for the processing of evidentiary items for DNA testing. The FDLE must annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by private laboratories. The bill defines a “private lab” as any DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the International Organization for Standardization and FBI Quality Assurance Standards or any laboratory deemed appropriate by the department (the FDLE).

Under the bill, grants may be used by a law enforcement agency when:

- The technology or technique needed to properly test the DNA sample is not readily available at a local or state laboratory; and
- In the law enforcement agency's judgment, expedited testing of the DNA sample is in the best interest of advancing an investigation.

The bill requires each grant recipient to provide a report to the executive director of FDLE no later than one year after receiving grant funding that details the:

- Amount of annual funding received from the grant;
- Number of cases tested by the private laboratory;
- Type of DNA testing used, including the name of the private laboratory to which such testing was outsourced and the type of equipment used by the private laboratory for such testing;
- The results of the DNA testing; and
- Average amount of time it took to make each such identification.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

¹² *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive impact on the private sector to the extent that the bill authorizes recipients of grant funds to pay for expenses related to using certain DNA testing, which may require outsourcing to a private entity. Any such impact is subject to legislative appropriation.

C. Government Sector Impact:

Grant awards to support the program are subject to appropriation; the bill does not appropriate funds for the grant program. FDLE is unable to predict workload and the personnel required to implement and manage the grant program.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

Requirements for the outsourcing of DNA samples are contained in Standard 17 of the FBI Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories. For law enforcement agencies seeking to outsource offender and/or casework samples, the technical specifications of the outsourcing agreement must have the prior approval of the technical leader of the NDIS participating laboratory that will be entering that DNA data into CODIS. At a minimum, the outsourced laboratory must follow the FBI's Quality Assurance Standards and be accredited.¹⁴

¹³ Florida Department of Law Enforcement, *2025 Bill Analysis SB 1072 Expedited DNA Testing Grant Program*.

¹⁴ Frequently Asked Questions on CODIS and NDIS, the Federal Bureau of Investigation; available at <https://www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet#CODIS>; (last visited March 28, 2025).

Standard 17 of the Quality Assurance Standards also requires the completion of an on-site visit of the vendor laboratory prior to the beginning of the outsourced analyses and a technical review of the outsourced DNA records by the NDIS participating laboratory. Please refer to the FBI's Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories for additional information concerning the use of contract employees to perform the technical review of DNA records.¹⁵

VIII. Statutes Affected:

This bill creates section 943.328 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Fiscal Policy on April 17, 2025:

The committee substitute:

- Amends the definition of “private lab” to include any laboratory deemed appropriate by the department.

B. Amendments:

None.

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

¹⁵ *Id.*



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (McClain) recommended the following:

Senate Amendment

Delete line 23
and insert:
Bureau of Investigation quality assurance standards or any
laboratory deemed appropriate by the department.

By Senator McClain

9-01474-25

20251072__

1 A bill to be entitled
 2 An act relating to an expedited DNA testing grant
 3 program; creating s. 943.328, F.S.; defining the term
 4 "private lab"; creating the Expedited DNA Testing
 5 Grant Program within the Department of Law
 6 Enforcement; specifying potential grant recipients;
 7 providing purposes for the grants under the program;
 8 specifying eligible uses for such grant funds;
 9 requiring each grant recipient to provide a report to
 10 the executive director of the department within a
 11 certain timeframe; specifying the required contents of
 12 the report; requiring the department to adopt rules;
 13 providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Section 943.328, Florida Statutes, is created to
 18 read:
 19 943.328 Expedited DNA Testing Grant Program.—
 20 (1) As used in this section, the term "private lab" means a
 21 DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the
 22 International Organization for Standardization and Federal
 23 Bureau of Investigation quality assurance standards.
 24 (2) There is created within the department the Expedited
 25 DNA Testing Grant Program to award grants to law enforcement
 26 agencies in the processing and testing of DNA samples.
 27 (3) The department shall annually award to law enforcement
 28 agencies any funds specifically appropriated for the grant
 29 program to cover processing and testing of DNA samples by

Page 1 of 2

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

9-01474-25

20251072__

30 private laboratories.
 31 (4) Grants may be used by a law enforcement agency:
 32 (a) When the technology or technique needed to process and
 33 test the evidence or DNA sample properly is not readily
 34 available at a local or state laboratory; or
 35 (b) When, in the agency's judgment, justice is best served
 36 through expedited processing and testing of the evidence or
 37 sample.
 38 (5) Each grant recipient shall provide to the executive
 39 director a report no later than 1 year after receipt of funding
 40 under the grant program. The report must include all of the
 41 following information:
 42 (a) The amount of annual funding received.
 43 (b) The number of cases tested.
 44 (c) The type of DNA testing used, including the name of the
 45 laboratory to which such testing was outsourced, and the type of
 46 equipment used for the testing.
 47 (d) The result of the testing.
 48 (e) The average amount of time it took to make each such
 49 identification.
 50 (6) The department shall adopt rules to implement and
 51 administer this section and to establish the process for the
 52 allocation of grant funds.
 53 Section 2. This act shall take effect July 1, 2025.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1102

INTRODUCER: Fiscal Policy Committee and Senator Calatayud

SUBJECT: School Readiness Program

DATE: April 17, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sabitsch	Bouck	ED	Favorable
2. Gray	Elwell	AED	Favorable
3. Sabitsch	Siples	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1102 expands criteria for eligibility for children with special needs served in the School Readiness (SR) program and provides specific accountability and training criteria for SR providers to be eligible to receive the special needs differential allocation.

This bill does not have an immediate fiscal impact on state expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

School Readiness Program

Overview

Florida's School Readiness (SR) program offers low-income families financial assistance to facilitate access to high-quality childcare and early education for their children while parents work or participate in job training. The Division of Early Learning (DEL), under the Department of Education (DOE), administers the program at the state level while early learning coalitions (ELCs) administer the SR program at the county and regional levels. Funding comes from four

sources including the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, the Social Services Block Grant, and the State of Florida.¹

The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop school readiness skills. The program gives children access to a quality early learning environment and supports parents with information about child development and family engagement. The quality environment of each SR provider is measured by the administration of a widely recognized tool that assesses the interactions between adults and children in the classroom.

The SR program uses the Classroom Assessment Scoring System[®] (CLASS) to measure the quality of teacher-child interactions in SR programs. In Fiscal Year 2023–2024, 4,699 SR providers participated in CLASS. Providers, unless exempt, must receive a score of at least 4.00 on the CLASS to be eligible to be eligible for a SR contract. In Fiscal Year 2023–2024, almost 99 percent (4,642) of participating SR providers met the minimum contracting threshold by scoring 4.00 or higher on CLASS.

In Fiscal Year 2023–2024, there were 212,062 children participating in the SR program at 6,889 early learning providers. Total expenditures were \$990 million, which included \$36 million in administrative expenses, \$59 million in non-direct services expenditures, and \$80 million in quality expenditures.²

School Readiness Eligibility and Priorities

Florida statute defines “economically disadvantaged” as having a family income that does not exceed 150 percent of the federal poverty level and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.³ The definition is used to determine eligibility for and priority status in the SR program.

Each ELC is required to give priority to receive services under the SR program as follows:

- Children under the age of 13 from a family that includes a parent who is receiving temporary cash assistance and is subject to the federal work requirements or a parent who has an Intensive Service Account or an Individual Training Account.
- An at-risk child younger than nine years of age.
- Subsequent priority is given based on the ELC’s local priorities to children who meet the following criteria:
 - A child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school who is from a working family that is economically disadvantaged.

¹ Florida Department of Education, *Division of Early Learning 2023–2024 Annual Report (2024)*, available at <https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf> (last visited Mar. 19, 2025).

² Florida Department of Education, *Division of Early Learning 2023–2024 Annual Report (2024)*, available at <https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf> (last visited Mar. 19, 2025).

³ Section 1002.81(6), F.S.

- A child of a parent who transitions from the work program into employment from birth to the beginning of the school year for which the child is eligible for admission to kindergarten.
- An at-risk child who is at least nine years of age but younger than 13 years of age. However, an at-risk child whose sibling is enrolled in the SR program within a specific eligibility priority category shall be given priority over other children who are eligible.
- A child who is younger than 13 years of age from a working family that is economically disadvantaged.
- A child of a parent who transitions from the work program into employment who is younger than 13 years of age.
- A child who has special needs and has been determined eligible as a student with a disability who has a current individual education plan (IEP) with a Florida school district and is not younger than three years of age.
- A child who otherwise meets one of the first two eligibility criteria but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program (VPK).⁴

School Readiness Funding

Each ELC is required to establish a parent sliding fee scale that provides for a parent copayment that is not a barrier to families receiving SR program services. Coalitions may waive copayments for at-risk children or temporarily waive the copayment children whose family income is at or below the federal poverty level. Coalitions may also waive copayments for a child whose family experiences a natural disaster or an event that limits the parent's ability to pay including:

- Incarceration;
- Placement in residential treatment;
- Becoming homeless;
- An emergency situation such as a household fire or burglary; or
- While the parent is participating in parenting classes or participating in an Early Head Start program or Head Start Program.⁵

A parent may not transfer SR program services to another SR program provider until the parent has submitted documentation from the current provider to the ELC stating that the parent has satisfactorily fulfilled the copayment obligation.⁶

Each ELC is required to distribute the SR program funds as allocated in the General Appropriations Act (GAA) to the eligible providers. All instructions to ELCs for distributing the SR program funds to eligible providers come from the DOE in accordance with the policies of the Legislature.⁷

⁴ Section 1002.87(1), F.S.

⁵ Section 1002.84(9), F.S.

⁶ *Id.*

⁷ Section 1002.84(17), F.S.

All state, federal, and local matching funds provided to an ELC are to be used for implementation of its approved SR program plan, including the hiring of staff to effectively operate the SR program.⁸

Costs for the SR program must be kept to the minimum necessary for the efficient and effective administration of the SR program with the highest priority of expenditure being direct services for eligible children. No more than five percent of the funds allocated in the general appropriations act may be used for administrative costs and no more than 22 percent of the funds allocated may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services.⁹

Gold Seal Quality Care Program Allocation.

The Gold Seal Quality Care Program allocation provides eligible SR program providers with the established rate differential. A childcare facility which achieves Gold Seal Quality status and which participates in the School Readiness program shall receive a minimum of a 20 percent rate differential for each enrolled School Readiness child by care level and unit of childcare.¹⁰ Subject to legislative appropriation, all expenditures from the Gold Seal Quality Care Program allocation are required to be used by the DOE to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved Child Care and Development Fund Plan.¹¹

Differential Payment Program Allocation.

The differential payment program allocation provides eligible SR program providers the differential pay¹² established by the DOE. Subject to legislative appropriation, all expenditures from the differential payment program allocation must be used by the DOE to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved Child Care and Development Fund Plan.¹³

Special Needs Differential Allocation.

The special needs differential allocation provides assistance to eligible SR program providers to implement the special needs rate provisions defined in the state's approved Child Care and Development Fund Plan. Subject to legislative appropriation, each early learning coalition must be reimbursed based on actual expenditures. All expenditures from the special needs differential allocation must be used by the DOE to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved plan.¹⁴

⁸ Section 1002.89(3), F.S.

⁹ Section 1002.89(4), F.S.

¹⁰ Section 1002.945(6), F.S.

¹¹ Section 1002.89(1), F.S.

¹² Section 1002.82(2)(o), F.S.

¹³ Section 1002.89(1)(c), F.S.

¹⁴ Section 1002.89(1)(d), F.S.

III. Effect of Proposed Changes:

This bill modifies s. 1002.87, F.S., to expand in priorities for the School Readiness (SR) program the description of a child who has special needs to include a child who requires additional accommodations beyond those required by the Americans with Disabilities Act, and requires that a child's special needs and the associated accommodations be validated by one of the following who is not the child's parent or relative or a person employed by the childcare provider:

- A licensed health care professional.
- A licensed mental health professional.
- An educational psychologist.

The bill requires the following documentation to be used in determining a child's eligibility for accommodations:

- A current individual education plan (IEP) with a Florida school district.
- A current individualized family support plan (IFSP).
- A written determination of required accommodations by a licensed health care professional, a licensed mental health professional or an educational psychologist.

The bill allows an SR provider to be eligible to receive additional funding through the special needs differential for an eligible child.

The bill modifies s. 1002.89(1), F.S., to provide eligibility requirements that must be met by July 1, 2027, in order for SR providers to receive additional funding under the special needs differential allocation that include:

- Meeting or exceeding the minimum CLASS composite score for contracting.
- Completing training on early identification of social and communication delays specified by the Department of Education (DOE).
- The instructor having completing 10 hours of training in inclusive early childhood or inclusive school-age education practices prior to or within 90 days of being assigned to a child needing additional accommodations or within 90 days for newly hired staff being assigned to those children.
- Additional relevant training consisting of two hours each year by the instructor assigned to a child in order for the provider to remain eligible for the special needs differential allocation.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

As the new requirements for eligibility for the special needs differential allocation do not occur until July of 2027, there is no immediate impact for the 2025–2026 fiscal year. It is unknown how many additional providers/children, if any, would qualify for and receive the special needs differential. This population may receive services through other sources, reducing the potential future fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.87 and 1002.89.

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

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

CS by Fiscal Policy on April 17, 2025:

The committee substitute further limits individuals who can provide documentation of a child's need for accommodations, clarifies types of documentation needed for accommodations, and further defines program assessment and training eligibility criteria for providers to receive the special needs differential allocation. The committee substitute requires further training of provider personnel in order to maintain eligibility to receive the special needs differential allocation and updates the effective date of the bill.

B. Amendments:

None.



261794

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
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	.	
	.	

The Committee on Fiscal Policy (Calatayud) recommended the following:

Senate Amendment

Delete lines 55 - 113
and insert:
person may not be the child's parent or relative or a person
employed by a child care provider. The following documentation
must be used to determine the child's eligibility for such
accommodations:

a. ~~with a disability,~~ has A current individual education
plan with a Florida school district; ~~and is not younger than 3~~



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~~years of age.~~

b. A current individualized family support plan;

c. A diagnosed special need; or

d. A written determination of required accommodations by a licensed health care professional, a licensed mental health professional, or an educational psychologist ~~needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.~~

7. A child who otherwise meets one of the eligibility criteria in paragraphs (a) and (b) and subparagraphs 1. and 2. but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.

(2) A school readiness program provider may be paid only for authorized hours of care provided for a child in the school readiness program. A child enrolled in the Voluntary Prekindergarten Education Program may receive care from the school readiness program if the child is eligible according to the eligibility priorities and criteria established in subsection (1). The school readiness program provider of a child who meets the requirements of subsection (6) may be eligible for additional funding through the special needs differential allocation to implement the special needs rate as determined in s. 1002.89(1)(d).

Section 2. Paragraph (d) of subsection (1) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness



261794

program shall be used by the early learning coalitions in accordance with this part and the General Appropriations Act.

(d) *Special needs differential allocation.*—There is created the special needs differential allocation to assist eligible school readiness program providers to implement the special needs rate provisions defined in the state’s approved Child Care and Development Fund Plan. Subject to legislative appropriation, each early learning coalition shall be reimbursed based on actual expenditures. All expenditures from the special needs differential allocation shall be used by the department to help meet federal targeted requirements for improving quality to the extent allowable in the state’s approved plan. A school readiness program provider is eligible for funding through the allocation to implement the special needs differential rate upon meeting all of the following requirements beginning July 1, 2027:

1. The provider has met or exceeded the minimum program assessment composite score required for contracting as determined by the department, as applicable.

2. Instructional staff employed or contracted by the provider has completed training on early identification of social and communication delays as specified by the department.

3. The instructor assigned by the provider to the child in need of additional accommodations under s. 1002.87(1)(c)6. has completed 10 hours of training in inclusive early childhood or inclusive school-age education practices within the first 90 days after the child’s enrollment or within 90 days after the hiring of a new instructor assigned by the provider to a child in need of additional accommodations under s. 1002.87(1)(c)6.



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After the initial determination of eligibility, the provider must maintain the required program composite score and the instructor assigned by the provider to a child who needs additional accommodations under s. 1002.87(1)(c)6. must complete a minimum of 2 hours of relevant training in each subsequent year after the initial determination of eligibility in order to remain eligible to implement the special needs differential rate.

Section 3. This act shall take effect July 1, 2025.

By Senator Calatayud

38-01371A-25

20251102

A bill to be entitled

An act relating to the school readiness program; amending s. 1002.87, F.S.; revising the criteria for a child to receive priority for participation in the school readiness program; amending s. 1002.89, F.S.; providing requirements for a school readiness program provider to be eligible for specified funding beginning on a specified date; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) and subsection (2) of section 1002.87, Florida Statutes, are amended to read:

1002.87 School readiness program; eligibility and enrollment.—

(1) Each early learning coalition shall give priority for participation in the school readiness program as follows:

(c) Subsequent priority shall be given, based on the early learning coalition's local priorities identified under s. 1002.85(2)(i), to children who meet the following criteria:

1. A child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th

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grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services.

2. A child of a parent who transitions from the work program into employment as described in s. 445.032 from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

3. An at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a) and (b) and subparagraph 1. shall be given priority over other children who are eligible under this paragraph.

4. A child who is younger than 13 years of age from a working family that is economically disadvantaged.

5. A child of a parent who transitions from the work program into employment as described in s. 445.032 who is younger than 13 years of age.

6. A child who has special needs and has been determined eligible as a student who requires additional accommodations beyond those required by the Americans with Disabilities Act. The child's special needs and associated accommodations must be validated by a licensed health care professional, a licensed mental health professional, or an educational psychologist. Such person may not be the child's parent or a person employed by a child care provider. The following documentation must be used to determine the child's eligibility for such accommodations:

a. with a disability, has A current individual education

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plan with a Florida school district; ~~and is not younger than 3 years of age.~~

b. A current individualized family support plan;

c. A diagnosed special need; or

d. A determination of required accommodations ~~needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.~~

7. A child who otherwise meets one of the eligibility criteria in paragraphs (a) and (b) and subparagraphs 1. and 2. but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.

(2) A school readiness program provider may be paid only for authorized hours of care provided for a child in the school readiness program. A child enrolled in the Voluntary Prekindergarten Education Program may receive care from the school readiness program if the child is eligible according to the eligibility priorities and criteria established in subsection (1). The school readiness program provider of a child who meets the requirements of subsection (6) may be eligible for additional funding through the special needs differential allocation to implement the special needs rate as determined in s. 1002.89(1)(d).

Section 2. Paragraph (d) of subsection (1) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness program shall be used by the early learning coalitions in

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20251102

accordance with this part and the General Appropriations Act.

(d) *Special needs differential allocation.*—There is created the special needs differential allocation to assist eligible school readiness program providers to implement the special needs rate provisions defined in the state's approved Child Care and Development Fund Plan. Subject to legislative appropriation, each early learning coalition shall be reimbursed based on actual expenditures. All expenditures from the special needs differential allocation shall be used by the department to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved plan. A school readiness program provider is eligible for funding through the allocation to implement the special needs differential rate upon meeting all of the following requirements by July 1, 2027:

1. The provider has met or exceeded the minimum program assessment composite score required for contracting as determined by the department, as applicable.

2. The provider has completed training on early identification of social and communication delays as specified by the department.

3. The provider has completed 10 hours of training in inclusive early childhood or inclusive school-age education practices within the preceding 2-year period with the provider completing an additional 10 hours of such training each subsequent 5-year period as specified by the department.

Section 3. This act shall take effect July 1, 2027.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1140

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;
and Senators Gruters and Osgood

SUBJECT: Criminal Offender Substance Abuse Pilot Program

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	<u>Wyant</u>	<u>Siples</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1140 creates s. 948.22, F.S., to establish a substance abuse accountability pilot program in Hillsborough County from October 1, 2025, to September 30, 2027.

The bill requires the court to designate a subset of identified eligible persons for such program. A person is eligible if such person is convicted of a felony or first degree misdemeanor, and placed on probation, for which abstaining from alcohol or a controlled substance is a condition of such release. Individuals will be randomly assigned to participate in the program and no more than 150 offenders may participate at any one time. A defendant must be explicitly advised he or she may be randomly assigned to the program, and all terms and conditions must be explained prior to entering any plea agreement that would make such person eligible. A defendant will remain in the program for the same length of time as the term of probation. Upon successful completion of half the term of participation in the program, such person is eligible for early termination of probation and participation in the program.

The bill requires the sheriff of Hillsborough County, in consultation with the chief judge of the Thirteenth Judicial Circuit, the state attorney, and the Department of Corrections (DOC), to design and implement the pilot program. The program must include specified elements.

The program must include a program coordinator, whose duties must include identifying and hiring personnel to ensure efficient administration of the program. The sheriff may make subgrants to any appropriate agency for hiring personnel.

A court may not order participation in the program in lieu of mandatory placement of an ignition interlock device. The court may reduce or eliminate program fees for a participant who has been declared indigent.

By June 30, 2028, the Attorney General must complete an evaluation of the program's effectiveness, determine the metrics to be evaluated, and may contract with a third party to conduct any program evaluations. A report on the pilot program, including the number of participants, the number of program violations, and the number of successful program completions, must be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2028.

The bill appropriates the nonrecurring sum of \$2.5 million from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

As of July 2024, 48 adult drug courts, 14 juvenile drug courts, 13 dependency drug courts, and four DUI courts are in operation in Florida. Florida's drug courts admitted 3,347 participants in 2023.¹

Conditions of Release

As a condition of pretrial release, the defendant must comply with all conditions of pretrial release imposed by the court. The court may order a defendant to refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription from a licensed medical practitioner.² The court may also order a defendant to undergo medical, psychological, psychiatric, mental health, or substance abuse evaluation and follow all recommendations, including treatment for drug or alcohol dependency, and remain in a specified institution for that purpose.³

Section 907.041, F.S., provides a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release, unless such person is charged with a dangerous crime as defined in s. 907.041(5), F.S. or such person is an unauthorized alien charged with a forcible felony as defined in s. 907.041(6). A person charged with a dangerous crime shall be released on monetary conditions if such conditions are necessary to:⁴

- Assure the presence of the person at trial or at other proceedings;

¹ Florida Courts, Office of Problem-Solving Courts, *Drug Courts*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts/Drug-Courts> (last visited April 4, 2025).

² Section 903.047(1)(c)7., F.S.

³ Section 903.047(1)(c)8., F.S.

⁴ Section 907.041(3)(a), F.S.

- Protect the community from risk of physical harm to persons;
- Assure the presence of the accused at trial;
- Assure the integrity of the judicial process.

Probation, Community Control, and Conditional Release

A court may sentence an offender to probation or community control in lieu of, or in addition to, incarceration.⁵ Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions, including, but not limited to, a person:

- Submitting to random testing as directed by his or her probation officer or the professional staff of the treatment center where he or she is receiving treatment to determine the presence or use of alcohol or controlled substances;
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician, an advanced practice registered nurse, or a physician assistant; and
- Remaining away from places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.⁶

Community control is a more intensive form of supervision involving an individualized program that restricts an offender's movement within the community, home, or noninstitutional residential placement.⁷ Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law. The court may also impose special conditions of probation or community control as it considers proper. Following incarceration, offenders who qualify under Florida's "Conditional Release Program Act" may be released under supervision subject to specified terms and conditions determined by the Florida Commission on Offender Review (FCOR).⁸

Alternative Sanctioning Program

Under s. 948.06(9), F.S., each judicial circuit must establish an alternative sanctioning program (ASP), and the chief judge may, by administrative order, define additional sanctions or eligibility criteria and specify the process for reporting technical violations through the ASP. Any sanctions recommended for imposition through an ASP must be submitted to the court by the probation officer for approval before imposition.⁹

The participation of a probationer or an offender on community control in an ASP is voluntary, and such participant may waive or discontinue participation in the program at any time before the court imposes a recommended sanction.¹⁰

A probationer or offender on community control who commits a technical violation that is eligible for an ASP may:

⁵ Section 948.01, F.S. and Section 948.012

⁶ Section 948.03(1), F.S.

⁷ Section 948.001(3), F.S.

⁸ FCOR is authorized under s. 8(c), Art. IV of the State Constitution and responsible for granting and revoking parole and investigating applications for clemency as directed by the Governor and Cabinet. Section 20.32, F.S.

⁹ Section 948.06(9)(a), F.S.

¹⁰ Section 948.06(9)(g), F.S.

- Waive participation in the program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court; or
- Elect to participate in the program after receiving written notice of an alleged technical violation and disclosure of the evidence against him or her, and admit the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:
 - Be represented by legal counsel;
 - Require the state to prove his or her guilt before a neutral and detached hearing body;
 - Subpoena witnesses and present to a judge evidence in his or her defense;
 - Confront and cross-examine adverse witnesses; and,
 - Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.¹¹

Additionally, if the probationer or offender on community control admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court with documentation reflecting the probationer's admission to the technical violation and agreement with the recommended sanction.

The court may impose the recommended sanction or direct the DOC to submit a violation report, affidavit, and warrant to the court.¹² If a probationer or offender on community control waives or discontinues participation in the program or fails to successfully complete all alternative sanctions within 90 days after imposition or within the timeframe specified in the agreed-upon sanction, the probation officer may submit a violation report, affidavit, and warrant to the court. A prior admission by the probationer or offender on community control to a technical violation may not be used as evidence in subsequent proceedings.¹³

Violations under an ASP are classified as “low” or “moderate.” In relevant part, a “low-risk” violation includes:

- A positive drug or alcohol test result;
- Failure to report to the probation office;
- Failure to report a change in address or other required information;
- Failure to attend a required class, treatment or counseling session, or meeting;
- Failure to submit to a drug or alcohol test;
- A violation of curfew;
- Failure to meet a monthly quota on any required probation condition, including, but not limited to, making restitution payments, paying court costs, or completing community service hours;
- Leaving the county without permission;
- Failure to report a change in employment;
- Associating with a person engaged in criminal activity; or,
- Any other violation as determined by administrative order of the chief judge of the circuit.¹⁴

¹¹ Section 948.06(9)(h), F.S.

¹² Section 948.06(9)(i), F.S.

¹³ Section 948.06(9)(j), F.S.

¹⁴ Section 948.06(9)(b), F.S.

For a first or second “low-risk” violation within the current term of supervision, a probation officer may offer an eligible probationer one or more of the following as an alternative sanction:

- Up to 5 days in the county jail;
- Up to 50 additional community service hours;
- Counseling or treatment;
- Support group attendance;
- Drug testing;
- Loss of travel or other privileges;
- Curfew for up to 30 days; or,
- House arrest for up to 30 days.¹⁵

Administrative Probation

Under s. 948.013, F.S., the DOC may transfer an offender to administrative probation if he or she presents a low risk of harm to the community and has satisfactorily completed at least half of his or her probation term. The DOC may establish procedures for transferring an offender to administrative probation, but specified offenders are ineligible for placement on administrative probation, including individuals who were sentenced to or serving a term of probation or community control for:

- Kidnapping or false imprisonment under s. 787.01, F.S., or s. 787.02, F.S., where the victim is under age 13 and the defendant is not the victim's parent;
- Luring or enticing a child under s. 787.025, F.S.;
- Human trafficking under s. 787.06(3)(g), F.S.;
- Sexual battery under ch. 794, F.S.;
- Former s. 796.03, F.S.;
- Lewd or lascivious offenses against or in the presence of a person under 16 years of age, under s. 800.04, F.S.;
- Lewd or lascivious battery against an elderly or disabled person under s. 825.1025(2)(b), F.S.;
- Sexual performance by a child or child pornography under s. 827.071, F.S.;
- Obscenity under s. 847.0133, F.S.;
- Online solicitation of a minor, computer pornography, traveling to meet a minor, or prohibited computer usage under s. 847.0135, F.S.;
- Buying or selling minors under s. 847.0145, F.S.; or,
- Offenses related to sexual predator and sexual offender status under s. 775.21(4)(a)1.a. or b., F.S. or s. 943.0435(1)(h)1.a., F.S. committed on or after October 1, 2017.

Problem Solving Courts

Diversion is authorized in both pre-arrest and post-arrest actions. There are several different types of diversion programs, sometimes referred to as “problem-solving courts” such as pretrial intervention, drug diversion, traffic diversion, and juvenile diversion.

¹⁵ Section 948.06(9)(e), F.S.

In 1989, Florida started the national problem-solving court movement by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed, using the drug court model, and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, child abuse neglect, and homelessness.¹⁶

Problem-solving courts offer a specialized court docket and include, but are not limited to, the following elements:

- Problem solving team, a broad-based team of justice system stakeholders including judges, case managers, prosecutors, defense attorneys, treatment professionals, law enforcement officers, correctional personnel, and guardians ad litem;
- Non-adversarial approach, a commitment to offering alternatives to the traditional adversarial litigation process;
- Continuum of individualized treatment services, an array of evidence-based services designed to identify and meet the unique needs of each participant;
- Judicial leadership and interaction, a judge who leads the problem-solving team and monitors the court case using an increased number of hearings for monitoring compliance and progress; and,
- Response to participant compliance, the use of graduated, individualized, and coordinated responses, both for incentives and sanctions, to promote both public safety and participant's success.¹⁷

Hillsborough County Adult Drug Recovery Court

The Adult Drug Recovery Court is designed to treat and assist those individuals whose drug and alcohol problems have resulted in being charged with a third degree felony.¹⁸

To be eligible, individuals must score less than 60 points on the Criminal Conduct Scoresheet and agree to receiving treatment. Drug offender probation usually involves drug treatment, increased contact with the probation officer, more frequent urine screens, and support group attendance, if recommended. Relapse or other violations of the terms of probation do not automatically result in a prison sentence. The court is well aware of the difficulties of establishing sobriety and is willing to work with individuals who are making the effort to stay clean. Violations normally result in a re-evaluation with another, usually more intense, treatment episode.¹⁹

Hillsborough County Drug Pretrial Intervention

The Adult Pretrial Intervention Court (DPTI) allows first and second time drug offenders the opportunity to avoid having a felony conviction on their record. After completing a background

¹⁶ Florida Courts, Office of Problem-Solving Courts, *Background*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited April 4, 2025).

¹⁷ Florida Courts, Office of Problem-Solving Courts, *Defining Elements*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited April 4, 2025).

¹⁸ Thirteenth Judicial Circuit, Hillsborough County, *About Problem Solving Courts*, available at: <https://www.fljud13.org/CourtPrograms/ProblemSolvingCourts/AboutProblemSolvingCourts.aspx> (last visited April 4, 2025).

¹⁹ *Id.* Adult Drug Court, FAQs

check, the defendant signs a contract in which he or she agrees to complete a drug treatment program and the State Attorney's Office agrees to drop the charges upon successful completion of that program.²⁰

Any person over the age of 18 who is a first or second time drug offender, who has not had previous pretrial intervention episodes is eligible provided they waive their right to a speedy trial, admit to having a drug problem, and express a desire for treatment. Treatment involves group and individual counseling, urine screens, support group attendance, and acupuncture. The frequency of treatment will be dependent on an individual's needs and resources, however, the amount of treatment gradually decreases as the individual progresses. Defendants are also required to meet regularly with a DOC probation officer and attend case reviews in front of the judge.²¹

To enter into such program, the defendant must agree to submit to random urine, breath, and other drug and alcohol testing no less than two times per week throughout the participation in the program or as otherwise directed by the court. Additionally, the defendant must agree to pay specified costs of the DPTI program.²²

III. Effect of Proposed Changes:

The bill creates s. 948.22, F.S., to create a substance abuse accountability pilot program in Hillsborough County from October 1, 2025, to September 30, 2027.

The bill requires the court to identify and designate a subset of eligible persons for such program. A person is eligible if such person is:

- Convicted of a felony or first degree misdemeanor;
- Placed on probation; and
- Required to abstain from alcohol or a controlled substance as a condition of such release.

Individuals will be randomly assigned to participate in the program. All persons deemed eligible have the same probability of assignment, and no more than 150 offenders may participate at any one time. A defendant must be explicitly advised he or she may be randomly assigned to the program and all terms and conditions must be explained prior to entering any plea agreement that would make such person eligible.

The bill requires the sheriff of Hillsborough County, in consultation with the chief judge of the Thirteenth Judicial Circuit, the state attorney, and the DOC, to design and implement the pilot program. The program must include the following elements:

- The sheriff must manage the supervision of all participants during their participation in the program. Upon discharge, the participant must be managed in accordance with current law or for any remaining term of supervision.

²⁰ *Id.*

²¹ *Id.* Drug Pretrial Intervention, FAQs

²² Thirteenth Judicial Circuit Court, *DPTI Program Agreement*, available at:

https://www.fljud13.org/Portals/0/Forms/word_docs/ProblemSolvingCourts/JudgeRice/DPTIAGRMNTFINALPlusExhibitA_042921.docx?ver=2021-05-03-103429-923 (last visited April 4, 2025).

- Participants must attend an in-person judicial hearing at which the judge must explain to the participants all program conditions and sanctions for noncompliance. A defendant will remain in the program for the same length of time as the term of probation. Upon successful completion of half the term of participation in the program, such person is eligible for early termination of probation and participation in the program.
- A participant ordered to abstain from alcohol must be tested twice per day by mobile breath alcohol testing approximately 12 hours apart. Testing must be completed in person at Hillsborough County Sheriff's Office or an alternative location designated by the sheriff's office. A court may reduce the frequency of testing to once per day for a participant who has zero adjudicated program violations for 60 consecutive days.
- A participant ordered to abstain from controlled substances must be tested randomly, at least twice every seven days, with no fewer than 60 hours between tests. Testing must be completed at Hillsborough County Sheriff's Office or an alternate location designated by the sheriff's office, by a method determined by the sheriff. A court may reduce the frequency of testing to once per week for a participant who has zero adjudicated program violations for 6 consecutive months.
- Missed tests, failed tests, or alerts by a continuous monitoring device of a positive test result is probable cause that a participant has committed a violation of the program. However, the presence of a federally approved medication lawfully prescribed to a participant for the treatment of a substance use disorder shall not constitute a failed test or positive test result for purpose of establishing probable cause. If such probable cause exists, the participant must be arrested at the earliest opportunity and held in county jail until an appearance before a judge no later than 24 hours after the participant's arrest.
- Upon a judicial finding that a participant violated the program, the participant must serve 24 hours in county jail, with credit for time served between the arrest and the judicial finding. Penalties may not be waived or modified.
- A participant arrested and held, and whose alleged violation is not adjudicated within 24 hours of the arrest must be released at the earliest possible opportunity. Release does not terminate the person's participation in the program.
- Upon five adjudicated violations of program conditions, a court may discharge the participant from the program and sentence the person as authorized by law. The court is not precluded from modifying the conditions of a participant's supervision, including revocation, upon any other violation of supervision conditions.
- Participants must pay all fees associated with participation in the program. However, a court may reduce or eliminate program fees for a participant who has been declared indigent.
- If a court determines that in-person mobile breath alcohol testing is unreasonably burdensome to a participant, the participant may instead be ordered to wear a continuous monitoring device capable of detecting and signaling the presence of alcohol.

The program must include a program coordinator, whose duties must include identifying and hiring personnel to ensure efficient administration of the program. The sheriff may make subgrants to any appropriate agency for hiring personnel.

A court may not order participation in the program in lieu of mandatory placement of an ignition interlock device.

By June 30, 2028, the Attorney General must complete an evaluation of the program's effectiveness, determine the metrics to be evaluated, and may contract with a third party to conduct any program evaluations. A report on the pilot program, including the number of participants, the number of program violations, and the number of successful program completions, must be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2028.

Additionally, the bill provides that for Fiscal Year 2025-2026, a nonrecurring sum of \$2.5 million shall be appropriated from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. Funds may be used for any expenses related to establishing and administering the program through September 30, 2027, including personnel, equipment, training and technical assistance, payments for jail space, data collection, program evaluations, and program fees for indigent participants.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill appropriates the nonrecurring sum of \$2.5 million from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. The funds may be used for expenses relating to establishing and administering the program including program fees for indigent participants. The bill requires participants to pay all fees associated with participation in the program. However, a court may reduce or eliminate program fees for a participant who has been declared indigent.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 948.22 of the Florida Statutes.

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

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute provides that the presence of a federally approved medication lawfully prescribed to a participant for the treatment of a substance use disorder does not constitute a failed test or positive test result for purpose of establishing probable cause for a violation of the program.

CS by Criminal Justice on April 1, 2025:

This committee substitute:

- Modifies the eligibility of the program to include only persons convicted of a felony or first degree misdemeanor and who are placed on probation.
- Requires a person must be explicitly advised he or she may be randomly assigned to the program and all terms and conditions must be explained prior to entering any plea agreement making such person eligible.
- Provides a person will remain in the program for the same length of time as the term of probation and allows for a person to early terminate probation and participation in the program after successful completion of half the term of participation in the program.
- Allows a court to eliminate program fees for a participant who has been declared indigent.
- Requires reporting to include the number of program participants, the number of program violations, and the number of successful program completions.

B. Amendments:

None.

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

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Gruters

604-03475-25

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A bill to be entitled

An act relating to a criminal offender substance abuse pilot program; creating s. 948.22, F.S.; creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; specifying that eligible participants shall be advised of the program before entering a plea; providing for design and implementation of the program; specifying how long a person may participate in the program; providing that participants are entitled to an attorney at any court hearing related to the program; providing requirements for the program; authorizing a court to terminate probation and participation in the program or place a person on administrative probation under specified circumstances related to the program; specifying personnel requirements; authorizing subgrants for personnel needs; specifying that program participation does not supersede ignition interlock requirements; requiring program evaluation by a specified date; requiring a report to certain officials by a specified date; providing for repeal of provisions; providing an appropriation; providing an effective date.

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

Section 1. Section 948.22, Florida Statutes, is created to read:

948.22 Substance Abuse Accountability Pilot Program.—

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(1) A Substance Abuse Accountability Pilot Program is established in Hillsborough County from October 1, 2025, through September 30, 2027.

(2) (a) Among persons convicted of a felony or first-degree misdemeanor and who are placed on probation, for which abstention from alcohol or controlled substances is a condition of compliance, a court shall designate a subset identified as eligible for the program. Among this eligible pool, individuals will be randomly assigned to participate in the program. All persons deemed eligible shall have the same probability of assignment to the program and shall participate in the program if assigned. No more than 150 offenders may participate in the program at any one time.

(b) Prior to entering any plea agreement that includes a term of probation and any condition of compliance that would make a person eligible for the program, the person must be explicitly advised that he or she may be randomly assigned to participate in the program. All terms and conditions of the program shall be explained to the person, and the person shall acknowledge in writing that he or she understands such terms and conditions and is entering a plea freely and voluntarily.

(3) The sheriff of the participating county, in consultation with the chief judge of the judicial circuit, the state attorney, and the Department of Corrections, shall design and implement the program. The sheriff may contract with a third party to assist with program design and implementation. However, the program established under this section must include all of the following elements:

(a) Notwithstanding any other law, the sheriff shall manage

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the supervision of all participants during their participation in the program. Upon discharge from the program, the participants shall be managed in accordance with current law for any remaining term of supervision.

(b) Participants shall attend an in-person judicial hearing at which a judge shall explain to the participants all program conditions and sanctions for noncompliance. Except as provided in paragraph (k), a participant's term of participation in the program shall be for the same length as the term of probation for which he or she was sentenced, but may not exceed the expiration of the program. Participants are entitled to an attorney at any court hearing related to the program. A court shall appoint a public defender for a participant who is eligible to be represented by a public defender under s. 27.51.

(c) A participant who is ordered to abstain from alcohol shall be tested twice per day by mobile breath alcohol testing. Testing shall be completed in person at the participating county sheriff's office or an alternate location designated by the sheriff's office, approximately 12 hours apart. However, if a court determines that in-person testing is unreasonably burdensome to a participant, the participant may instead be ordered to wear a continuous monitoring device capable of detecting and signaling the presence of alcohol.

(d) A participant who is ordered to abstain from controlled substances shall be tested randomly, at least twice every 7 days, with no fewer than 60 hours between tests. Testing shall be completed in person at the participating county sheriff's office or an alternate location designated by the sheriff's office, by a method determined by the sheriff.

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(e) A missed test, failed test, or alert by a continuous monitoring device of a positive test result shall be probable cause that a participant has committed a violation of the program. However, the presence of a federally approved medication lawfully prescribed to a participant for the treatment of a substance use disorder shall not constitute a failed test or positive test result for purposes of establishing probable cause under this paragraph.

(f) If there is probable cause that a participant has committed a violation of the program, the participant shall be arrested at the earliest opportunity and held in county jail until an appearance before a judge which must occur no later than 24 hours after the participant's arrest.

(g) Upon a judicial finding that a participant has committed a violation of the program, the participant shall be ordered to serve 24 hours in county jail, with credit for time served between his or her arrest and the judicial finding of a violation. The court may not waive or modify any penalties required under this paragraph.

(h) A participant who is arrested and held in custody under this section whose alleged violation is not adjudicated within 24 hours of his or her arrest must be released at the earliest possible opportunity. Release of a participant under this paragraph does not end the offender's participation in the program.

(i) A court may reduce the frequency of testing for alcohol consumption to once per day for a participant who has zero adjudicated program violations for 60 consecutive days.

(j) A court may reduce the frequency of testing for

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controlled substances to once per week for a participant who has zero adjudicated program violations for 6 consecutive months.

(k) Upon successful completion of half the term of participation, the court may place the person on administrative probation pursuant to s. 948.013 for the remainder of the term of supervision, or may terminate the person's probation and participation in the program.

(l) Upon five adjudicated violations of program conditions, a court may discharge the participant from the program and sentence the offender as authorized by law. Nothing in this paragraph shall preclude a court from modifying the conditions of a participant's supervision, including revocation of supervision, upon any other violation of supervision conditions.

(m) Participants shall pay all fees associated with participation in the program. However, a court may reduce or eliminate program fees for a participant who has been declared indigent.

(4) The program established under this section shall include a program coordinator, whose duties shall include identifying and hiring personnel to ensure efficient administration of the program. The sheriff of the participating county may make subgrants to any appropriate agency for hiring personnel under this subsection.

(5) A court may not order participation in the program in lieu of mandatory placement of an ignition interlock device as described in s. 316.193.

(6) By June 30, 2028, the Attorney General shall complete an evaluation of the program's effectiveness. The Attorney General shall determine the metrics to be evaluated and may

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contract with a third party to conduct any program evaluations.

(7) A report on the pilot program, which must include the number of program participants, the number of program violations, and the number of successful program completions, shall be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2028.

(8) This section is repealed November 30, 2028.

Section 2. For the 2025-2026 fiscal year, the nonrecurring sum of \$2.5 million to the sheriff in Hillsborough County shall be appropriated from the Opioid Settlement Trust Fund. Funds appropriated under this section may be used for any expenses related to establishing and administering the program through September 30, 2027, including personnel, equipment, training and technical assistance, payments for jail space, data collection, program evaluations, and program fees for indigent participants.

Section 3. This act shall take effect July 1, 2025.

The Florida Senate
APPEARANCE RECORD

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

4/17/25

Meeting Date

Fiscal Policy

Committee

SB 1140

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Hunter Flack

Phone

850-491-1229

Address

108 S. Monroe St.

Street

Email

hunter@flapartners.com

Tallahassee

City

FL

State

32308

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:

Niskanen Center

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1310

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Bradley

SUBJECT: Reporting of Student Mental Health Outcomes

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	Fav/CS
2.	<u>Rao</u>	<u>Siples</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1310 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Department of Children and Families (DCF), the Department of Education (DOE), the Louis de la Parte Florida Mental Health Institute, and other relevant stakeholders to evaluate school district's compliance with the provision of mental health services and supports to students in school.

The bill requires the DOE, school district threat management coordinators, and mental health coordinators to provide specified information to OPPAGA for reporting and evaluation purposes.

The bill requires the DCF and the Louis de la Parte Florida Mental Health Institute to coordinate with OPPAGA and provide requested information related to the performance of the coordinated behavioral health system of care pursuant to Ch. 394, F.S.

The bill has no fiscal impact on the state government or the private sector. *See* Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Mental Health in Schools

Mental illnesses are conditions that affect an individual's thinking, feeling, mood, and behavior.¹ While many children may not experience mental distress,² some children may experience prolonged mental distress that may affect their ability to connect with their peers, participate in activities, and affect their day-to-day lives.³ It is estimated that one in six youth aged 6-17 years of age experience a mental health disorder annually.⁴ Receiving school-based early treatment from trained mental health professionals may help students manage their mental health and have positive school outcomes.⁵

Office of Program Policy Analysis and Government Accountability (OPPAGA)

The Florida Legislature created the Office of Program Policy Analysis and Government Accountability (OPPAGA) in 1994.⁶ The OPPAGA is a research arm of the Legislature and conducts examinations of governmental entities to help improve the performance and accountability of state government.⁷ The Legislature, presiding officers of the Legislature, or the Joint Legislative Auditing Committee may direct OPPAGA to conduct research on a specific topic or governmental entity.⁸ Generally, OPPAGA provides the following research services⁹:

- Performance evaluations and policy reviews of government programs.
- Research and technical assistance to legislators and legislative committees.
- Government Program Summaries that contain descriptive and evaluative information on all major state programs.
- Weekly electronic newsletters of policy research.

The Louis de la Parte Florida Mental Health Institute

In 2002, the Legislature established the Louis de la Parte Florida Mental Health Institute (FMHI) within the University of South Florida.¹⁰ FMHI is designed to provide technical assistance and

¹ National Library of Medicine, *Mental Disorders*, available at: <https://medlineplus.gov/mentaldisorders.html> (last visited 3/20/25).

² U.S. Centers for Disease Control, *Data and Statistics on Children's Mental Health*, available at: <https://www.cdc.gov/children-mental-health/data-research/index.html> (last visited 3/20/25).

³ National Library of Medicine, *Mental Disorders*, available at: <https://medlineplus.gov/mentaldisorders.html> (last visited 3/20/25); and National Alliance on Mental Illness, *Mental Health in Schools*, available at: <https://www.nami.org/Advocacy/Policy-Priorities/Improving-Health/Mental-Health-in-Schools/> (last visited 3/20/25).

⁴ National Alliance on Mental Illness, *Mental Health in Schools*, available at: <https://www.nami.org/Advocacy/Policy-Priorities/Improving-Health/Mental-Health-in-Schools/> (last visited 3/20/25).

⁵ National Alliance on Mental Illness, *Mental Health in Schools*, available at: <https://www.nami.org/Advocacy/Policy-Priorities/Improving-Health/Mental-Health-in-Schools/> (last visited 3/20/25).

⁶ Chapter 94-249, L.O.F.

⁷ Office of Program Policy Analysis and Government Accountability, *About OPPAGA*, available at: <https://oppaga.fl.gov/About> (last visited 3/28/25).

⁸ *Id.*

⁹ *Id.*

¹⁰ Chapter 2002-387, L.O.F.

support services to mental health agencies and mental health professionals.¹¹ Such assistance and services shall include the following¹²:

- Technical training and specialized education.
- Development, implementation, and evaluation of mental health service programs.
- Evaluation of availability and effectiveness of existing mental health services.
- Analysis of factors that influence the incidence and prevalence of mental and emotional disorders.
- Dissemination of information about innovations in mental health services.
- Consultation on all aspects of program development and implementation.
- Provisions for direct client services, provided for a limited period of time either in the institute facility or in other facilities within the state, and limited to purposes of research or training.

FMHI is the largest behavioral health services research center in the United States. One of its main research focuses is the system of mental health care for children.¹³ In addition to research, FMHI consults with school districts to ensure mobile response teams can provide immediate, onsite behavioral health crisis services to children.¹⁴

Department of Children and Families

The Department of Children and Families (DCF) is directed to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.¹⁵ The DCF provides services relating to the following¹⁶:

- Adult protection.
- Child care regulation.
- Child welfare.
- Domestic violence.
- Economic self-sufficiency.
- Homelessness.
- Mental health.
- Refugees.
- Substance Abuse.

The DCF is required to prepare a state master plan for the delivery and financing of a system of publicly funded, community-based substance abuse and mental health services throughout the state. This plan must include strategies for meeting the treatment and support needs of children

¹¹ Section 1004.44, F.S.

¹² *Id.*

¹³ University of South Florida, *Louis de la Parte Florida Mental Health Institute Research*, available at: <https://www.usf.edu/cbcs/fmhi/research/index.aspx> (last visited 3/28/25).

¹⁴ Section 1004.44 (4), F.S. and section 394.495, F.S.

¹⁵ Section 20.19, F.S.

¹⁶ Section 20.19, F.S.

and adolescents who have, or are at risk of having, mental, emotional, or substance abuse problems.¹⁷

State Board of Education

The State Board of Education is the chief implementing and coordinating body of public education in Florida.¹⁸ It consists of seven members appointed by the Governor and confirmed by the Senate.¹⁹ The State Board of Education appoints the Commissioner of Education and is the Executive Director of the Department of Education (DOE).²⁰

The State Board of Education exercises general supervision over the divisions of the Department of Education.²¹ The divisions of the Department of Education include the following²²:

- Division of Florida Colleges.
- Division of Public Schools.
- Division of Early Learning.
- Division of Career and Adult Education.
- Division of Vocational Rehabilitation.
- Division of Blind Services.
- Division of Accountability, Research, and Measurement.
- Division of Finance and Operations.
- Office of K-20 Articulation.
- The Office of Independent Education and Parental Choice.
- The Office of Safe Schools.

Office of Safe Schools

The Office of Safe Schools (Office) was codified within the Department of Education in 2018, after the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida on February 14, 2018.²³ The mission of the Office is to support school districts in providing a safe learning environment for students and educators through prevention, intervention, and emergency preparedness planning.²⁴

In 2023, the Legislature directed the Office to develop a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal.²⁵ Florida law requires the statewide behavioral threat management operational process to guide school districts, schools, charter school governing boards, and charter schools through the threat management process that identifies, assesses, manages, and

¹⁷ Section 394.75, F.S.

¹⁸ Section 1001.02, F.S.

¹⁹ Section 2, Article IX of the State Constitution.

²⁰ Section 20.15, F.S.

²¹ Section 1001.02, F.S.

²² Section 20.15(3), F.S.

²³ Chapter 2018-3, L.O.F. and Florida Department of Education, *Office of Safe Schools: What We Do*, available at: <https://www.fldoe.org/safe-schools/what-we-do.stml> (last visited 3/20/25).

²⁴ Florida Department of Education, *Office of Safe Schools*, available at: <https://www.fldoe.org/safe-schools/> (last visited 3/20/25).

²⁵ Chapter 2023-18, L.O.F.

monitors potential and real threats to schools. This process must include, but is not limited to the following²⁶:

- The establishment and duties of threat management teams.
- Defining behavioral risks and threats.
- The use of the Florida-specific behavioral threat assessment instrument developed to evaluate the behavior of students who may pose a threat to the school, school staff, or other students and to coordinate intervention and services for such students.
- Upon the availability of the threat management portal, the use, authorized user criteria, and access specifications of the portal.
- Procedures for the implementation of interventions, school support, and community services.
- Guidelines for appropriate law enforcement intervention.
- Procedures for risk management.
- Procedures for disciplinary actions.
- Mechanisms for continued monitoring of potential and real threats.
- Procedures for referrals to mental health services identified by the school district or charter school governing board pursuant to the statutory requirement for education and inservice training for youth mental health awareness and assistance.
- Procedures and requirements necessary for the creation of a threat assessment report, all corresponding documentation, and any other information required by the Florida-specific behavioral threat assessment instrument.

Each school district, school, charter school governing board, and charter school are required to use the statewide behavioral threat management operational process. The Office is required to provide training on the operational process and coordinate the ongoing development, implementation, and operation of the operational process.²⁷

Student Mental Health

Each school district is required to implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral health issues with appropriate services.²⁸

Generally, school-based mental health services may include mental health screenings and assessments, and referrals to school-based or community-based providers for interventions, services, or assistance.²⁹ These services must be initiated in a timely manner, according to the following timeline³⁰:

- Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns must be assessed within 15 days after referral;

²⁶ Section 1001.212(11)(a), F.S.

²⁷ Section 1001.212(11)(a)2.-4., F.S.

²⁸ Section 1006.041, F.S.

²⁹ Section 1006.041, F.S.

³⁰ Section 1006.041(c), F.S.

- School-based mental health services must be initiated within 15 days after identification and assessment; and
- Community-based mental health services must be initiated within 30 days of the referral.

Mental Health Assistance Allocation

The mental health assistance allocation provides funding to assist school districts in implementing the required school-based mental health assistance program.³¹ Each school district must receive a minimum of \$100,000 annually, with additional funding based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.³²

To receive the funding, each school district must develop a detailed plan outlining the components of the mental health assistance program and submit the plan to the district school board for approval.³³ All district schools, including charter schools, must be included in the plan, unless a charter school elects to submit a plan independently from the school district.³⁴

The plan must be focused on a multi-tiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with mental health and/or substance abuse diagnoses and to students at high risk of such diagnoses.³⁵ The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care.

At a minimum, the plan must include the following components³⁶:

- Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff. The plan must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students.
- Contracts or interagency agreements with local community health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools.³⁷
- Policies and procedures, including contracts with service providers, which will ensure that students who are referred to a school-based or community-based mental health service provider are timely assessed following referral, and that parents and other members of the student's household are provided with information about available community mental health resources.

³¹ Section 1011.62, F.S.

³² Section 1011.62(13), F.S.

³³ Section 1006.041, F.S.

³⁴ Section 1006.041, F.S.

³⁵ Section 1006.041(2), F.S.

³⁶ *Id.*

³⁷ Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.

- Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; depression; anxiety disorders; suicidal tendencies; or substance use disorders.
- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders; to improve the provision of early intervention services; and to assist students in dealing with trauma and violence.
- Procedures to assist a mental health services provider, a behavioral health provider, or a school resource officer of school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination.
- School district policies which require that school or law enforcement personnel make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination.

Each school district is required to submit its approved plans, including approved plans of each charter school in the district, to the Department of Education by August 1 of each fiscal year.³⁸

The following chart displays the funding for the Mental Health Assistance Allocation since it was established in 2018:

Mental Health Assistance Allocation FY 2018-2025	
Fiscal Year	Funding Amount
2018-2019 ³⁹	\$69,237,286
2019-2020 ⁴⁰	\$75,000,000
2020-2021 ⁴¹	\$100,000,000
2021-2022 ⁴²	\$120,000,000
2022-2023 ⁴³	\$140,000,000
2023-2024 ⁴⁴	\$160,000,000
2024-2025 ⁴⁵	\$180,000,000
Total	\$844,237,286

District School Boards

Each district school board is responsible for attending to the health, safety, and other matters relating to the welfare of students in the district's geographic area.⁴⁶ Each district school superintendent is required to establish policies and procedures for the prevention of violence on

³⁸ Section 1006.041(3), F.S.

³⁹ Section 36, ch. 2018-3, L.O.F.

⁴⁰ Specific Appropriations 6 and 93, s. 2, ch. 2019-115, L.O.F.

⁴¹ Specific Appropriations 8 and 92, s. 2, ch. 2020-111, L.O.F.

⁴² Specific Appropriations 7 and 90, s. 2, ch. 2021-36, L.O.F.

⁴³ Specific Appropriations 5 and 86, s. 2, ch. 2022-156, L.O.F.

⁴⁴ Specific Appropriations 5 and 80, s. 2, ch. 2023-239, L.O.F.

⁴⁵ Specific Appropriations 5 and 84, s. 2, ch. 2024-231, L.O.F.

⁴⁶ Section 1001.42(8), F.S.

school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.⁴⁷

Mental Health Coordinator

Each school district board is required to identify a mental health coordinator for the district that shall serve as the district's primary point of contact regarding the district's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting, including the following⁴⁸:

- Coordinating with the Office of Safe Schools.
- Maintaining records and reports regarding student mental health as it relates to the mental health assistance program and school safety.
- Facilitating the implementation of school district policies relating to the respective duties and responsibilities of the school district, the superintendent, and district school principals.
- Coordinating with the school safety specialist on the staffing and training of threat management teams and facilitating referrals to mental health services, as appropriate, for students and their families.
- Coordinating with the school safety specialist on the training and resources for students and school district staff relating to youth mental health awareness and assistance.
- Reviewing annually the school district's policies and procedures related to student mental health for compliance with state law and alignment with current best practices and making recommendations, as needed, for amending such policies and procedures to the superintendent and the district school board.

Threat Management Coordinator

Each district school board and charter school governing board is required to establish a threat management team at each school. Threat management teams are tasked with utilizing resources, assessment, and intervention services with students whose behavior may pose a threat to the safety of the school, school staff, or students.⁴⁹ The teams are required to inform students, faculty, and staff how to recognize threatening or aberrant behavior that may represent a threat to the community, school, or self. Further, threat management teams are required to inform students, faculty, and staff which members of the school community to whom they can report threatening behavior.⁵⁰

Individuals on the threat management team have expertise in counseling, instruction, school administration, and law enforcement. Upon a suspected immediate mental health or substance abuse crisis, threat management teams direct school personnel to engage behavioral health crisis resources.⁵¹ These behavioral health crisis resources provide emergency intervention and assessments, make recommendations, and refer the student for appropriate services.⁵²

⁴⁷ Section 1006.07(6), F.S.

⁴⁸ Section 1006.07(6)(b), F.S.

⁴⁹ Section 1006.07(7), F.S.

⁵⁰ Section 1006.07(7)(c), F.S.

⁵¹ Section 1006.07(7)(h), F.S.

⁵² *Id.*

Each district school board is required to establish a threat management coordinator who serves as the primary point of contact regarding the district's coordination, communication, and implementation of the threat management program. The threat management coordinator must report quantitative data from the program to the Office of Safe Schools.⁵³

Evidence-Based Mental Health Awareness and Assistance Program

In 2018 the Legislature required the Department of Education to establish an evidence-based youth mental health awareness training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders.⁵⁴ The DOE was tasked with providing school personnel with the skills necessary to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.⁵⁵ Every school district has at least one certified youth mental health awareness and assistance trainer that can train all school personnel within the school district.⁵⁶

The training program must include, but is not limited to, the following⁵⁷:

- An overview of mental illnesses and substance use disorders and the need to reduce the stigma of mental illness.
- Information on the potential risk factors and warning signs of emotional disturbance, mental illness, or substance use disorders, including, but not limited to, depression, anxiety, psychosis, eating disorders, and self-injury, as well as common treatments for those conditions and how to assess those risks.
- Information on how to engage at-risk students with the skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.

Each school district is required to notify all school personnel who have received this youth mental health awareness and assistance training, and the individual to contact if a student needs services. The term “mental health services” includes, but is not limited to, community mental health services, health care providers, and services provided by multiple agencies for students with severe emotional disturbance, and services provided from the mental health assistance program.⁵⁸

Charter Schools

Charter schools are public schools that operate under a performance contract, or a “charter” between the charter school governing board and the charter school's sponsor.⁵⁹ They are held to the same evaluation and “grading” standards as traditional public schools and may be closed if

⁵³ Section 1006.07(7)(j), F.S.

⁵⁴ 2018-3, L.O.F.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Section 1012.584(3), F.S.

⁵⁸ Section 1012.584(4), F.S.

⁵⁹ Florida Department of Education, *Charter Schools*, available at: <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited 3/21/25).

they fail to meet these standards.⁶⁰ Further, they are funded through the same funding sources as traditional public schools. During the 2023-2024 school year, there were over 730 charter schools in Florida, serving 397,656 students.⁶¹

Coordinated System of Behavioral Health Care

Behavioral health care generally refers to the prevention, diagnosis, and treatment of mental health and substance use conditions.⁶² In Florida, state agencies work together to create a coordinated system of care for behavioral health.

A “coordinated system of care” refers to the full array of behavioral and related services available in a region or community. These services may be offered through managing entities,⁶³ community partners, or another service provider.⁶⁴ The coordinated system of care must include the following⁶⁵:

- Community interventions;
- Case management;
- Care coordination;
- Outpatient services;
- Residential services;
- Hospital inpatient care;
- Aftercare and postdischarge services;
- Medication-assisted treatment and medication management; and
- Recovery support.

Each year, the DCF is required to assess the behavioral health services available in the state to consider the effectiveness of the state’s coordinated system of care. This assessment must include, at a minimum, the following⁶⁶:

- The extent to which designated receiving systems function as no-wrong-door models⁶⁷;
- The availability of treatment and recovery services that use recovery-oriented and peer-involved approaches;
- The availability of less-restrictive services; and
- The use of evidence-informed practices.

⁶⁰ *Id.*

⁶¹ Florida Department of Education, *School Choice*, available at: <https://www.fldoe.org/schools/school-choice/charter-schools/> (last visited 3/21/25).

⁶² The American Medical Association, What is behavioral health?, available at: <https://www.ama-assn.org/delivering-care/public-health/what-behavioral-health> (last visited 3/30/25).

⁶³ “Managing entity” refers to a corporation selected by and under contract with the DCF to manage the daily operational delivery of behavioral health services through a coordinated system of care. *See* Section 394.9082, F.S.

⁶⁴ Section 394.9082, F.S.

⁶⁵ Section 394.4573(2), F.S.

⁶⁶ Section 394.4573, F.S.

⁶⁷ “No-wrong-door models” refers to a model for the delivery of acute care services to persons who have mental health or substance use disorders, or both, which optimizes access to care, regardless of the entry point to the behavioral health care system. *See* Section 394.4573(1)(d), F.S.

Individuals may enter the behavioral health care system through a variety of pathways, such as assessment and clinical treatment, crisis intervention, psychiatric hospitalization, and other approaches.⁶⁸ Students may become involved in the coordinated system of care for behavioral health upon an involuntary examination, or Baker Act, that is initiated at school. An individual may be taken to a Baker Act Receiving Facility⁶⁹ if there is reason to believe that the person has a mental illness and the following conditions have been met⁷⁰:

- The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or
- The person is unable to determine for himself or herself whether examination is necessary; and
- Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing, able, and responsible family members or friends or the provision of other services; or
- There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

The DCF maintains data on the number of involuntary examinations of students that were removed from school, and is required to share such data with the Louis de la Parte Florida Mental Health Institute (FMHI).⁷¹ Current law requires the FMHI to use such data to, at a minimum, analyze and report on the following⁷²:

- Initiation of involuntary examinations of children and the initiation of involuntary examinations of students who are removed from school;
- Identify any patterns or trends and cases in which involuntary examinations are repeatedly initiated on the same child or student;
- Study root causes for such patterns, trends, or repeated involuntary examinations; and
- Make recommendations to encourage the use of alternatives to eliminate inappropriate initiations of such examinations.

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 394.4575, F.S. to require the OPPAGA to evaluate school district's compliance with the provision of mental health services and supports provided to students by the statewide behavioral threat management operational process, the mental health assistance program, and continuing education and inservice training for youth mental health awareness and assistance. The bill requires the OPPAGA to consult with the DCF, DOE, the Louis de la Parte Florida Mental Health Institute, and any other relevant stakeholders during the evaluation.

⁶⁸ Florida DCF, *The System of Services and Support*, available at: <https://prod.myflfamilies.com/services/samh/treatment-services/AMH/system-of-services-and-support> (last visited 3/30/25).

⁶⁹ Currently, there are 120 Baker Act Receiving facilities designated by the DCF. See DCF agency analysis.

⁷⁰ Section 394.463, F.S.

⁷¹ *Id.*

⁷² Section 394.463(4), F.S.

The bill requires the OPPAGA to do the following:

- Provide an initial evaluation of expenditure plans and program outcome reports submitted by school districts pursuant to mental health assistance program in s. 1006.041, F.S. to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2025. The evaluation must include, but is not limited to, the following:
 - An assessment of school district compliance with the requirements of the statewide behavioral threat management operational process, the mental health assistance program, and continuing education and inservice training for youth mental health assistance.
 - An assessment of treatment outcomes, system capacity, and performance of mental health services in the mental health assistance program.
 - An assessment of the policies, procedures, and data collection that inform the school district's reporting of information required in the mental health assistance program.
 - An assessment of the mental health assistance programs' integration into the coordinated system of behavioral health care required under s. 394.4573, F.S.
 - Identification of, and recommendations for, other relevant data and information needed from the mental health assistance programs to perform an effective annual evaluation of treatment outcomes, system capacity, performance, and level of integration with community coordinated systems of care.
- Provide a final review and evaluation of the mental health assistance programs within the school districts to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2026. The evaluation must include, but is not limited to, the following:
 - An assessment of school district compliance with the requirements of the statewide behavioral threat management operational process, the mental health assistance program, and continuing education and inservice training for youth mental health assistance.
 - An assessment of the treatment outcomes, system capacity, and performance of mental health services provided pursuant to the mental health assistance program.
 - An assessment of the mental health assistance programs' ongoing level of integration with the coordinated system of behavioral health care in the state.
 - Recommendations to enhance treatment outcomes, system capacity, and performance of school-based mental health assistance programs and increase the integration of those programs into the coordinated system of behavioral health care.

The bill requires the DOE, school district threat management coordinators, and mental health coordinators to coordinate with the OPPAGA and provide requested information, reports, and data for evaluation and inclusion in the report. This information must include, but is not limited to, the following:

- Referrals to mental health services originating from the behavioral threat process or assessment instrument, in the aggregate.
- OPPAGA identified:
 - Performance metrics.
 - Treatment outcome metrics.
 - System capacity metrics.

The bill requires the DCF and the Louis de la Parte Florida Mental Health Institute to coordinate with OPPAGA and provide requested information and data related to outcomes and performance

of integrated and coordinated behavioral health systems of care pursuant to ch. 394, F.S. for evaluation and inclusion in the report.

Section 2 of the bill provides the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates s. 394.4575, Florida Statutes.

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

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

CS by Children, Families, and Elder Affairs Committee on April 1, 2025:

- Requires the OPPAGA, rather than the DCF, to evaluate school district's compliance with the provision of mental health services and supports to students in school.
- Requires the OPPAGA to submit an initial evaluation and final review of the mental health programs within school districts by December 31, 2025 and December 1, 2026, respectively.
- Requires the DOE, school district threat management coordinators, and mental health coordinators to provide the OPPAGA with requested information, reports, and data for the purposes of inclusion in the OPPAGA's evaluation and report.
- Changes the effective date of the bill to take effect upon becoming law.
- Removes language requiring the DCF to create and utilize a survey or tool to evaluate the provision of mental health services and supports within schools.

B. Amendments:

None.

By the Committee on Children, Families, and Elder Affairs; and
Senator Bradley

586-03169-25

20251310c1

A bill to be entitled

An act relating to the reporting of student mental health outcomes; creating s. 394.4575, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to submit an initial specified evaluation to the Governor and Legislature by a specified date; providing evaluation requirements; requiring the office to submit a final review and evaluation to the Governor and Legislature by a specified date; providing evaluation requirements; requiring specified entities and officials to coordinate with the office; providing an effective date.

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

Section 1. Section 394.4575, Florida Statutes, is created to read:

394.4575 Student mental health assistance program evaluation.—

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Department of Children and Families, the Department of Education, the Louis de la Parte Florida Mental Health Institute, and any other identified relevant stakeholder must evaluate school district compliance with ss. 1001.212(11), 1006.041, and 1012.584(4), and the mental health services and supports provided to students pursuant to those sections. OPPAGA shall:

(a) By December 31, 2025, provide an initial evaluation of

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the expenditure plans and program outcome reports submitted by school districts as required in s. 1006.041 to the Governor, President of the Senate, and Speaker of the House of Representatives. This evaluation must include, but is not limited to:

1. An assessment of school district compliance with the requirements of ss. 1001.212(11), 1006.041, and 1012.584(4).

2. An assessment of treatment outcomes, system capacity, and performance of mental health services provided pursuant to s. 1006.041(2) (a) and (b).

3. An assessment of the policies, procedures, and data collection that inform the reporting by school districts as required pursuant to s. 1006.041.

4. An assessment of the mental health assistance programs' integration into the coordinated system of behavioral health care required under s. 394.4573.

5. Identification of, and recommendations for, other relevant data and information needed from the mental health assistance programs to perform an effective annual evaluation of treatment outcomes, system capacity, performance, and level of integration with community coordinated systems of care.

(b) By December 1, 2026, provide a final review and evaluation of the mental health assistance programs within the school districts to the Governor, the President of the Senate, and the Speaker of the House of Representatives. This evaluation must include, but is not limited to:

1. An assessment of school district compliance with the requirements of ss. 1001.212(11), 1006.041, and 1012.584(4).

2. An assessment of the treatment outcomes, system

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59 capacity, and performance of mental health services provided
60 pursuant to s. 1006.041(2) (a) and (b).

61 3. An assessment of the mental health assistance programs'
62 ongoing level of integration with the coordinated system of
63 behavioral health care required under s. 394.4573.

64 4. Recommendations to enhance treatment outcomes, system
65 capacity, and performance of school-based mental health
66 assistance programs and increase the integration of those
67 programs into the coordinated system of behavioral health care.

68 (2) The Department of Education, school district threat
69 management coordinators, and mental health coordinators as
70 described in s. 1006.07 must coordinate with OPPAGA and provide
71 requested information, reports, and data for evaluation and
72 inclusion in the report, to include, but need not be limited to:

73 (a) Referrals to mental health services originating from
74 the behavioral threat process or assessment instrument, in the
75 aggregate.

76 (b) OPPAGA identified:

77 1. Performance metrics.

78 2. Treatment outcome metrics.

79 3. System capacity metrics.

80 (3) The department and the Louis de la Parte Florida Mental
81 Health Institute must coordinate with OPPAGA and provide
82 requested information and data related to outcomes and
83 performance of integrated and coordinated behavioral health
84 systems of care pursuant to this chapter for evaluation and
85 inclusion in the report.

86 Section 2. This act shall take effect upon becoming a law.

The Florida Senate
APPEARANCE RECORD

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

4-17-25

Meeting Date

Fiscal Policy

Committee

SB 1310

Bill Number or Topic

Amendment Barcode (if applicable)

Name Matt Herndon

Phone 941-709-2793

Address 113 E College Ave

Street

Email matt@teamrsc.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

United Way of Florida

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 1344

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice;
Criminal Justice Committee; and Senator Simon

SUBJECT: Juvenile Justice

DATE: April 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	<u>Parker</u>	<u>Siples</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1344 amends numerous sections of ch. 984, F.S., concerning ungovernable, runaway and truant youth and prevention services. The bill clarifies the process for voluntary and court-ordered intervention services and aligns the language with current practices within the Department of Juvenile Justice (DJJ).

The bill renames ch. 984, F.S., the Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children. The bill provides that the purposes for this chapter are judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm. Additionally, it is the purpose of this chapter to provide a court process for the limited purpose of early truancy intervention. Legislative intent is further revised to ensure that the child and family receive appropriate services and have access to representation by a trained advocate during court proceedings. The bill provides when a family is eligible for voluntary services, what services may be included, and the role of a case staffing committee and child study teams.

The bill provides that the circuit court has exclusive jurisdiction over judicial proceedings involving early truancy intervention, the court processes, and guidelines for the relinquishment of such jurisdiction. A child must be represented by counsel if a petition is filed alleging that he

or she is in need of services, or if he or she is subject to contempt proceedings. Guidelines for appointing counsel for an indigent child, waiving counsel, or enforcing the nonindigent parents or legal guardian of an indigent child to employ counsel are provided.

Additionally, the use of detention care or a secure detention facility intended for juvenile delinquents, or the use of a jail or similar facility is prohibited for a child under the jurisdiction of the court solely under ch. 984, F.S. A child who is held in direct or indirect contempt must be placed in shelter, and the bill provides guidance on the release of a child who has been taken into custody. The bill provides that a child taken into custody may be delivered to a hospital or public receiving facility when the child is suffering from a serious physical condition, mental illness crisis, or intoxication that threatens the safety of the child or others.

The bill may have an indeterminate workload impact on state and local governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Status Offenders

A status offense is a noncriminal act that is considered a violation of the law solely due to a youth's status as a minor. Offenses typically include truancy, running away from home, violating curfew, underage use of alcohol, and ungovernability.¹ Chapter 984, F.S., establishes the processes for providing status offenders with voluntary and involuntary intervention services, through court order. Voluntary family services to families in need must be by voluntary agreement of the parent or legal guardian and the child or pursuant to a court order.²

Family in Need of Services

The term "family in need of services" means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the DJJ or the Department of Children and Families (DCF) due to an adjudication of dependency or delinquency.³

¹ *Status Offender Literature Review*, Office of Juvenile Justice and Delinquency Prevention, available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status_offenders.pdf (last visited March 21, 2025).

² *A Guide for Parents in Need*, Florida Network of youth and family services, available at https://floridanetwork.org/wp-content/uploads/2024/12/FN_Brochure_ENG_WITH-UPDATES_12.2.2023.pdf (last visited March 21, 2025).

³ Section 984.03(25), F.S.

Child in Need of Services

The term “child in need of services” means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the DJJ or the DCF for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

- To have persistently run away from the child’s parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child’s parents or legal custodians and the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁴
- To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and through voluntary participation by the child’s parents or legal custodians and by the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁵ or
- To have persistently disobeyed the reasonable and lawful demands of the child’s parents or legal custodians, and to be beyond their control despite efforts by the child’s parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.⁶

Custody

A child may be taken into custody by a law enforcement officer who reasonably believes that:

- The child has run away from his or her parent, guardian, or other legal custodian; and,
- The child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian for the purpose of delivering the child without unreasonable delay to the appropriate school system site.⁷

A child may also be taken into custody pursuant to a circuit court order or when the child voluntarily agrees to or requests services or placement in a shelter.

Shelter Placement

A child may be placed in a secure facility as punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has failed to comply with an alternative sanction. A delinquent child who has been held in contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility. Similarly, a child in need of services may be placed in a staff-secure shelter or staff-secure residential facility solely for children in need of services if placement is available. If placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.⁸

⁴ Section 984.03(9)(a), F.S.

⁵ Section 984.03(9)(b), F.S.

⁶ Section 984.03(9)(c), F.S.

⁷ Section 984.13, F.S.

⁸ Section 984.09, F.S.

Truancy

Children 6 to 16 years of age are required to regularly attend school. A delinquent child that attains the age of 16 is no longer subject to compulsory school attendance if the child files a formal declaration of intent to terminate school enrollment with the district school board.

A student who is subject to compulsory school attendance and has 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period the child is referred to the child study team to determine if early patterns of truancy are developing and intervene.⁹

When a designated school representative finds a truant student, the representative must “return the student to the parent, to the principal or teacher in charge of the school, to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school.”¹⁰

If a school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition.¹¹

The petition must be filed in the circuit court in which the student is enrolled in school¹² and, once filed, must be heard by the court within 30 days.¹³ The student and the student’s parent or guardian must attend the hearing.¹⁴

If the court determines that the student did miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attend school. The court may also order any of the following:

- The student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months;
- The student and the student’s parent or guardian to participate in homemaker or parent aide services;
- The student or the student’s parent or guardian to participate in intensive crisis counseling;
- The student or the student’s parent or guardian to participate in community mental health services if available and applicable;

⁹ Florida Department of Education, *Attendance & Enrollment Frequently Asked Questions*, available at <https://www.fldoe.org/how-do-i/attendance-enrollment.stml> (last visited on March 22, 2025).

¹⁰ Section 1003.26(3), F.S.

¹¹ Section 984.151, F.S.

¹² Section 984.151(2), F.S.

¹³ Section 984.151(5), F.S.

¹⁴ Section 984.151(6), F.S.

- The student and the student’s parent or guardian to participate in service provided by voluntary or community agencies as available; and,
- The student or the student’s parent or guardian to participate in vocational, job training, or employment services.¹⁵

Detention Intake

When a child is taken into custody by law enforcement under ch. 985, F.S., the DJJ must conduct a risk assessment to determine if the child should be placed in detention care. If the final score of the risk assessment indicates that detention care is not appropriate, the child may be released. If the final score indicates that detention care is appropriate, but the DJJ otherwise determines the child should be released, the DJJ must contact the state attorney who may authorize release.¹⁶

“Intake” means the initial acceptance and screening by the DJJ of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

- The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate;¹⁷
- The referral of the child to another public or private agency when appropriate¹⁸; and,
- The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.¹⁹

Canadian Prescription Drug Importation Program

In 2019, the Canadian Prescription Drug Importation Program was established within the Agency for Healthcare Administration to supply the state with quality prescription drugs at a lower cost than what may be available in the US market.²⁰

Eligible importers include pharmacists or wholesalers employed by or under contract with:

- AHCA’s central pharmacy, for distribution to county health departments or free clinics;
- A Medicaid pharmacy for dispensing to the pharmacy’s Medicaid recipients;
- The Department of Corrections for dispensing to inmates in the custody of the department;
- A developmental disability center for dispensing to clients treated in the center;
- A treatment facility under s. 394.455, F.S., for dispensing to patients treated in the center, and,
- A forensic facility managed by the Agency for Persons with Disabilities for dispensing to clients in the facility.

¹⁵ Section 984.151(7), F.S.

¹⁶ Section 985.25(1), F.S.

¹⁷ Section 984.03(28)(a), F.S.

¹⁸ Section 984.03(28)(b), F.S.

¹⁹ Section 984.03(28)(c), F.S.

²⁰ Section 381.02035, F.S.

III. Effect of Proposed Changes:

The bill makes several changes to ch. 984, F.S., concerning ungovernable, runaway, and truant youth and prevention services. This bill clarifies the process for voluntary and court ordered intervention services, and aligns the language with current practices within the DJJ.

Section 1

The bill renames ch. 984, F.S., to “Children and Families in Need of Services; Prevention and intervention for School Truancy and Ungovernable and Runaway Children.”

Section 2 – Purposes and intent

The bill amends s. 984.01, F.S., to provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm, and to ensure due process through which children and other interested parties are assured fair hearings by a respectful and respected court and the recognition, protection, and enforcement of their constitutional and other legal rights.

Section 3 – Legislative intent for prevention and intervention

The bill amends s. 984.02, F.S., to revise the legislative intent for prevention and intervention to provide the children of this State with the following protections:

- Effective services or treatment to address physical, social, and emotional needs;
- Equal opportunity and access to quality and effective education which will meet the individual needs of each child and prepare the child for future employment, and to recreation and other community resources to develop individual abilities;
- Access to preventative services to provide the child and family the support of community resources to address the needs of the child and reduce the risk of harm or engaging in delinquent behavior;
- Court intervention only when necessary to address at-risk behavior before the behavior escalates into harm to the child or to the community through delinquent behavior;
- Access to representation by a trained advocate when court proceedings are initiated; and
- Supervision and services by skilled staff when temporary out of home placement is necessary.

Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian or custodian, and child.

The bill permits the DJJ to develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of a child, which place the child at risk of harm, and to allow for intervention before the child engages in a delinquent act.

Parents, custodians, and guardians are deemed by the state to be responsible for ensuring their children attend school and engage in education to prepare their children for their future.

The bill provides that it is the state's responsibility to make appropriate recommendations to address impediments of caretakers to fulfill their responsibilities through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services.

Section 4 – Definitions of terms used in Ch. 984, F.S.

The bill amends s. 984.03, F.S., to add, clarify, and remove definitions of the following terms as used in ch. 984, F.S.

- “Abandoned” or “abandonment” to have the same meaning as in s. 39.01(1), F.S.²¹
- “Abuse” to have the same meaning as in s. 39.01(2), F.S.²²
- “Adjudicatory hearing” to mean a hearing for the court to determine whether or not the facts support the allegations stated in the petition as provided for under s. 984.20(2), F.S., in child in need of services cases.
- “Authorized agent” or “designee” of the department to mean a person or agency assigned or designated by the DJJ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services and managing cases of children in need of services.
- “Child” or “juvenile” or “youth” to mean any unmarried person under the age of 18 who has not been emancipated by order of the court.
- “Child in need of services” to mean a child for whom there is no pending petition filed with the court alleging the child is delinquent under ch. 985, F.S., or court-ordered supervision by the DCF under ch. 39, F.S. The child must also, pursuant to this chapter, be found by the court:
 - To have persistently run away from the child's parents or legal guardians, or custodians despite reasonable efforts of the parents, legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include participation by the child's parents, or legal guardian or custodians and the child in voluntary services, and treatment offered by the department or through its designated service provider.
 - To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and services offered by the department or its authorized agent or designated service provider; or

²¹ Section 39.01, F.S., defines “Abandoned” or “abandonment” to mean a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

²² Section 39.01(2), F.S., defines “Abuse” to mean any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

- To be ungovernable by having persistently disobeyed the reasonable and lawful rules and demands of the child's parents, legal guardians, or custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents, legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services.
- "Custodian" to mean any adult person exercising actual physical custody of the child and who is providing food, clothing, and care for the child in the absence of a parent or legal guardian.
- "Disposition hearing" to mean a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), F.S., in child in need of services cases.
- "Early truancy intervention" means action taken by a school or school district pursuant to s. 1003.26, F.S., to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, F.S., and may include judicial action pursuant to s. 984.151, F.S., or s. 1003.27, F.S.
- "Family" to mean a collective body of persons, consisting of a child and a parent, legal guardian, adult custodian, or adult relative, in which:
 - The persons reside in the same house or living unit; or
 - The parent, legal guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.
- "Family in need of services" to mean a family that has a child who is running away; who is ungovernable an persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by the DCF for delinquency under ch. 985, F.S., or under court-ordered supervision by the DCF under ch. 39, F.S.
- "Intake" to mean the initial acceptance and screening by the DJJ or its designated service provider of a referral from early truancy intervention court, a school board, or school requesting services; a request for assistance from a parent or child; or a compliant, law enforcement report, or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family to determine the most appropriate course of action in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:
 - The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.
 - The referral of the child to another public or private agency when appropriate.
 - the recommendation by the assigned intake case manager of judicial handling when appropriate and warranted.

- “Habitual truant” has the same meaning as in s. 1003.01(12), F.S.²³
- “Licenses child-caring agency” means an agency licensed by the DCF pursuant to s. 409.175, F.S.²⁴
- “Needs assessment” to mean the gathering of information for the evaluation of a child’s physical, psychological, educational, vocational, and social condition and family environment related to the child’s need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, educational services, and other specialized services, as appropriate.
- “Neglect” has the same meaning as in s. 39.01(53), F.S.²⁵
- “Party” to mean the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child’s best interest, or the child has failed to appear for a proceeding after having been noticed.
- “Physically secure shelter” means a department-approved locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226, F.S. A physically secure shelter unit shall provide 24-hour, continuous supervision. A physically secure shelter must be licensed by the DCF as a licensed child-caring agency.
- “Preventive services” to mean social services and other supportive and evaluation and intervention services provided to the child or the parent, legal guardian or custodian of the child for purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision or into the delinquency system. Social services and other supportive services may include the provision of assessment and screening services; individual group, or

²³ “Habitual truant” means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student’s parent, is subject to compulsory school attendance under s. 1003.211003.21(1) and (2)(a), F.S., and is not exempt under s. 1003.21(3) or s. 1003.24, F.S., or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 1003.26 and 1003.27(3), F.S., without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of ch. 984, F.S.

²⁴ Section 409.175(2)(d), F.S., “Child-placing agency” means any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to ch. 63, F.S., that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.

²⁵ “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Neglect of a child includes acts or omissions.

family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street.

- “Reunification services” to mean social services and other supportive services provided to the child and the parent of the child, legal guardian of the child, or the custodian of the child, whichever is applicable, for the purpose of assisting a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective time based on the presenting concerns at intake. Social services and other supportive services shall be consistent with the child’s need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.
- “Secure detention center or facility” to mean a physically restricting facility for the temporary care of children, pending adjudication of delinquency or disposition. A child subject to proceedings under this chapter or who is alleged to be dependent under ch. 39, F.S., but who is not alleged to have committed a delinquent act or violation of law, may not under any circumstances, be placed into a secure detention center or facility.
- “Shelter” to mean a department-approved shelter facility for the temporary care of runaway children placed for voluntary shelter respite upon request of the child or the child’s parent, legal guardian, or custodian or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09, F.S. Shelters must provide 24-hour continual supervision A shelter must be licensed by the DCF as a licensed child-caring agency.
- “Truancy petition” to mean a petition filed by the superintendent of schools under s. 984.151, F.S., for the purpose of early truancy intervention, alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period.
- “Truant status offender” to mean a child subject to the jurisdiction of the court under s. 957.151, F.S., who has been found by the court to be truant while subject to compulsory education. The court’s jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act.
- “Voluntary family services” to mean voluntary services provided by the department or an agency designated by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the DJJ or an agency designated by the department to provide voluntary services to families and children.

Section 5 - Early Truancy intervention; families in need of services and children in need of services

The bill amends s. 984.04, F.S., to provide that the DJJ shall be responsible for all nonjudicial proceedings involving family services for a family identified as a family in need of services. The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early

truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151, F.S., is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21, F.S.

Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15, F.S., or s. 984.151, F.S., when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

Section 6 – Oaths, records and confidential information

The bill amends s. 984.06, F.S., to expand the court’s record retention policy to apply to any proceeding under ch. 984, F.S., instead of just children in need of services, and provides that information obtained by the district superintendent, school board employees, and school employees are included under the protection of confidentiality.

Section 7 – Right to counsel

The bill amends s. 984.07, F.S., to provide that when a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

A child in proceedings under s. 984.151, F.S., may have counsel appointed by the court if the court determines it is in the best interest of the child.

If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511, F.S., to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082, F.S. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel.

A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

An indigent child may have counsel appointed pursuant to ss. 27.511 and 57.082, F.S., if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt. Costs of representation must be imposed as provided by s. 57.082, F.S.

If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child’s behavior, but despite their good faith efforts, the child’s

truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s. 27.511, F.S.

If counsel is entitled to receive compensation for representation pursuant to court appointment in a child in need of services proceeding, such compensation may not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent and legal guardian.

The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082, F.S. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246, F.S.

Section 8 – Resources and information

The bill amends s. 984.071, F.S., to remove the DCF and the DOE from the requirements of developing an informative publication about children and families in need of services. The bill provides that the information guide shall be published in a written format for distribution and shall also be published on the DJJ'S website. The DOE and the DCF must each post the department's information guide on their respective websites.

Section 9 – Repeals ss. 984.08 and 984.085, F.S.

The bill repeals s. 984.08, related to attorney's fees, and s. 984.085, F.S., related to unmarried minors.

Section 10 – Prohibited use of detention

The bill creates s. 984.0861, F.S., to provide that a child under the jurisdiction of the court pursuant to this chapter may not be placed in:

- Any form of detention care intended for the use of alleged juvenile delinquents as authorized under ch.985, F.S., for any purpose.
- A secure detention facility authorized for use under ch. 986, F.S., for any purpose.
- Any jail or other similar facility used for the purpose of detention or confinement of adults, for any purpose.

Section 11 – Punishment for contempt of court

The bill amends s. 984.09, F.S., to provide that it is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and detention facilities as set forth in s. 984.0861, F.S.²⁶

²⁶ Section 984.0861, F.S.

A child adjudicated as a child in need of services may be placed solely in a shelter for purposes of punishment for contempt of court only if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction. Such shelter must be operated by or contracted with the DJJ.

A child subject to proceedings under s. 984.151, F.S., who has been held in direct contempt or indirect contempt may only be placed, for five days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or under contract with the DJJ for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed with placement in a secure facility. If the court orders shelter placement of a child in need of services, the court shall review the matter every 72 hours to determine whether it is appropriate for the child to remain in the facility.

Section 12 – Intake

The bill amends s. 984.10, F.S., to provide that a case manager be assigned by the designated provider at intake and requires the case manager to request consent for services and interagency information sharing from the parent, legal guardian, or custodian.

Section 13- Services to families

The bill amends s. 984.11, F.S., to provide that the DJJ or its designated service provider shall provide an array of voluntary family services aimed toward remediating school truancy, homelessness, and runaway and ungovernable behavior by children. The bill provides that the parent is responsible for using health care insurance to the extent it is available for the provision of health services.

A family is not eligible to receive voluntary family services, if, at the time of the referral, the child is under court-ordered supervision by the DJJ for delinquency under ch. 985, F.S., or under court ordered supervision by the DCF under ch. 39, F.S. A child who has received a prearrest delinquency citation, or is receiving delinquency diversion services, may receive voluntary family services.

The bill provides that if there is a pending investigation into an allegation of abuse, neglect or abandonment, the child may be eligible for voluntary family services if the DCF agrees to the provision of services and makes a referral.

Section 14 – Case staffing; services and treatment related to a family in need of services

The bill amends s. 984.12, F.S., to provide that the DJJ shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services require the child and parent, legal guardian or custodian be invited to attend. A case staffing committee meeting must be convened within 30 days after the case is referred by the court.

The case staffing committee shall:

- Identify the family's concerns and contributing factors;
- Request the family and child to identify their needs and concerns;
- Seek input from the school district and other persons in attendance with knowledge of the family or child's situation and concerns;
- Consider the voluntary family services or other community services that have been offered and the results of those services;
- Identify whether truancy is a concern and the efforts made by the child study team to remedy the truancy; and
- Reach a timely decision to provide the child or family with services and recommend any appropriate treatment through the development of a plan for services.

A broad permission is given to any member of the case staffing committee to convene a meeting is clarified to include when the services in the plan are rejected or there is no progress. The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15 – Taking a child into custody

The bill amends s. 984.13, F.S., to provide that a child may be taken into custody:

- By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, legal guardian, or custodian;
- By designated school representative or a law enforcement officer when the officer has reasonable grounds to believe the child is absent from school without authorization;
- Pursuant to a court order based on sworn testimony *after* a child in need of services petition is filed;
- Pursuant to a court order that the child has been found guilty of contempt under this chapter; and ,
- By a law enforcement officer when the child agrees to or requests services.

The person taking the child into custody shall:

- Release the child to a parent, legal guardian, custodian or responsible adult relative and make full report to the department's authorized agent for families in need of services within 3 days after release; or
- Deliver the child to a shelter when:
 - The parent or guardian is unavailable to take immediately custody;
 - The child has requested voluntary family services and shelter placement;
 - A court order for shelter placement has been issued; or,

- The child and parent, legal guardian, or custodian voluntarily agree that the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.
- Deliver the child to a hospital for necessary evaluation and treatment if the child is believed to be suffering from a serious physical condition which requires either diagnosis or treatment.
- Deliver the child to a designated public receiving facility as defined in s. 394.455, F.S., for examination under s. 394.463, F.S., if the child is believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1), F.S.
- Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

Section 16 – Voluntary shelter services

The bill amends s. 984.14, F.S., to provide that the department shall provide temporary voluntary shelter services for the purpose of offering a safe environment that provides 24-hour care and supervision, referrals for services as needed, education at the center or off site, and counseling services for children.

If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the DJJ's designated shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine if the child can safely return home, or determine if the family is seeking temporary voluntary shelter services until the family can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the DCF shall be contacted.

Section 17 – Petition for a child in need of services

The bill amends s. 984.15, F.S., to provide that courts must check for both withholds of adjudication and adjudication of dependency or delinquency in its determination for legal sufficiency of a petition for a child in need of services. Provides that the DJJ must file the petition for a child in need of services as soon as practicable, removing the deadline of 45 days.

Section 18 – Early truancy intervention

The bill amends s. 984.151, F.S., to provide that if the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, with a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-day calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-day calendar period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender, shall order the student to attend school, and shall order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power is limited to entering orders to require the student to attend school and require the

student and family to participate in services to encourage regular school attendance. The court may order any of the following services:

- The student to participate in attendance at alternative classes;
- The student's parent, legal guardian, or custodian to participate in parenting classes;
- The student or the student's parent, legal guardian or custodian to participate in individual, group, or family counseling;
- The student or the student's parent, legal guardian, or custodian to participate in community mental health services or substance abuse treatment services if available and applicable;
- The student and the student's parent, legal guardian, or custodian to participate in services provided by state or community agencies, if appropriate, including services for families in need of services as provided in s. 984.11, F.S.;
- The student and the student's parent, legal guardian, or custodian to attend meetings with school officials to address the child's educational needs, classroom assignment, class schedule, and other barriers to school attendance identified by the child's school, the child or his or her family;
- The student and the student's parent, legal guardian, or custodian to engage in learning activities provided by the school board as to why education is important and the potential impact on the child's future employment and education options if the attendance problem persists; or
- The student or the student's parent, legal or guardian, or custodian to participate in vocational or job training.

If the student substantially complies with compulsory school attendance, the court shall close the truancy case.

If the student does not substantially comply with compulsory school attendance and court-ordered services required and the child meets the definition of a child in need of services, the case shall be referred by the court to the department's designated service provider for review by the case staffing committee under s. 984.12, F.S., with a recommendation to file a petition for child in need of services s. 984.15, F.S. The court shall review the case not less than every 45 days to determine if the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee.

If the child is adjudicated a child in need of services pursuant to s. 984.21, F.S., the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04, F.S.

The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04, F.S.

The court may not order a child placed in shelter pursuant to this section unless the court finds the child in contempt for violation of a court order under s. 984.09, F.S.

Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09, F.S., two or more times shall be

referred to the case staffing committee under s. 984.12, F.S., with a recommendation that the committee file a petition for a child in need of services.

The clerk of the circuit court shall serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's designated child in need of services provider.

Section 19 – Process and service for child in need of services petitions

The bill amends s. 984.16, F.S., providing that if a court takes action that directly involves a student's school, including but not limited to, an order that a student attend school, attend school with his or her parent, or an order that the parent participate in meetings, including parent-teacher conferences, Sections 504 plan meetings, or individualized education plan meetings to address the student's disability, the office of the clerk of the circuit court shall provide notice to the school of the court's action.

Section 20 – Response to petition and representation of parties

The bill amends s. 984.17, F.S., to specify when a guardian ad litem may be appointed for a child and revise provisions concerning representation of the department in which a child is alleged to be in need of services.

Section 21 – Repeal of s. 984.18, F.S.

The bill repeals s. 984.18, F.S., related to referral of child in need of services cases to mediation.

Section 22 – Medical screening and treatment of child

The bill amends s. 984.19, F.S., to provide that an authorized agent of the DJJ may have a medical screening provided for a child placed in shelter care, revising provisions concerning consent for medical care for a child in the care of the department.

Section 23 – Hearings

The bill amends s. 984.20, F.S., to provide that the clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07, F.S.

Arraignment Hearing

- The court may grant a continuance of the arraignment hearing if the child or the parent, legal guardian, or custodian request a continuance to obtain an attorney and legal counsel requests a continuance. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation.
- Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition. The document containing the notice to respond or appear must contain, in type as large as the balance of the document.

- If a person appears for arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, then that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to a child in need of services adjudication.
- If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

Disposition Hearing

At the disposition hearing the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider. After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Review Hearing

The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and family to work towards compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings.

The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The DJJ shall appear at the review hearing. If the child or parent, legal guardian, or custodian does not appear at a review hearing, the court may proceed with the hearing and enter orders that affect the child and family accordingly. The child's presence may be waived by the court if the court finds good cause to do so. The court shall consider the department's judicial review summary. Upon request of the petitioner, the court may close the case and relinquish jurisdiction.

At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including but not limited to ordering the child placed in shelter.

Section 24 – Orders of Adjudication

The bill amends s. 984.21, F.S., to provide that an order of adjudication by a court that a child is in need of services is a civil adjudication and not a conviction.

Section 25 – Powers of disposition

The bill amends s. 984.22, F.S., to provide that the disposition order may order the child to be placed in shelter or physically secure shelter. The bill repeals a provision that allows the DJJ to collect fees.

Section 26 - Powers of disposition; placement in a shelter

The bill amends s. 984.225, F.S., to provide that the court may order that a child adjudicated as a child in need of services be placed in shelter for the purpose of enforcing the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the court shall receive education commensurate with his or her grade level and educational ability. The DJJ, or the department's authorized services provider, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized representative verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed.

The court shall order the parent, legal guardian, or custodian to cooperate with efforts to reunite the child with the family and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

- The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.
- After other alternative, less restrictive remedies have been exhausted, the child may be placed in shelter for up to 90 days if:
 - The child's parent, legal guardian, or custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or custodian;
 - The child refuses to remain under the reasonable care and custody of the parent, legal guardian, or custodian, as evidenced by repeatedly running away from failing to comply with a court order; or
 - The child has failed to successfully complete an alternative treatment program or to comply with court-ordered services and the child has been placed in a shelter on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services.

The court shall review the child's 90-day shelter placement not less than every 45 days to determine if continued shelter is deemed necessary. The court also shall determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct a staffing to take place with the DCF.

If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the APD or the DCF for the provision of necessary services.

Section 27 – Physically secure setting

The bill amends s. 984.226, F.S., to:

- Authorize the DJJ to contract for physically secure settings;
- Require exhaustion of less restrictive placements before a child may be placed in a physically secure shelter;
- Provide time limits on secure shelter orders;
- Revise provisions concerning review of secure shelter placements. It is the intent of the legislature that physically secure shelter placement be used only when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements. The court shall review the child's placement once within every 45 days to determine if the child can be returned home with the provision of ongoing services;
- Provide for the transfer to other shelter placements. The court may order that the child be transitioned from a physically secure shelter setting to a shelter placement as provided in s. 984.225, F.S., upon a finding that the physically secure setting is no longer necessary to ensure the child's safety and provide needed services;
- Require a staffing take place with the DCF in certain circumstances; and
- Provide for the referral of a child to the Agency for Persons with Disabilities in certain circumstances. If the child requires long-term residential mental health or residential care for a developmental disability, the court shall transfer custody of the child to the DCF or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of the circuit court shall serve the DCF or Agency for Person with Disabilities with any court order of referral.

Section 28 – Transfers and renumbers statutes

The bill transfers s. 985.731, F.S., and renumbers the section as s. 787.035, F.S.

Section 29 – Amends definition

The bill amends s. 985.03, F.S., to revise the definition of the term “child who has been found to have committed a delinquent act” to mean a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of court arising out of a proceeding under ch. 984, F.S.

Section 30 – Use of detention

The bill amends s. 985.24, F.S., to prohibit placement of a child subject to certain proceedings into secure detention care. A child who is alleged to be dependent under ch. 39, F.S., or any child subject to proceedings under ch. 984, F.S., who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31 – Enforcement of school attendance

The bill amends s. 1003.26, F.S., to:

- Provide that the child study team may allow the parent to attend the child study team meeting virtually or by telephone if the parent is unable to attend the meeting in person.
- Provide that if the parent, legal guardian, or custodian or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy, based upon the information available to the school. The recommendations shall be provided to the parent within seven days after the child study team meeting. If the initial meeting does not resolve the problem, the child study team shall take further specified action including:
 - Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if bullying is an issue of concern.
- Revise provisions concerning required notice of a child's enrollment or attendance issues. Under the direction of the district school superintendent, a designated school representative must provide written notice in person or by return-receipt mail to the parent, legal guardian, or custodian, requiring the child's enrollment or attendance within three days after the date of the notice, when no valid reason is found for a student's nonenrollment in school if the child is under compulsory education requirements, and is not exempt.
- Revise provisions concerning the return of a student to a parent or other party in certain circumstances where the parent, legal guardian, or custodian cannot be located or is unavailable, the child must be referred to the DJJ designated shelter services provider.
- Provide that if a student is subject to compulsory school attendance, is responsive to the interventions described above and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.

Section 32 – Court procedures and penalties

The bill amends s. 1003.27, F.S., to:

- Revise reporting requirements for reports by school principals to school boards concerning minor students who accumulate 15 unexcused absences in a period of 90 calendar days.
- Require school board action and provide for remedial actions for failure to comply.
 - Reports shall be made to the district school board at the end of each quarter. The school board shall verify the school's reporting of more than 15 absences within a 90-day period. The district school board shall verify the school has complied with the requirement of remediating truancy at the school level or pursuing appropriate court interventions. Any school not meeting the requirements shall provide a remedial action plan to the school board within 90 days after noncompliance to confirm all truancy cases have been addressed through either remedial efforts that achieved the child's enrollment and regular attendance or referring the case to the appropriate court or agency for court intervention.
- Revise provisions concerning habitual truancy cases, cooperative agreements, and habitually truant students.
- Revise who may begin certain proceedings and prosecutions.

Section 33 – Canadian Prescription Drug Importation Program

The bill amends s. 381.02035, F.S., to authorize pharmacists employed by the DJJ to import drugs from Canada under specified programs.

Section 34 – Use of BB guns, air or gas-operated guns or electric weapons or devices by minor under 16

The bill amends s. 790.22, F.S., to revise provisions concerning the treatment of a finding that a minor violated specified provisions, regardless of whether adjudication occurred or was withheld, for purposes of determining whether a prior offense was committed.

Section 35 – Prearrest delinquency citation programs

The bill amends s. 985.12, F.S., to remove the provision that the DJJ annually develop and produce best practice models for prearrest delinquency citation programs.

Section 36 – Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record

The bill amends s. 985.126, F.S., to revise the requirements for a quarterly report on prearrest citation programs.

Section 37 – Detention Intake

The bill amends s. 985.25, F.S., to provide for supervised release or detention of a child despite the child's risk assessment score in certain circumstances. The bill also limits the number of categories that a child may be moved. A child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

Section 38 – Disposition hearings in delinquency cases

The bill amends s. 985.433, F.S., to require that a child be placed on conditional release rather than probation following discharge from commitment.

Section 39 – Repeals s. 985.625, F.S.

The bill repeals s. 985.625, F.S., relating to literacy programs for juvenile offenders.

Section 40 – Quality improvement and cost-effectiveness

The bill amends s. 985.632, F.S. to remove provision for development of cost-effectiveness model and application of the model to each commitment program.

Sections 41-46

The bill provides conforming changes to ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S., respectively.

Section 47

The bill takes effect on July 1, 2025.

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate workload impact on state government expenditures to the extent it redirects additional status offenders to CINS/FINS programs. The DJJ has

indicated the bill may increase CINS/FINS utilization and associated workload for circuit courts.²⁷

The DCF has indicated that any impact on administrative workload of the department or to CINS/FINS program services delivered by Community Based Care lead agencies can be absorbed within existing resources. Any initial impacts to the DJJ or the courts as a result of the bill can likely also be absorbed within existing resources, and potential future needs could be addressed through the Agency Legislative Budget Request process.

The bill would ensure federal compliance with the deinstitutionalization of the status offenders requirement set forth in the Juvenile Justice and Delinquency Prevention Act. While there have been only isolated cases of a judge ordering detention for contempt of court in status offense proceedings, the prohibition on detention for status offenses the bill places throughout ch. 984, F.S., would make it explicitly clear.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.01, 984.02, 984.03, 984.04, 984.06, 984.07, 984.071, 984.09, 984.10, 984.11, 984.12, 984.13, 984.14, 984.15, 984.151, 984.16, 984.17, 984.19, 984.20, 984.21, 984.22, 984.225, 984.226, 985.731, 787.035, 985.03, 985.24, 1003.26, 1003.27, 381.02035, 790.22, 985.12, 985.126, 985.25, 985.433, 985.632, 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618.

This bill creates section 984.0861 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 984.08, 984.085, 984.18, and 985.625.

IX. Additional Information:

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

CS/CS/CS by Fiscal Policy on April 17, 2025:

The committee substitute:

²⁷ Department of Juvenile Justice, Agency Analysis of 2025, p. 19-20 (on file with the Senate Committee on Criminal Justice).

²⁸ *Id.* at p. 20-21 (on file with the Senate Committee on Criminal Justice).

- Provides that for a runaway child that is voluntarily staying at a shelter, if the shelter is unable to get in contact with the child's parent, legal guardian or custodian within 24 hours, then the DCF must be contacted. Custody is not transferred immediately.
- Provides that a child adjudicated as a child in need of services, that requires residential mental health treatment or residential treatment for a developmental disability, the court shall refer the child to the APD or the DCF for services rather than transferring custody.
- Removes the provision requiring the clerk of court to serve the APD or the DCF with any court order of referral.

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute:

- Incorporates clarifying language over multiple sections relating to DJJ-DCF interaction.
- Adds the language "dependent child" under court-ordered supervision by the DCF under ch. 39, F.S.
- Clarifies that "child caring agencies" must be licensed under the DCF.
- Requires the court to order a staffing take place with the DCF when there is a finding of an inadequate level of participation by the parent, legal guardian, or custodian of a child in shelter before the end of the shelter commitment period.
- Makes technical and clarifying changes.

CS by Criminal Justice on March 25, 2025:

The committee substitute:

- Incorporates technical and clarifying changes.
- Clarifies provisions related to appointment of counsel and the indigent status of the child.
- Provides that a family is not eligible for voluntary family services if at the time of the referral the child is under court-ordered supervision.
- Provides that a child may be eligible for voluntary services if there is a pending DCF investigation.
- Requires a written report within 3 days of a child's release from custody to a parent, legal guardian or custodian.
- Provides when a child may be delivered to a shelter designated by the department.
- Provides that a child may be delivered to a hospital for evaluation and treatment if it is reasonably believed that the child is suffering from a physical condition requiring a need for treatment, is intoxicated, or in need of treatment for suicide prevention.
- Removes provision limiting the court's power to enter orders to require a student to attend school as a form of early truancy intervention.
- Provides that a student may not be determined to be habitually truant if the student has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1705 - 2583
and insert:
be contacted ~~If the department determines that placement in a
shelter is necessary according to the provisions of subsection
(1), the departmental representative shall authorize placement
of the child in a shelter provided by the community specifically
for runaways and troubled youth who are children in need of
services or members of families in need of services and shall~~



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~~immediately notify the parents or legal custodians that the child was taken into custody.~~

~~(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each condition required to be determined in subsection (1).~~

~~(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.~~

~~(5) Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.~~

~~(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

~~(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in~~



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~~need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.~~

~~(8) The court may order the placement of a child in need of services into a staff-secure facility for no longer than 5 days for the purpose of evaluation and assessment.~~

Section 26. Section 984.15, Florida Statutes, is amended to read:

984.15 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child in need of services has been placed in a shelter pursuant to s. 984.14, the department shall file the petition immediately, including in the petition notice of arraignment pursuant to s. 984.20.~~

(2)(a) The department shall file a petition for a child in need of services if the child meets the definition of a child in need of services, and the case manager or staffing committee recommends ~~requests~~ that a petition be filed and:

1. The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 984.11 and 984.12; or

2. The family or child have refused ~~all~~ services described in ss. 984.11 and 984.12 after reasonable efforts by the department to involve the family and child in voluntary family services ~~and treatment~~.

(b) Once the requirements in paragraph (a) have been met,



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the department shall file a petition for a child in need of services as soon as practicable ~~within 45 days~~.

(c) The petition shall be in writing, shall state the specific grounds ~~under s. 984.03(9)~~ by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, legal guardian, or ~~legal~~ custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, legal guardian, or ~~legal~~ custodian.

3. The parent, legal guardian, or ~~legal~~ custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 984.12(10) ~~s. 984.12(8)~~.

(b) The parent, legal guardian, or ~~legal~~ custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the



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petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services ~~as defined in s. 984.03(9)~~. The petition must also demonstrate that the parent, legal guardian, or ~~legal~~ custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

(4)~~(d)~~ The petition must be signed by the petitioner under oath.

(5)~~(e)~~ The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

(a)~~1.~~ The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

(b)~~2.~~ The subject of a pending petition ~~referral~~ alleging that the child is delinquent; or

(c)~~3.~~ Under the current supervision of the department or the Department of Children and Families for an adjudication or withholding of adjudication of delinquency or dependency.

(6)~~(4)~~ The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

(7)~~(5)~~ The petitioner ~~department or the parent, guardian, or legal custodian~~ may withdraw a petition at any time before



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~~prior to~~ the child is being adjudicated a child in need of services.

Section 27. Section 984.151, Florida Statutes, is amended to read:

984.151 Early truancy intervention; truancy petition; judgment ~~prosecution; disposition.~~—

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special magistrate ~~master~~ pursuant to Supreme Court rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, legal guardian, or ~~legal~~ custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school in compliance with s. 1003.26; the number of out-



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of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender and the court shall order the student to attend school and order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power under this subsection is limited to entering orders to require the student to attend school and require the student and family to participate in services to encourage regular school attendance. The court, and may order any of the following services:

(a) The student to participate in alternative sanctions to include mandatory attendance at alternative classes; to be followed by mandatory community services hours for a period up to 6 months; the student and

(b) The student's parent, legal or guardian, or custodian to participate in parenting classes homemaker or parent aide services;

(c) The student or the student's parent, legal or guardian or custodian to participate in individual, group, or family intensive crisis counseling;

(d) The student or the student's parent, legal or guardian



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or custodian to participate in community mental health services
or substance abuse treatment services if available and
applicable;

(e) The student and the student's parent, legal or
guardian, or custodian to participate in services service
provided by state or community voluntary or community agencies,
if appropriate as available, including services for families in
need of services as provided in s. 984.11;

(f) The student and the student's parent, legal guardian,
or custodian to attend meetings with school officials to address
the child's educational needs, classroom assignment, class
schedule, and other barriers to school attendance identified by
the child's school, the child or his or her family;

(g) The student and the student's parent, legal guardian,
or custodian to engage in learning activities provided by the
school board as to why education is important and the potential
impact on the child's future employment and education options if
the attendance problem persists; or

(h) and The student or the student's parent, legal or
guardian, or custodian to participate in vocational or job
training, or employment services.

(8) If the student does not substantially comply with
compulsory school attendance and court-ordered services required
under successfully complete the sanctions ordered in subsection
(7), and the child meets the definition of a child in need of
services, the case shall be referred by the court to the
department's authorized agent for review by the case staffing
committee under s. 984.12 with a recommendation to file a
petition for child in need of services ~~child-in-need-of-services~~



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~~petition~~ under s. 984.15. The court shall review the case not less than every 45 days to determine whether the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee in accord with this subsection.

(9) If the student substantially complies with compulsory school attendance the court shall close the truancy case.

(10) If the child is adjudicated a child in need of services pursuant to s. 984.21, the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04.

(11) The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04.

(12) The court may not order a child placed in shelter pursuant to this section unless the court has found the child to be in contempt for violation of a court order under s. 984.09.

(13) ~~(9)~~ The parent, legal guardian, or ~~legal~~ custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

(14) Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09 two or more times shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a petition for a child in need of services.



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(15) The clerk of court must serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's authorized agent.

Section 28. Subsections (3) and (5) of section 984.16, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

984.16 Process and service for child in need of services petitions.—

(3) The summons shall require the person on whom it is served to appear for a hearing at a time, and place, and manner specified. ~~Except in cases of medical emergency, the time shall not be less than 24 hours after service of the summons.~~ The summons must ~~may~~ require the custodian to bring the child to court ~~if the court determines that the child's presence is necessary.~~ A copy of the petition shall be attached to the summons.

(5) The jurisdiction of the court shall attach to the child and the parent, legal guardian, or custodian, ~~or legal guardian~~ of the child and the case when the summons is served upon the child or a parent, or legal guardian, or actual ~~actual~~ custodian of the child; ~~or~~ when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services; or when a party personally appears before the court whichever occurs first, and thereafter the court may control the child and case in accordance with this chapter.

(11) If a court takes action that directly involves a student's school, including, but not limited to, an order that a student attend school, attend school with his or her parent,



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requiring the parent to participate in meetings, including
parent-teacher conferences, Section 504 plan meetings or
individualized education plan meetings to address the student's
disability, the office of the clerk of the court shall provide
notice to the school of the court's order.

Section 29. Section 984.17, Florida Statutes, is amended to
read:

984.17 Response to petition and representation of parties.—

(1) At the time a child in need of services petition is
filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be
filed by any child, parent, ~~or~~ legal guardian, or custodian, but
any matters which might be set forth in an answer or other
pleading may be pleaded orally before the court or filed in
writing as any such person may choose. Notwithstanding the
filing of an answer or any pleading, the child and ~~or~~ parent,
legal guardian, or custodian shall, before ~~prior to~~ an
adjudicatory hearing, be advised by the court of the right to
counsel.

(3) When a petition for a child in need of services has
been filed and the parents, legal guardian, or ~~legal~~ custodian
of the child and the child have advised the department that the
truth of the allegations is acknowledged and that no contest is
to be made of the adjudication, the attorney representing the
department may set the case before the court for a disposition
hearing. If there is a change in the plea at this hearing, the
court shall continue the hearing to permit the attorney
representing the department to prepare and present the case.

(4) An attorney representing the department shall represent



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the state in any proceeding in which the petition alleges that a child is a child in need of services ~~and in which a party denies the allegations of the petition and contests the adjudication.~~

Section 30. Section 984.18, Florida Statutes, is repealed.

Section 31. Section 984.19, Florida Statutes, is amended to read:

984.19 Medical screening and treatment of child; examination of parent, legal guardian, or person requesting custody.—

(1) When any child is to be placed in shelter care, the department or its authorized agent may ~~is authorized to~~ have a medical screening provided for ~~performed on~~ the child without authorization from the court and without consent from a parent, legal ~~or~~ guardian, or custodian. Such medical screening shall be provided ~~performed~~ by a licensed health care professional and shall be to screen ~~examine~~ the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When ~~the department has performed~~ the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent, legal ~~or~~ guardian, or custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent, legal ~~or~~ guardian, or custodian of the child is unavailable and his or her whereabouts cannot be



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reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent, legal ~~or~~ guardian, or custodian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department's authorized agent may ~~department has the authority to~~ consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with Disabilities. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is



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necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or intellectual disability services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in s. 394.467 or chapter 393 shall be used, as applicable. A child may be provided services in emergency situations pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, as applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately contacted ~~called~~ or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, ~~nothing in this section does not~~ ~~shall be deemed to~~ eliminate the right of a parent, legal a guardian, or custodian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, ~~nothing in this~~



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section does not ~~shall be deemed to~~ alter the provisions of s.
743.064.

(8) A court may order ~~shall not be precluded from ordering~~
services or treatment to be provided to the child by a duly
accredited practitioner who relies solely on spiritual means for
healing in accordance with the tenets and practices of a church
or religious organization, when required by the child's health
and when requested by the child.

(9) ~~Nothing in~~ This section does not ~~shall be construed to~~
authorize the permanent sterilization of the child, unless such
sterilization is the result of or incidental to medically
necessary treatment to protect or preserve the life of the
child.

(10) For the purpose of obtaining an evaluation or
examination or receiving treatment as authorized pursuant to
this section, no child ~~alleged to be or found to be a child from~~
~~a family in need of services or a child in need of services~~
shall be placed in a detention facility or other program used
primarily for the care and custody of children alleged or found
to have committed delinquent acts.

(11) The parents, legal guardian, or custodian ~~guardian~~ of
a child alleged to be or adjudicated a child in need of services
remain financially responsible for the cost of medical treatment
provided to the child even if one or both of the parents or if
the legal guardian, or custodian did not consent to the medical
treatment. After a hearing, the court may order the parents,
legal ~~or~~ guardian, or custodian, if found able to do so, to
reimburse the department or other provider of medical services
for treatment provided.



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(12) A judge may order a child under its jurisdiction to submit to substance abuse evaluation, testing, and treatment in accordance with s. 397.706 ~~Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. 984.22(3) and of whom the department has become the legal custodian.~~

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 32. Section 984.20, Florida Statutes, is amended to read:

984.20 Hearings for child in need of services ~~child-in-need-of-services~~ cases.—

(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. ~~When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody.~~ The hearing shall be held for the child and the parent, legal guardian, or custodian to admit, deny, or consent to



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findings that a child is in need of services as alleged in the petition. If the child and the parent, legal guardian, or custodian admit or consent to the findings in the petition, the court shall adjudicate the child a child in need of services and proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, legal guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing ~~7 days after the date of the arraignment hearing.~~

(b) The court may grant a continuance of the arraignment hearing ~~When a child is in the custody of the parent, guardian, or custodian, upon the filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time from the date of the filing of the petition.~~ if the child or ~~and~~ the parent, legal guardian, or custodian request a continuance to obtain an attorney. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation ~~admit or consent to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of child in need of services, the court shall hold an adjudicatory hearing within a reasonable time from the date of the arraignment hearing.~~

(c) If at the arraignment hearing the child and the parent, legal guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(e)~~, the court shall proceed to hold a disposition hearing at the



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earliest practicable time that will allow for the completion of a predisposition study.

(d) Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the adjudication of the child as a child in need of services. The document containing the notice to respond or appear must contain, in type as large as the balance of the document, the following or substantially similar language:

FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
CHILD INTO SHELTER.

If a person appears for the arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and, if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to adjudication of the child as a child in need of services.

(2) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of



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investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. ~~If the child is in custody, the adjudicatory hearing shall be held within 14 days after the date the child was taken into custody.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In an adjudicatory ~~a hearing on a petition in which it is alleged that the child is a child in need of services,~~ a preponderance of evidence shall be required to establish that the child is in need of services. If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge who, in his or her discretion, may close any hearing to the public when the public interest or the welfare of the child, in his or her opinion, is best served by so doing. Hearings involving more than one child may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parent, legal guardian, or custodian of the child may be examined separately and apart from each other.

(3) DISPOSITION HEARING.—

(a) At the disposition hearing, ~~if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing,~~ the court shall receive and consider a predisposition study, which shall be in writing



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and be presented by an authorized agent of the department or its provider.

~~(a)~~ The predisposition study shall cover:

1. All treatment and services that the parent, legal guardian, or custodian and child received.

2. The love, affection, and other emotional ties existing between the family ~~parents~~ and the child.

3. The capacity and disposition of the parents, legal guardian, or custodian to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

4. The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

5. The permanence, as a family unit, of the existing or proposed custodial home.

6. The moral fitness of the parents, legal guardian, or custodian.

7. The mental and physical health of the family.

8. The home, school, and community record of the child.

9. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

10. Any other factor considered by the court to be relevant.

(b) The predisposition study also shall provide the court with documentation regarding:

1. The availability of appropriate prevention, services,



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and treatment for the parent, legal guardian, custodian, and child to prevent the removal of the child from the home or to reunify the child with the parent, legal guardian, or custodian after removal or to reconcile the problems between the family ~~parent, guardian, or custodian~~ and the child.†

2. The inappropriateness of other prevention, treatment, and services that were available.†

3. The efforts by the department to prevent shelter ~~out-of-home~~ placement of the child or, when applicable, to reunify the parent, legal guardian, or custodian if appropriate services were available.†

4. Whether voluntary family ~~the~~ services were provided.†

5. If the voluntary family services and treatment were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.†

6. If the voluntary family services and treatment were not provided, the reasons for such lack of provision.† ~~and~~

7. The need for, or appropriateness of, continuing such treatment and services if the child remains in the custody of the parent, legal guardian, or custodian or if the child is placed outside the home.

(c) If placement of the child with anyone other than the child's parent, guardian, or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent, guardian, or custodian shall be reconsidered.

(d) A copy of this predisposition study shall be furnished to the person having custody of the child at the time such



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person is notified of the disposition hearing.

(e) After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2) (c), ~~nothing in~~ this section does not ~~shall~~ prohibit the publication of proceedings in a hearing.

(4) REVIEW HEARINGS.—

(a) The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and family to work toward compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings ~~but no less than 45 days after the date of the last review hearing.~~

(b) The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The department must appear at the review hearing. If the parent, legal guardian, or custodian does not appear at a review hearing, or if the court finds good cause to waive the child's



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620 presence, the court may proceed with the hearing and enter
621 orders that affect the child and family accordingly.

622 (c) ~~(b)~~ At the review hearings, the court shall consider the
623 department's judicial review summary. The court shall close the
624 case if the child has substantially complied with the case plans
625 and court orders and no longer requires continued court
626 supervision, subject to the case being reopened. Upon request of
627 the petitioner, the court may close the case and relinquish
628 jurisdiction. If the child has significantly failed to comply
629 with the case plan or court orders, the child shall continue to
630 be a child in need of services and reviewed by the court as
631 needed. At review hearings, the court may enter further orders
632 to adjust the services case plan to address the family needs and
633 compliance with court orders, including, but not limited to,
634 ordering the child placed in shelter, but no less than 45 days
635 after the date of the last review hearing.

636 Section 33. Section 984.21, Florida Statutes, is amended to
637 read:

638 984.21 Orders of adjudication.—

639 (2) ~~(1)~~ If the court finds that the child named in a
640 petition is not a child in need of services, it shall enter an
641 order so finding and dismiss ~~dismissing~~ the case.

642 ~~(2) If the court finds that the child named in the petition~~
643 ~~is a child in need of services, but finds that no action other~~
644 ~~than supervision in the home is required, it may enter an order~~
645 ~~briefly stating the facts upon which its finding is based, but~~
646 ~~withholding an order of adjudication and placing the child and~~
647 ~~family under the supervision of the department. If the court~~
648 ~~later finds that the parent, guardian, or custodian of the child~~



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~~have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

(3) If the court finds by a preponderance of evidence that the child named in a petition is a child in need of services, ~~but elects not to proceed under subsection (2),~~ it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

~~(1)(4)~~ An order of adjudication by a court that a child is a child in need of services is a civil adjudication, and is ~~services shall~~ not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a delinquent or criminal by reason of ~~that~~ adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 34. Section 984.22, Florida Statutes, is amended to read:

984.22 Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or used ~~utilized~~ by a child or family, the court having jurisdiction of the child in need of services shall have the power to direct the least intrusive and least restrictive



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disposition, as follows:

(a) Order the parent, legal guardian, or custodian and the child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, legal guardian, or custodian to pay a fine or fee based on the recommendations of the department.

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, legal guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's authorized agent ~~contracted~~ provider of programs and services for children in need of services and families in need of services. The term "supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, legal guardian, or custodian of the child, to render community service in a public service program.

(e) Order the child placed in shelter pursuant to s. 984.225 or s. 984.226.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the



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child, or a licensed child-caring agency, ~~the Department of~~
~~Juvenile Justice, or the Department of Children and Families,~~
the court shall order the natural or adoptive parents of such
child, including the natural father of such child born out of
wedlock who has acknowledged his paternity in writing before the
court, or the guardian of such child's estate if possessed of
assets which under law may be disbursed for the care, support,
and maintenance of such child, to pay child support to the adult
relative caring for the child, the licensed child-caring agency,
the department ~~of Juvenile Justice,~~ or the Department of
Children and Families. When such order affects the guardianship
estate, a certified copy of such order shall be delivered to the
judge having jurisdiction of such guardianship estate. If the
court determines that the parent is unable to pay support,
placement of the child shall not be contingent upon issuance of
a support order. The department may employ a collection agency
to receive, collect, and manage ~~for the purpose of receiving,~~
~~collecting, and managing~~ the payment of unpaid and delinquent
fees. The collection agency must be registered and in good
standing under chapter 559. The department may pay to the
collection agency a fee from the amount collected under the
claim or may authorize the agency to deduct the fee from the
amount collected.

~~(4) All payments of fees made to the department under this~~
~~chapter, or child support payments made to the department~~
~~pursuant to subsection (3), shall be deposited in the General~~
~~Revenue Fund.~~

(4)(5) In carrying out the provisions of this chapter, the
court shall order the child, family, parent, legal guardian, or



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custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary to address the needs ~~for the rehabilitation~~ of the child and family.

~~(5)(6)~~ The participation and cooperation of the family, parent, legal guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its orders ~~order~~.

Section 35. Section 984.225, Florida Statutes, is amended to read:

984.225 Powers of disposition; placement in a ~~staff-secure~~ shelter.—

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of services be placed in shelter to enforce the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized agent, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized agent verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed. ~~for up to 90 days in a staff-secure shelter if:~~



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(2) The court shall order the parent, legal guardian, or custodian to cooperate with reunification efforts and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

(3) Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(a) The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.

(b) After other alternative, less restrictive, remedies have been exhausted, the child may be placed in shelter for up to 90 days if:

1.-(a) The child's parent, legal guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or legal custodian;

2.-(b) The child refuses to remain under the reasonable care and custody of the his or her parent, legal guardian, or legal custodian, as evidenced by repeatedly running away and failing to comply with a court order; or

3.-(c) The child has failed to successfully complete an



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alternative treatment program or to comply with ~~a~~ court-ordered services ~~sanction~~ and the child has been placed in a shelter residential program on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services under this chapter.

(4) The court shall review the child's 90-day shelter placement within 45 days after the child's placement and determine whether continued shelter is deemed necessary. The court shall also determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program, and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct a staffing to take place with the Department of Children and Families.

~~(2) This section applies after other alternative, less restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.~~

~~(3) The court shall order the parent, guardian, or legal~~



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~~eustodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.~~

~~(4) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.~~

(5) If a child has not been reunited with his or her parent, legal guardian, or ~~legal~~ custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the ~~staff-secure~~ shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(6)~~ The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the 90-day shelter ~~commitment~~ period, the parent, legal guardian, or ~~legal~~ custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the 90-day shelter ~~commitment~~ period, the child is not reunited with his or her parent, legal guardian, or custodian due solely to the continued refusal of the parent, legal guardian, or custodian to provide food, clothing, shelter, and parental support, the child is



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considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the custody of the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39. The department shall coordinate with the Department of Children and Families as provided in s. 984.086. The clerk of court shall serve the Department of Children and Families with any court order of referral.

~~(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine whether the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39.~~

(6)(8) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary services.



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

882 And the title is amended as follows:

883 Delete lines 104 - 105

884 and insert:

885 and Families under certain circumstances; requiring a

886 court to refer a child to the Agency for Persons with



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Simon) recommended the following:

Senate Substitute for Amendment (934982) (with title amendment)

Delete lines 1705 - 2583
and insert:

be contacted ~~If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of~~



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~~services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody.~~

~~(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each condition required to be determined in subsection (1).~~

~~(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.~~

~~(5) Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.~~

~~(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

~~(7) A child who is adjudicated a child in need of services~~



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~~or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.~~

~~(8) The court may order the placement of a child in need of services into a staff-secure facility for no longer than 5 days for the purpose of evaluation and assessment.~~

Section 17. Section 984.15, Florida Statutes, is amended to read:

984.15 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child in need of services has been placed in a shelter pursuant to s. 984.14, the department shall file the petition immediately, including in the petition notice of arraignment pursuant to s. 984.20.~~

(2)(a) The department shall file a petition for a child in need of services if the child meets the definition of a child in need of services, and the case manager or staffing committee recommends ~~requests~~ that a petition be filed and:

1. The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 984.11 and 984.12; or

2. The family or child have refused ~~all~~ services described in ss. 984.11 and 984.12 after reasonable efforts by the department to involve the family and child in voluntary family services ~~and treatment~~.



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(b) Once the requirements in paragraph (a) have been met, the department shall file a petition for a child in need of services as soon as practicable ~~within 45 days~~.

(c) The petition shall be in writing, shall state the specific grounds ~~under s. 984.03(9)~~ by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, legal guardian, or ~~legal~~ custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, legal guardian, or ~~legal~~ custodian.

3. The parent, legal guardian, or ~~legal~~ custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 984.12(10) ~~s. 984.12(8)~~.

(b) The parent, legal guardian, or ~~legal~~ custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not



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provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services ~~as defined in s. 984.03(9)~~. The petition must also demonstrate that the parent, legal guardian, or ~~legal~~ custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

(4)~~(d)~~ The petition must be signed by the petitioner under oath.

(5)~~(e)~~ The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

(a)~~1.~~ The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

(b)~~2.~~ The subject of a pending petition ~~referral~~ alleging that the child is delinquent; or

(c)~~3.~~ Under the current supervision of the department or the Department of Children and Families for an adjudication or withholding of adjudication of delinquency or dependency.

(6)~~(4)~~ The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

(7)~~(5)~~ The petitioner ~~department or the parent, guardian,~~



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~~or legal custodian~~ may withdraw a petition at any time before
~~prior to~~ the child is ~~being~~ adjudicated a child in need of
services.

Section 18. Section 984.151, Florida Statutes, is amended
to read:

984.151 Early truancy intervention; truancy petition;
judgment prosecution; disposition.—

(1) If the school determines that a student subject to
compulsory school attendance has had at least five unexcused
absences, or absences for which the reasons are unknown, within
a calendar month or 10 unexcused absences, or absences for which
the reasons are unknown, within a 90-calendar-day period
pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
absences in a 90-calendar-day period, the superintendent of
schools or his or her designee may file a truancy petition
seeking early truancy intervention.

(2) The petition shall be filed in the circuit in which the
student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall
be in the circuit court; however, the circuit court may use a
general or special magistrate ~~master~~ pursuant to Supreme Court
rules. Upon the filing of the petition, the clerk shall issue a
summons to the parent, legal guardian, or ~~legal~~ custodian of the
student, directing that person and the student to appear for a
hearing at a time and place specified.

(4) The petition must contain the following: the name, age,
and address of the student; the name and address of the
student's parent or guardian; the school where the student is
enrolled; the efforts the school has made to get the student to



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attend school in compliance with s. 1003.26; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender and the court shall order the student to attend school and order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power under this subsection is limited to entering orders to require the student to attend school and require the student and family to participate in services to encourage regular school attendance. The court, and may order any of the following services:

(a) The student to participate in alternative sanctions to include mandatory attendance at alternative classes; to be followed by mandatory community services hours for a period up to 6 months; the student and

(b) The student's parent, legal or guardian, or custodian to participate in parenting classes homemaker or parent aide services;

(c) The student or the student's parent, legal or guardian or custodian to participate in individual, group, or family intensive crisis counseling;



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(d) The student or the student's parent, legal ~~or~~ guardian
or custodian to participate in community mental health services
or substance abuse treatment services if available and
applicable;

(e) The student and the student's parent, legal ~~or~~
guardian, or custodian to participate in services ~~service~~
provided by state or community ~~voluntary or community~~ agencies,
if appropriate as available, including services for families in
need of services as provided in s. 984.11;

(f) The student and the student's parent, legal guardian,
or custodian to attend meetings with school officials to address
the child's educational needs, classroom assignment, class
schedule, and other barriers to school attendance identified by
the child's school, the child or his or her family;

(g) The student and the student's parent, legal guardian,
or custodian to engage in learning activities provided by the
school board as to why education is important and the potential
impact on the child's future employment and education options if
the attendance problem persists; or

(h) ~~and~~ The student or the student's parent, legal ~~or~~
guardian, or custodian to participate in vocational or, job
training, ~~or employment services.~~

(8) If the student does not substantially comply with
compulsory school attendance and court-ordered services required
under ~~successfully complete the sanctions ordered in~~ subsection
(7), and the child meets the definition of a child in need of
services, the case shall be referred by the court to the
department's authorized agent for review by the case staffing
committee under s. 984.12 with a recommendation to file a



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petition for child in need of services ~~child in need of services~~
~~petition~~ under s. 984.15. The court shall review the case not
less than every 45 days to determine whether the child is in
substantial compliance with compulsory education or if the case
should be referred to the case staffing committee in accord with
this subsection.

(9) If the student substantially complies with compulsory
school attendance the court shall close the truancy case.

(10) If the child is adjudicated a child in need of
services pursuant to s. 984.21, the truancy case shall be closed
and jurisdiction relinquished in accordance with s. 984.04.

(11) The court may retain jurisdiction of any case in which
the child is noncompliant with compulsory education and the
child does not meet the definition of a child in need of
services under this chapter until jurisdiction lapses pursuant
to s. 984.04.

(12) The court may not order a child placed in shelter
pursuant to this section unless the court has found the child to
be in contempt for violation of a court order under s. 984.09.

(13)(9) The parent, legal guardian, or legal custodian and
the student shall participate, as required by court order, in
any sanctions or services required by the court under this
section, and the court shall enforce such participation through
its contempt power.

(14) Any truant student that meets the definition of a
child in need of services and who has been found in contempt for
violation of a court order under s. 984.09 two or more times
shall be referred to the case staffing committee under s. 984.12
with a recommendation to file a petition for a child in need of



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services.

(15) The clerk of court must serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's authorized agent.

Section 19. Subsections (3) and (5) of section 984.16, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

984.16 Process and service for child in need of services petitions.—

(3) The summons shall require the person on whom it is served to appear for a hearing at a time, and place, and manner specified. ~~Except in cases of medical emergency, the time shall not be less than 24 hours after service of the summons.~~ The summons must ~~may~~ require the custodian to bring the child to court ~~if the court determines that the child's presence is necessary.~~ A copy of the petition shall be attached to the summons.

(5) The jurisdiction of the court shall attach to the child and the parent, legal guardian, or custodian, ~~or legal guardian~~ of the child and the case when the summons is served upon the child or a parent, or legal guardian, ~~actual~~ custodian of the child; ~~or~~ when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services; or when a party personally appears before the court whichever occurs first, and thereafter the court may control the child and case in accordance with this chapter.

(11) If a court takes action that directly involves a student's school, including, but not limited to, an order that a



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student attend school, attend school with his or her parent,
requiring the parent to participate in meetings, including
parent-teacher conferences, Section 504 plan meetings or
individualized education plan meetings to address the student's
disability, the office of the clerk of the court shall provide
notice to the school of the court's order.

Section 20. Section 984.17, Florida Statutes, is amended to read:

984.17 Response to petition and representation of parties.—

(1) At the time a child in need of services petition is filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be filed by any child, parent, ~~or~~ legal guardian, or custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child and ~~or~~ parent, legal guardian, or custodian shall, before ~~prior to~~ an adjudicatory hearing, be advised by the court of the right to counsel.

(3) When a petition for a child in need of services has been filed and the parents, legal guardian, or ~~legal~~ custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for a disposition hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.



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(4) An attorney representing the department shall represent the state in any proceeding in which the petition alleges that a child is a child in need of services ~~and in which a party denies the allegations of the petition and contests the adjudication.~~

Section 21. Section 984.18, Florida Statutes, is repealed.

Section 22. Section 984.19, Florida Statutes, is amended to read:

984.19 Medical screening and treatment of child; examination of parent, legal guardian, or person requesting custody.—

(1) When any child is to be placed in shelter care, the department or its authorized agent may ~~is authorized to~~ have a medical screening provided for ~~performed on~~ the child without authorization from the court and without consent from a parent, legal ~~or~~ guardian, or custodian. Such medical screening shall be provided ~~performed~~ by a licensed health care professional and shall be to screen ~~examine~~ the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When ~~the department has performed~~ the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent, legal ~~or~~ guardian, or custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent, legal ~~or~~ guardian, or custodian of the



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child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent, legal ~~or~~ guardian, or custodian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department's authorized agent may ~~department has the authority to~~ consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with Disabilities. The judge may order a family assessment if that



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assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or intellectual disability services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in s. 394.467 or chapter 393 shall be used, as applicable. A child may be provided services in emergency situations pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, as applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately contacted ~~called~~ or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, ~~nothing in this section does not shall be deemed to~~ eliminate the right of a parent, legal a guardian, or custodian, or the child to consent to examination or treatment for the child.



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(7) Except as otherwise provided herein, ~~nothing in this~~
section does not ~~shall be deemed to~~ alter the provisions of s.
743.064.

(8) A court may order ~~shall not be precluded from ordering~~
services or treatment to be provided to the child by a duly
accredited practitioner who relies solely on spiritual means for
healing in accordance with the tenets and practices of a church
or religious organization, when required by the child's health
and when requested by the child.

(9) ~~Nothing in~~ This section does not ~~shall be construed to~~
authorize the permanent sterilization of the child, unless such
sterilization is the result of or incidental to medically
necessary treatment to protect or preserve the life of the
child.

(10) For the purpose of obtaining an evaluation or
examination or receiving treatment as authorized pursuant to
this section, no child ~~alleged to be or found to be a child from~~
~~a family in need of services or a child in need of services~~
shall be placed in a detention facility or other program used
primarily for the care and custody of children alleged or found
to have committed delinquent acts.

(11) The parents, legal guardian, or custodian ~~guardian~~ of
a child alleged to be or adjudicated a child in need of services
remain financially responsible for the cost of medical treatment
provided to the child even if one or both of the parents or if
the legal guardian, or custodian did not consent to the medical
treatment. After a hearing, the court may order the parents,
legal ~~or~~ guardian, or custodian, if found able to do so, to
reimburse the department or other provider of medical services



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for treatment provided.

(12) A judge may order a child under its jurisdiction to submit to substance abuse evaluation, testing, and treatment in accordance with s. 397.706 ~~Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. 984.22(3) and of whom the department has become the legal custodian.~~

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 23. Section 984.20, Florida Statutes, is amended to read:

984.20 Hearings for child in need of services ~~child in need of services~~ cases.—

(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. ~~When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody.~~ The hearing shall be held for the child and the parent,



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446 legal guardian, or custodian to admit, deny, or consent to
447 findings that a child is in need of services as alleged in the
448 petition. If the child and the parent, legal guardian, or
449 custodian admit or consent to the findings in the petition, the
450 court shall adjudicate the child a child in need of services and
451 proceed as set forth in the Florida Rules of Juvenile Procedure.
452 However, if either the child or the parent, legal guardian, or
453 custodian denies any of the allegations of the petition, the
454 court shall hold an adjudicatory hearing within a reasonable
455 time after the date of the arraignment hearing ~~7 days after the~~
456 ~~date of the arraignment hearing.~~

457 (b) The court may grant a continuance of the arraignment
458 hearing ~~When a child is in the custody of the parent, guardian,~~
459 ~~or custodian, upon the filing of a petition, the clerk shall set~~
460 ~~a date for an arraignment hearing within a reasonable time from~~
461 ~~the date of the filing of the petition. if the child or and the~~
462 ~~parent, legal guardian, or custodian request a continuance to~~
463 ~~obtain an attorney. The case shall be rescheduled for an~~
464 ~~arraignment hearing within a reasonable period of time to allow~~
465 ~~for consultation~~ admit or consent to an adjudication, the court
466 ~~shall proceed as set forth in the Florida Rules of Juvenile~~
467 ~~Procedure. However, if either the child or the parent, guardian,~~
468 ~~or custodian denies any of the allegations of child in need of~~
469 ~~services, the court shall hold an adjudicatory hearing within a~~
470 ~~reasonable time from the date of the arraignment hearing.~~

471 (c) If at the arraignment hearing the child and the parent,
472 legal guardian, or custodian consents or admits to the
473 allegations in the petition and the court determines that the
474 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c),~~



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the court shall proceed to hold a disposition hearing at the earliest practicable time that will allow for the completion of a predisposition study.

(d) Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the adjudication of the child as a child in need of services. The document containing the notice to respond or appear must contain, in type as large as the balance of the document, the following or substantially similar language:

FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
CHILD INTO SHELTER.

If a person appears for the arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and, if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to adjudication of the child as a child in need of services.

(2) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile



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Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. ~~If the child is in custody, the adjudicatory hearing shall be held within 14 days after the date the child was taken into custody.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In an adjudicatory ~~a hearing on a petition in which it is alleged that the child is a child in need of services~~, a preponderance of evidence shall be required to establish that the child is in need of services. If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge who, in his or her discretion, may close any hearing to the public when the public interest or the welfare of the child, in his or her opinion, is best served by so doing. Hearings involving more than one child may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parent, legal guardian, or custodian of the child may be examined separately and apart from each other.

(3) DISPOSITION HEARING.—

(a) At the disposition hearing, ~~if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing,~~ the court shall receive



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and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider.

~~(a)~~ The predisposition study shall cover:

1. All treatment and services that the parent, legal guardian, or custodian and child received.

2. The love, affection, and other emotional ties existing between the family ~~parents~~ and the child.

3. The capacity and disposition of the parents, legal guardian, or custodian to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

4. The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

5. The permanence, as a family unit, of the existing or proposed custodial home.

6. The moral fitness of the parents, legal guardian, or custodian.

7. The mental and physical health of the family.

8. The home, school, and community record of the child.

9. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

10. Any other factor considered by the court to be relevant.

(b) The predisposition study also shall provide the court with documentation regarding:



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1. The availability of appropriate prevention, services, and treatment for the parent, legal guardian, custodian, and child to prevent the removal of the child from the home or to reunify the child with the parent, legal guardian, or custodian after removal or to reconcile the problems between the family ~~parent, guardian, or custodian~~ and the child.†

2. The inappropriateness of other prevention, treatment, and services that were available.†

3. The efforts by the department to prevent shelter out-of-home placement of the child or, when applicable, to reunify the parent, legal guardian, or custodian if appropriate services were available.†

4. Whether voluntary family ~~the~~ services were provided.†

5. If the voluntary family services and treatment were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.†

6. If the voluntary family services and treatment were not provided, the reasons for such lack of provision.† ~~and~~

7. The need for, or appropriateness of, continuing such treatment and services if the child remains in the custody of the parent, legal guardian, or custodian or if the child is placed outside the home.

(c) If placement of the child with anyone other than the child's parent, guardian, or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent, guardian, or custodian shall be reconsidered.

(d) A copy of this predisposition study shall be furnished



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to the person having custody of the child at the time such person is notified of the disposition hearing.

(e) After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2) (c), ~~nothing in this section does not shall~~ prohibit the publication of proceedings in a hearing.

(4) REVIEW HEARINGS.—

(a) The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and family to work toward compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings ~~but no less than 45 days after the date of the last review hearing.~~

(b) The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The department must appear at the review hearing. If the parent, legal guardian, or custodian does not appear at a review



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hearing, or if the court finds good cause to waive the child's presence, the court may proceed with the hearing and enter orders that affect the child and family accordingly.

~~(c)(b)~~ At the review hearings, the court shall consider the department's judicial review summary. The court shall close the case if the child has substantially complied with the case plans and court orders and no longer requires continued court supervision, subject to the case being reopened. Upon request of the petitioner, the court may close the case and relinquish jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter, but no less than 45 days after the date of the last review hearing.

Section 24. Section 984.21, Florida Statutes, is amended to read:

984.21 Orders of adjudication.—

~~(2)(1)~~ If the court finds that the child named in a petition is not a child in need of services, it shall enter an order so finding and dismiss ~~dismissing~~ the case.

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court~~



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~~later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

(3) If the court finds by a preponderance of evidence that the child named in a petition is a child in need of services, ~~but elects not to proceed under subsection (2),~~ it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

~~(1)(4)~~ An order of adjudication by a court that a child is a child in need of services is a civil adjudication, and is ~~services shall~~ not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a delinquent or criminal by reason of ~~that~~ adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 25. Section 984.22, Florida Statutes, is amended to read:

984.22 Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or used ~~utilized~~ by a child or family, the court having jurisdiction of the child in need of services shall have



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the power to direct the least intrusive and least restrictive disposition, as follows:

(a) Order the parent, legal guardian, or custodian and the child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, legal guardian, or custodian to pay a fine or fee based on the recommendations of the department.

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, legal guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's authorized agent ~~contracted~~ provider of programs and services for children in need of services and families in need of services. The term "supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, legal guardian, or custodian of the child, to render community service in a public service program.

(e) Order the child placed in shelter pursuant to s. 984.225 or s. 984.226.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the



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child has been placed with an adult willing to care for the child, or a licensed child-caring agency, ~~the Department of Juvenile Justice, or the Department of Children and Families,~~ the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the department ~~of Juvenile Justice,~~ or the Department of Children and Families. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency to receive, collect, and manage ~~for the purpose of receiving, collecting, and managing~~ the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

~~(4) All payments of fees made to the department under this chapter, or child support payments made to the department pursuant to subsection (3), shall be deposited in the General Revenue Fund.~~

(4) ~~(5)~~ In carrying out the provisions of this chapter, the



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court shall order the child, family, parent, legal guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary to address the needs ~~for the rehabilitation~~ of the child and family.

~~(5)-(6)~~ The participation and cooperation of the family, parent, legal guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its orders ~~order~~.

Section 26. Section 984.225, Florida Statutes, is amended to read:

984.225 Powers of disposition; placement in a ~~staff-secure~~ shelter.—

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of services be placed in shelter to enforce the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized agent, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized agent verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed. ~~for up to 90 days in a staff-secure shelter~~



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~~if:~~

(2) The court shall order the parent, legal guardian, or custodian to cooperate with reunification efforts and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

(3) Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(a) The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.

(b) After other alternative, less restrictive, remedies have been exhausted, the child may be placed in shelter for up to 90 days if:

1.~~(a)~~ The child's parent, legal guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or legal custodian;

2.~~(b)~~ The child refuses to remain under the reasonable care and custody of the his or her parent, legal guardian, or legal custodian, as evidenced by repeatedly running away and failing to comply with a court order; or



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794 ~~3.(e)~~ The child has failed to successfully complete an
795 alternative treatment program or to comply with a court-ordered
796 services sanction and the child has been placed in a shelter
797 ~~residential program~~ on at least one prior occasion pursuant to a
798 court order after the child has been adjudicated a child in need
799 of services under this chapter.

800 (4) The court shall review the child's 90-day shelter
801 placement within 45 days after the child's placement and
802 determine whether continued shelter is deemed necessary. The
803 court shall also determine whether the parent, legal guardian,
804 or custodian has reasonably participated in the child's
805 counseling and treatment program, and is following the
806 recommendations of the program to work toward reunification. The
807 court shall also determine whether the department's
808 reunification efforts have been reasonable. If the court finds
809 an inadequate level of support or participation by the parent,
810 legal guardian, or custodian before the end of the shelter
811 commitment period, the court shall direct a staffing to take
812 place with the Department of Children and Families.

813 ~~(2) This section applies after other alternative, less-~~
814 ~~restrictive remedies have been exhausted. The court may order~~
815 ~~that a child be placed in a staff-secure shelter. The~~
816 ~~department, or an authorized representative of the department,~~
817 ~~must verify to the court that a bed is available for the child.~~
818 ~~If the department or an authorized representative of the~~
819 ~~department verifies that a bed is not available, the department~~
820 ~~will place the child's name on a waiting list. The child who has~~
821 ~~been on the waiting list the longest will get the next available~~
822 ~~bed.~~



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~~(3) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.~~

~~(4) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.~~

(5) If a child has not been reunited with his or her parent, legal guardian, or ~~legal~~ custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the ~~staff-secure~~ shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(6)~~ The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the 90-day shelter ~~commitment~~ period, the parent, legal guardian, or ~~legal~~ custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the 90-day shelter ~~commitment~~ period, the child is not reunited with his or her parent, legal guardian, or custodian due solely to the continued refusal of the parent, legal guardian, or custodian to provide



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food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the custody of the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39. The department shall coordinate with the Department of Children and Families as provided in s. 984.086. The clerk of court shall serve the Department of Children and Families with any court order of referral.

~~(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine whether the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39.~~

(6) ~~(8)~~ If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary services.



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881
882 ===== T I T L E A M E N D M E N T =====
883 And the title is amended as follows:
884 Delete lines 104 - 105
885 and insert:
886 and Families under certain circumstances; requiring a
887 court to refer a child to the Agency for Persons with

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Simon

604-03478-25

20251344c2

1 A bill to be entitled
2 An act relating to juvenile justice; renaming ch. 984,
3 F.S.; amending s. 984.01, F.S.; revising the purposes
4 and intent of ch. 984, F.S.; amending s. 984.02, F.S.;
5 revising the legislative intent for prevention and
6 intervention; amending s. 984.03, F.S.; providing and
7 revising definitions; amending s. 984.04, F.S.;
8 deleting legislative intent; revising requirements for
9 early truancy intervention; amending s. 984.06, F.S.;
10 revising provisions concerning preservation of records
11 and confidential information; amending s. 984.07,
12 F.S.; providing for appointment of counsel in certain
13 circumstances; providing for payment of counsel;
14 providing for imposition of costs of appointed counsel
15 on nonindigent parents in certain circumstances;
16 providing for appointment of counsel to represent a
17 parent or guardian in certain circumstances; amending
18 s. 984.071, F.S.; revising provisions concerning
19 production of an information guide concerning juvenile
20 procedures; requiring specified departments to post
21 the information guide on their websites; repealing s.
22 984.08, F.S., relating to attorney fees; repealing s.
23 984.085, F.S., relating to sheltering and aiding
24 unmarried minors; creating s. 984.0861, F.S.;
25 prohibiting the use of detention for specified
26 purposes; amending s. 984.09, F.S.; revising
27 provisions for a child's punishment for contempt of
28 court; limiting periods for placement for direct
29 contempt or indirect contempt; revising procedures for

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30 procedure and due process; amending s. 984.10, F.S.;
31 authorizing an authorized agent of the Department of
32 Juvenile Justice to perform intake; revising
33 provisions concerning referrals for service; requiring
34 the abuse hotline to be contacted in certain
35 circumstances; authorizing a child to remain in
36 custody in certain circumstances; amending s. 984.11,
37 F.S.; requiring that an array of voluntary family
38 services be available to remediate specified problems;
39 providing that certain families are not eligible for
40 voluntary family services; providing eligibility for
41 children in certain circumstances if the Department of
42 Children and Families agrees; providing for an
43 interagency agreement to govern such referrals;
44 amending s. 984.12, F.S.; requiring parents to use
45 health care insurance to the extent that it is
46 available; deleting provisions concerning collection
47 of fees; amending s. 984.13, F.S.; authorizing that a
48 child be taken into custody pursuant to a finding of
49 contempt; specifying placement of a child taken into
50 custody in specified circumstances; revising the
51 duties of a person taking a child into custody;
52 amending s. 984.14, F.S.; revising provisions
53 concerning voluntary shelter services and placement of
54 children in such services; deleting provisions
55 concerning involuntary placement in a shelter;
56 amending s. 984.15, F.S.; revising requirements for
57 petitions for a child in need of services; amending s.
58 984.151, F.S.; providing for early truancy

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59 intervention; providing for additional services to be
 60 ordered if a student is found to be a truant status
 61 offender; revising provisions concerning compliance;
 62 providing for applicability in cases in which a
 63 student is found to be a child in need of services;
 64 providing for retention of jurisdiction by courts;
 65 providing an exception; providing for service of court
 66 orders on specified entities; amending s. 984.16,
 67 F.S.; requiring that a student's school receive notice
 68 of certain actions by courts; amending s. 984.17,
 69 F.S.; specifying when a guardian ad litem may be
 70 appointed; revising provisions concerning
 71 representation of the Department of Juvenile Justice
 72 in cases in which a child is alleged to be in need of
 73 services; repealing s. 984.18, F.S., relating to
 74 referral of child-in-need-of-services cases to
 75 mediation; amending s. 984.19, F.S.; providing that an
 76 authorized agent of the department may have a medical
 77 screening performed on a child placed in shelter care;
 78 revising provisions concerning consent for medical
 79 care for a child in the care of the department;
 80 amending s. 984.20, F.S.; revising provisions for
 81 hearings in child in need of services cases; providing
 82 that the failure of a person served with notice to
 83 appear at the arraignment hearing constitutes the
 84 person's consent to the child in need of services
 85 petition; requiring a specified notice in such
 86 petitions; amending s. 984.21, F.S.; specifying that
 87 an order of adjudication by a court that a child is a

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88 child in need of services is a civil adjudication and
 89 not a conviction; deleting provisions allowing a court
 90 to withhold an adjudication that a child is a child in
 91 need of services in certain cases; amending s. 984.22,
 92 F.S.; conforming provisions to changes made by the
 93 act; deleting provisions on the deposit of fees
 94 received; amending s. 984.225, F.S.; revising when a
 95 child in need of services may be placed in a shelter;
 96 revising placement procedures; providing for
 97 counseling orders; specifying the effect of a
 98 placement on the legal responsibilities of a parent,
 99 guardian, or custodian; providing limits for shelter
 100 stays; deleting provisions concerning exhaustion of
 101 less restrictive alternatives; providing for periodic
 102 review of placements; requiring a court to direct a
 103 staffing to take place with the Department of Children
 104 and Families under certain circumstances; authorizing
 105 transfer to the custody of the Agency for Persons with
 106 Disabilities in certain circumstances; amending s.
 107 984.226, F.S.; authorizing contracting for physically
 108 secure shelters; deleting provisions on representation
 109 in certain proceedings; requiring exhaustion of less
 110 restrictive placements before a child may be placed in
 111 a physically secure shelter; providing a time limit on
 112 secure shelter orders; providing legislative intent;
 113 revising provisions concerning review of secure
 114 shelter placements; providing for transfer to shelter
 115 placements in certain circumstances; requiring a court
 116 to direct a staffing to take place with the department

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117 under certain circumstances; providing for the
 118 transfer of a child to the Agency for Persons with
 119 Disabilities in certain circumstances; transferring
 120 and renumbering s. 985.731, F.S., as s. 787.035, F.S.,
 121 relating to offenses concerning providing sheltering
 122 unmarried minors and aiding unmarried minor runaways;
 123 providing criminal penalties; amending s. 985.03,
 124 F.S.; revising the definition of the term "child who
 125 has been found to have committed a delinquent act";
 126 amending s. 985.24, F.S.; prohibiting placement of a
 127 child subject to certain proceedings into secure
 128 detention care; amending s. 1003.26, F.S.; authorizing
 129 that certain meetings with parents may be conducted
 130 virtually or by telephone; providing for child study
 131 team meetings in the absence of a parent, legal
 132 guardian, or custodian or child; revising
 133 interventions by such team; providing for promotion of
 134 a child who is responsive to intervention and meets
 135 specified requirements; revising provisions concerning
 136 required notice of a child's enrollment or attendance
 137 issues; revising provisions concerning returning a
 138 student to a parent or other party in certain
 139 circumstances; amending s. 1003.27, F.S.; revising
 140 reporting requirements for reports by school
 141 principals to school boards concerning minor students
 142 who accumulate more than a specified number of
 143 absences; requiring actions by school boards;
 144 providing for remedial actions for failure to comply;
 145 revising provisions concerning habitual truancy cases;

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146 revising provisions concerning cooperative agreements;
 147 revising who may begin certain proceedings and
 148 prosecutions; deleting a provision concerning a civil
 149 penalty for students; revising provisions concerning
 150 truant students; amending s. 381.02035, F.S.;
 151 authorizing pharmacists employed by the Department of
 152 Juvenile Justice to import drugs from Canada under a
 153 specified program; amending s. 790.22, F.S.; revising
 154 provisions concerning the treatment of a finding that
 155 a minor violated specified provisions, regardless of
 156 whether adjudication was withheld, for the purposes of
 157 determining whether a prior offense was committed;
 158 amending s. 985.12, F.S.; deleting a requirement that
 159 the Department of Juvenile Justice annually develop
 160 and produce best practice models for prearrest
 161 delinquency citation programs; amending s. 985.126,
 162 F.S.; revising the requirements for a quarterly report
 163 on prearrest citation programs; amending s. 985.25,
 164 F.S.; providing for supervised release or detention of
 165 a child despite the child's risk assessment score in
 166 certain circumstances; limiting the number of
 167 categories that a child may be moved; amending s.
 168 985.433, F.S.; requiring that a child be placed on
 169 conditional release rather than probation following
 170 discharge from commitment; repealing s. 985.625, F.S.,
 171 relating to literacy programs for juvenile offenders;
 172 amending s. 985.632, F.S.; deleting a provision
 173 regarding development of a cost-effectiveness model
 174 and application of the model to each commitment

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175 program; amending ss. 95.11, 409.2564, 419.001,
 176 744.309, 784.075, and 985.618, F.S.; conforming
 177 provisions to changes made by the act; providing an
 178 effective date.

179
 180 Be It Enacted by the Legislature of the State of Florida:

181
 182 Section 1. Chapter 984, Florida Statutes, entitled
 183 "Children and Families in Need of Services," is renamed
 184 "Children and Families in Need of Services; Prevention and
 185 Intervention for School Truancy and Ungovernable and Runaway
 186 Children."

187 Section 2. Section 984.01, Florida Statutes, is amended to
 188 read:

189 984.01 Purposes and intent; personnel standards and
 190 screening.—

191 (1) The purposes of this chapter are:

192 (a) To provide judicial, nonjudicial, and other procedures
 193 to address the status offenses of children who are truant from
 194 school, run away from their caregivers, or exhibit ungovernable
 195 behavior by refusing to follow the household rules of their
 196 caregivers and engage in behavior that places the child at risk
 197 of harm; and to ensure ~~assure~~ due process through which children
 198 and other interested parties are assured fair hearings by a
 199 respectful and respected court ~~or other tribunal~~ and the
 200 recognition, protection, and enforcement of their constitutional
 201 and other legal rights, ~~while ensuring that public safety~~
 202 ~~interests and the authority and dignity of the courts are~~
 203 ~~adequately protected.~~

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204 (b) To provide for the care, safety, and protection of
 205 children in an environment that cultivates ~~fosters~~ healthy
 206 social, emotional, intellectual, and physical development; to
 207 ensure the safety of children ~~secure and safe custody~~; and to
 208 promote the education, health, and well-being of all children
 209 under the state's care.

210 (c) To ~~provide~~ ensure the protection of society, by
 211 ~~providing~~ for a needs ~~comprehensive~~ standardized assessment of
 212 the child's needs, strengths, and family dynamics so that the
 213 most appropriate services ~~control, discipline, punishment, and~~
 214 ~~treatment~~ can be provided in the most appropriate environment
 215 ~~administered~~ consistent with the ~~seriousness of the act~~
 216 ~~committed~~, the community's long-term need for public safety and
 217 the safety of the individual child, with consideration given to
 218 the education and overall well-being, the prior record of the
 219 child, and the specific rehabilitation needs of the child, while
 220 ~~also providing restitution, whenever possible, to the victim of~~
 221 ~~the offense.~~

222 (d) To preserve and strengthen the child's family ties
 223 whenever possible; provide for temporary shelter placement of
 224 the child only when necessary for the child's education, safety,
 225 and welfare and when other less restrictive alternatives have
 226 been exhausted; provide, by providing for removal of the child
 227 ~~from parental custody only when his or her welfare or the safety~~
 228 ~~and protection of the public cannot be adequately safeguarded~~
 229 ~~without such removal; and, when the child is removed from his or~~
 230 ~~her own family, to secure~~ custody, care, and education;
 231 encourage self-discipline; and increase protective factors when
 232 the child is in temporary shelter placement ~~discipline for the~~

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child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.

(e)1- To ensure ~~assure~~ that the adjudication and disposition of a child alleged or found to be a child in need of services have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the misconduct offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. ~~To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

(f) To provide a court process through which school boards are able to access the court for the limited purpose of early truancy intervention for children, subject to compulsory education, who are not engaging in regular school attendance, and encourage school attendance by educating children and their families on the importance of regular school attendance and provide services to families to prevent the child's pattern of

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~~truancy from becoming habitual children committed to the Department of Juvenile Justice with training in life skills, including career education.~~

(2) ~~The department of Juvenile Justice or the Department of Children and Families, as appropriate,~~ may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) If the department contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. The Each contract entered into by either department and any agency providing services for the department must require that each contract entered into for services delivered on an appointment or intermittent basis by a provider that does or does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character and must meet level 2 screening requirements as described in s. 435.04. A volunteer who assists on an intermittent basis for less than 10 hours per month need not be screened if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

~~(b) The department of Juvenile Justice and the Department of Children and Families shall require employment screening~~

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291 ~~pursuant to chapter 435, using the level 2 standards set forth~~
 292 ~~in that chapter for personnel in programs for children or~~
 293 ~~youths.~~

294 ~~(b)(c)~~ The department ~~of Juvenile Justice or the Department~~
 295 ~~of Children and Families~~ may grant exemptions from
 296 disqualification from working with children as provided in s.
 297 435.07.

298 (c) Any shelter used for the placement of children under
 299 this chapter must be licensed by the Department of Children and
 300 Families.

301 (3) ~~It is the intent of the Legislature that~~ This chapter
 302 is to be liberally interpreted and construed in conformity with
 303 its declared purposes.

304 Section 3. Section 984.02, Florida Statutes, is amended to
 305 read:

306 984.02 Legislative intent for prevention and intervention
 307 under chapter 984 the juvenile justice system.

308 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
 309 the Legislature that the children of this state be provided with
 310 the following protections:

- 311 (a) Protection from abuse, neglect, and exploitation.
- 312 (b) A permanent and stable home.
- 313 (c) A safe and nurturing environment which will preserve a
 314 sense of personal dignity and integrity.
- 315 (d) Adequate nutrition, shelter, and clothing.
- 316 (e) Effective services or treatment to address physical,
 317 social, and emotional needs, ~~regardless of geographical~~
 318 ~~location.~~
- 319 (f) Equal opportunity and access to quality and effective

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320 education which will meet the individual needs of each child and
 321 prepare the child for future employment, and to recreation and
 322 other community resources to develop individual abilities.

323 (g) Access to preventive services to provide the child and
 324 family the support of community resources to address the needs
 325 of the child and reduce the risk of harm or engaging in
 326 delinquent behavior.

327 (h) Court ~~An independent, trained advocate when~~
 328 intervention only when ~~is~~ necessary to address at-risk behavior
 329 before the behavior escalates into harm to the child or to the
 330 community through delinquent behavior.

331 (i) Access to representation by a trained advocate when
 332 court proceedings are initiated under this chapter.

333 (j) Supervision and services by skilled staff when
 334 temporary out of home placement is necessary and a skilled
 335 guardian or caretaker in a safe environment when alternative
 336 placement is necessary.

337 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
 338 children in the care of the state's juvenile justice and
 339 intervention dependency and delinquency systems need appropriate
 340 health care services and, that the impact of substance abuse on
 341 health requires ~~indicates~~ the need for health care services to
 342 include substance abuse services when where appropriate, ~~and~~
 343 ~~that~~ It is in the state's best interest that ~~such~~ children be
 344 provided the services they need to enable them to become and
 345 remain independent of state care. In order to provide these
 346 services, the state's juvenile justice and intervention
 347 dependency and delinquency systems must have the ability to
 348 identify and make referrals to experts capable of providing

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349 ~~provide appropriate~~ intervention and treatment for children with
 350 personal or family-related substance abuse problems. It is
 351 therefore the purpose of the Legislature to provide authority
 352 for the state to contract with community substance abuse
 353 treatment providers for the development and operation of
 354 specialized support and overlay services for the juvenile
 355 justice and intervention dependency and delinquency systems,
 356 subject to legislative appropriation, which will be fully
 357 implemented and utilized as resources permit. This section does
 358 not prevent agencies from referring children and families to
 359 privately operated community service providers to the extent the
 360 families have funding or insurance to provide care.

361 (3) JUVENILE JUSTICE AND INTERVENTION DELINQUENCY
 362 PREVENTION.—It is the policy of the state regarding with respect
 363 to juvenile justice and intervention delinquency prevention to
 364 first protect the public from acts of delinquency. In addition,
 365 it is the policy of the state to:

366 (a) Develop and implement effective methods of preventing
 367 and reducing acts of delinquency, with a focus on maintaining
 368 and strengthening the family ~~as a whole~~ so that children may
 369 remain in their homes or communities.

370 (b) Develop and implement effective programs to prevent
 371 delinquency, to divert children from the traditional juvenile
 372 justice system, to intervene at an early stage of delinquency,
 373 and to provide critically needed alternatives to
 374 institutionalization and deep-end commitment.

375 (c) Provide well-trained personnel, high-quality services,
 376 and cost-effective programs within the juvenile justice system.

377 (d) Increase the capacity of local governments and public

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378 and private agencies to conduct rehabilitative treatment
 379 programs and to provide research, evaluation, and training
 380 services ~~for in the field of~~ juvenile delinquency prevention.

381 (e) Develop and implement effective early prevention
 382 programs to address truancy and ungovernable and runaway
 383 behavior of children which places the child at risk of harm, and
 384 allow for intervention before the child engages in a delinquent
 385 act.

386
 387 The Legislature intends that temporary shelter detention care,
 388 in addition to providing safe care ~~secure and safe custody~~, will
 389 promote the health and well-being of the children placed therein
 390 ~~committed thereto~~ and provide an environment that fosters their
 391 social, emotional, intellectual, and physical development.

392 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
 393 Parents, custodians, and guardians are deemed by the state to be
 394 responsible for providing their children with sufficient
 395 support, guidance, and supervision to deter their participation
 396 in delinquent acts, and ensure their children attend school and
 397 engage in education to prepare their child for their future. The
 398 state further recognizes that the ability of parents,
 399 custodians, and guardians to fulfill those responsibilities can
 400 be greatly impaired by economic, social, behavioral, emotional,
 401 and related problems. It is therefore the policy of the
 402 Legislature that it is the state's responsibility to ensure that
 403 factors impeding the ability of caretakers to fulfill their
 404 responsibilities are identified and appropriate recommendations
 405 are provided to address those impediments through the provision
 406 of nonjudicial voluntary family services for families in need of

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services and through the child in need of services court processes delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.

(5) PROVISION OF SERVICES.-Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian, or custodian and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through individual and family services after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this distinction, it is the policy of the state to develop short-term services using the least restrictive method for children and families, early truancy intervention, and children in need of services.

Section 4. Section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(1) "Abandoned" or "abandonment" have the same meaning as in s. 39.01(1) means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes

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~~no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (25). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment.~~

(2) "Abuse" has the same meaning as in s. 39.01(2) means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 39.01.

~~(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.~~

(3)(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under s. 984.20(2) in child in need of services child-in-need-of-services cases.

(4)(5) "Adult" means any natural person other than a child.

(5)(6) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the

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465 Department of Juvenile Justice ~~or the Department of Children and~~
 466 ~~Families, as appropriate,~~ to perform duties or exercise powers
 467 pursuant to this chapter and includes contract providers and
 468 subcontracted providers and their employees for purposes of
 469 providing voluntary family services, and providing court-ordered
 470 services ~~to~~ and managing cases of children in need of services
 471 ~~and families in need of services.~~

472 ~~(7) "Caretaker/homemaker" means an authorized agent of the~~
 473 ~~Department of Children and Families who shall remain in the~~
 474 ~~child's home with the child until a parent, legal guardian, or~~
 475 ~~relative of the child enters the home and is capable of assuming~~
 476 ~~and agrees to assume charge of the child.~~

477 ~~(6)(8)~~ "Child" or "juvenile" or "youth" means any unmarried
 478 person under the age of 18 who has not been emancipated by order
 479 of the court and who has been found or alleged to be dependent,
 480 in need of services, or from a family in need of services; or
 481 any married or unmarried person who is charged with a violation
 482 of law occurring prior to the time that person reached the age
 483 of 18 years.

484 ~~(7)(9)~~ "Child in need of services" means a child for whom
 485 there is no pending petition filed with the court investigation
 486 ~~into an allegation or suspicion of abuse, neglect, or~~
 487 ~~abandonment; no pending referral~~ alleging the child is
 488 delinquent; or no current court ordered supervision by the
 489 department for delinquency under chapter 985 of Juvenile Justice
 490 or court-ordered supervision by the Department of Children and
 491 Families under chapter 39 for an adjudication of dependency or
 492 delinquency. The child must also, pursuant to this chapter, be
 493 found by the court:

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494 (a) To have persistently run away from the child's parents,
 495 ~~or legal guardians, or~~ custodians despite reasonable efforts of
 496 ~~the child, the parents, or legal guardians, or~~ custodians, and
 497 appropriate agencies to remedy the conditions contributing to
 498 the behavior. Reasonable efforts shall include voluntary
 499 participation by the child's parents ~~or legal guardian, or~~
 500 custodians and the child in family mediation, voluntary
 501 services, and treatment offered by the department or through its
 502 authorized agent of Juvenile Justice or the Department of
 503 Children and Families;

504 (b) To be a habitual ~~habitually~~ truant from school, while
 505 subject to compulsory school attendance, despite reasonable
 506 efforts to remedy the situation pursuant to ss. 1003.26 and
 507 1003.27 and through voluntary participation by the child's
 508 parents or legal custodians and by the child in family
 509 mediation, services, and treatment offered by the department or
 510 its authorized agent of Juvenile Justice or the Department of
 511 Children and Families; or

512 (c) To be ungovernable by having ~~have~~ persistently
 513 disobeyed the reasonable and lawful rules and demands of the
 514 child's parents, ~~or legal guardians, or~~ custodians, and to be
 515 beyond their control despite the child having the mental and
 516 physical capacity to understand and obey lawful rules and
 517 demands, and despite efforts by the child's parents, ~~or legal~~
 518 guardians, or custodians and appropriate agencies to remedy the
 519 conditions contributing to the behavior. Reasonable efforts may
 520 include such things as good faith participation in voluntary
 521 family services or individual services ~~counseling.~~

522 ~~(10) "Child support" means a court-ordered obligation,~~

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523 enforced under chapter 61 and ss. 409.2551-409.2597, for
 524 monetary support for the care, maintenance, training, and
 525 education of a child.

526 ~~(11) "Child who has been found to have committed a~~
 527 ~~delinquent act" means a child who, pursuant to the provisions of~~
 528 ~~chapter 985, is found by a court to have committed a violation~~
 529 ~~of law or to be in direct or indirect contempt of court, except~~
 530 ~~that this definition shall not include an act constituting~~
 531 ~~contempt of court arising out of a dependency proceeding or a~~
 532 ~~proceeding pursuant to this chapter.~~

533 ~~(12) "Child who is found to be dependent" or "dependent~~
 534 ~~child" means a child who, pursuant to this chapter, is found by~~
 535 ~~the court.~~

536 ~~(a) To have been abandoned, abused, or neglected by the~~
 537 ~~child's parents or other custodians.~~

538 ~~(b) To have been surrendered to the former Department of~~
 539 ~~Health and Rehabilitative Services, the Department of Children~~
 540 ~~and Families, or a licensed child-placing agency for purpose of~~
 541 ~~adoption.~~

542 ~~(c) To have been voluntarily placed with a licensed child-~~
 543 ~~caring agency, a licensed child-placing agency, an adult~~
 544 ~~relative, the former Department of Health and Rehabilitative~~
 545 ~~Services, or the Department of Children and Families, after~~
 546 ~~which placement, under the requirements of this chapter, a case~~
 547 ~~plan has expired and the parent or parents have failed to~~
 548 ~~substantially comply with the requirements of the plan.~~

549 ~~(d) To have been voluntarily placed with a licensed child-~~
 550 ~~placing agency for the purposes of subsequent adoption and a~~
 551 ~~natural parent or parents signed a consent pursuant to the~~

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552 ~~Florida Rules of Juvenile Procedure.~~

553 ~~(e) To have no parent, legal custodian, or responsible~~
 554 ~~adult relative to provide supervision and care.~~

555 ~~(f) To be at substantial risk of imminent abuse or neglect~~
 556 ~~by the parent or parents or the custodian.~~

557 (8)(13) "Circuit" means any of the 20 judicial circuits as
 558 set forth in s. 26.021.

559 ~~(14) "Comprehensive assessment" or "assessment" means the~~
 560 ~~gathering of information for the evaluation of a juvenile~~
 561 ~~offender's or a child's physical, psychological, educational,~~
 562 ~~vocational, and social condition and family environment as they~~
 563 ~~relate to the child's need for rehabilitative and treatment~~
 564 ~~services, including substance abuse treatment services, mental~~
 565 ~~health services, developmental services, literacy services,~~
 566 ~~medical services, family services, and other specialized~~
 567 ~~services, as appropriate.~~

568 (9)(15) "Court," unless otherwise expressly stated, means
 569 the circuit court assigned to exercise jurisdiction under this
 570 chapter.

571 (10) "Custodian" means any adult person who is exercising
 572 actual physical custody of the child and is providing food,
 573 clothing, and care for the child in the absence of a parent or
 574 legal guardian.

575 ~~(16) "Delinquency program" means any intake, community~~
 576 ~~control, or similar program; regional detention center or~~
 577 ~~facility; or community-based program, whether owned and operated~~
 578 ~~by or contracted by the Department of Juvenile Justice, or~~
 579 ~~institution owned and operated by or contracted by the~~
 580 ~~Department of Juvenile Justice, which provides intake,~~

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581 ~~supervision, or custody and care of children who are alleged to~~
 582 ~~be or who have been found to be delinquent pursuant to chapter~~
 583 ~~985.~~

584 ~~(11)(17)~~ "Department" means the Department of Juvenile
 585 Justice.

586 ~~(18) "Detention care" means the temporary care of a child~~
 587 ~~in secure, nonsecure, or home detention, pending a court~~
 588 ~~adjudication or disposition or execution of a court order. There~~
 589 ~~are three types of detention care, as follows:~~

590 ~~(a) "Secure detention" means temporary custody of the child~~
 591 ~~while the child is under the physical restriction of a detention~~
 592 ~~center or facility pending adjudication, disposition, or~~
 593 ~~placement.~~

594 ~~(b) "Nonsecure detention" means temporary custody of the~~
 595 ~~child while the child is in a residential home in the community~~
 596 ~~in a physically nonrestrictive environment under the supervision~~
 597 ~~of the Department of Juvenile Justice pending adjudication,~~
 598 ~~disposition, or placement.~~

599 ~~(c) "Home detention" means temporary custody of the child~~
 600 ~~while the child is released to the custody of the parent,~~
 601 ~~guardian, or custodian in a physically nonrestrictive~~
 602 ~~environment under the supervision of the Department of Juvenile~~
 603 ~~Justice staff pending adjudication, disposition, or placement.~~

604 ~~(19) "Detention center or facility" means a facility used~~
 605 ~~pending court adjudication or disposition or execution of court~~
 606 ~~order for the temporary care of a child alleged or found to have~~
 607 ~~committed a violation of law. A detention center or facility may~~
 608 ~~provide secure or nonsecure custody. A facility used for the~~
 609 ~~commitment of adjudicated delinquents shall not be considered a~~

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610 ~~detention center or facility.~~

611 ~~(20) "Detention hearing" means a hearing for the court to~~
 612 ~~determine if a child should be placed in temporary custody, as~~
 613 ~~provided for under s. 39.402, in dependency cases.~~

614 ~~(21) "Diligent efforts of social service agency" means~~
 615 ~~reasonable efforts to provide social services or reunification~~
 616 ~~services made by any social service agency as defined in this~~
 617 ~~section that is a party to a case plan.~~

618 ~~(22) "Diligent search" means the efforts of a social~~
 619 ~~service agency to locate a parent or prospective parent whose~~
 620 ~~identity or location is unknown, or a relative made known to the~~
 621 ~~social services agency by the parent or custodian of a child.~~
 622 ~~When the search is for a parent, prospective parent, or relative~~
 623 ~~of a child in the custody of the department, this search must be~~
 624 ~~initiated as soon as the agency is made aware of the existence~~
 625 ~~of such parent, prospective parent, or relative. A diligent~~
 626 ~~search shall include interviews with persons who are likely to~~
 627 ~~have information about the identity or location of the person~~
 628 ~~being sought, comprehensive database searches, and records~~
 629 ~~searches, including searches of employment, residence,~~
 630 ~~utilities, Armed Forces, vehicle registration, child support~~
 631 ~~enforcement, law enforcement, and corrections records, and any~~
 632 ~~other records likely to result in identifying and locating the~~
 633 ~~person being sought. The initial diligent search must be~~
 634 ~~completed within 90 days after a child is taken into custody.~~
 635 ~~After the completion of the initial diligent search, the~~
 636 ~~department, unless excused by the court, shall have a continuing~~
 637 ~~duty to search for relatives with whom it may be appropriate to~~
 638 ~~place the child, until such relatives are found or until the~~

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639 ~~child is placed for adoption.~~

640 ~~(12)(23)~~ "Disposition hearing" means a hearing in which the
641 court determines the most appropriate dispositional services in
642 the least restrictive available setting provided for under s.
643 984.20(3), in child in need of services ~~child in need of~~
644 ~~services~~ cases.

645 (13) "Early truancy intervention" means action taken by a
646 school or school district pursuant to s. 1003.26 to identify a
647 pattern of nonattendance by a student subject to compulsory
648 school attendance at the earliest opportunity to address the
649 reasons for the student's nonattendance, and includes services
650 provided by the school or school district, or the department or
651 its authorized agent pursuant to s. 984.11, and may include
652 judicial action pursuant to s. 984.151 or s. 1003.27.

653 ~~(14)(24)~~ "Family" means a collective body of persons,
654 consisting of a child and a parent, legal guardian, ~~adult~~
655 custodian, or adult relative, in which:

656 (a) The persons reside in the same house or living unit; or

657 (b) The parent, legal guardian, ~~adult~~ custodian, or adult
658 relative has a legal responsibility by blood, marriage, or court
659 order to support or care for the child.

660 ~~(15)(25)~~ "Family in need of services" means a family that
661 has a child who is running away; who is ungovernable and
662 persistently disobeying reasonable and lawful demands of the
663 parent or legal custodian and is beyond the control of the
664 parent or legal custodian; or who is a habitual ~~habitually~~
665 truant ~~from school~~ or engaging in other serious behaviors that
666 place the child at risk of future abuse, neglect, or abandonment
667 or at risk of entering the juvenile justice system. The child

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668 must be referred to a law enforcement agency, the department of
669 ~~Juvenile Justice~~, or an agency contracted to provide services to
670 children in need of services. A family is not eligible to
671 receive voluntary family services if, at the time of the
672 referral, ~~there is an open investigation into an allegation of~~
673 ~~abuse, neglect, or abandonment or if the child is currently~~
674 under court-ordered supervision by the department for
675 delinquency under chapter 985 or under court-ordered supervision
676 by of Juvenile Justice or the Department of Children and
677 Families under chapter 39 due to an adjudication of dependency
678 or delinquency.

679 ~~(26) "Foster care" means care provided a child in a foster~~
680 ~~family or boarding home, group home, agency boarding home, child~~
681 ~~care institution, or any combination thereof.~~

682 ~~(16)(27)~~ "Habitual Habitually truant" has the same meaning
683 as in s. 1003.01(12). ~~means that:~~

684 ~~(a) The child has 15 unexcused absences within 90 calendar~~
685 ~~days with or without the knowledge or justifiable consent of the~~
686 ~~child's parent or legal guardian, is subject to compulsory~~
687 ~~school attendance under s. 1003.21(1) and (2)(a), and is not~~
688 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~
689 ~~specified by law or the rules of the State Board of Education.~~

690 ~~(b) Activities to determine the cause, and to attempt the~~
691 ~~remediation, of the child's truant behavior under ss. 1003.26~~
692 ~~and 1003.27(3), have been completed.~~

693
694 ~~If a child who is subject to compulsory school attendance is~~
695 ~~responsive to the interventions described in ss. 1003.26 and~~
696 ~~1003.27(3) and has completed the necessary requirements to pass~~

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697 ~~the current grade as indicated in the district pupil progression~~
 698 ~~plan, the child shall not be determined to be habitually truant~~
 699 ~~and shall be passed. If a child within the compulsory school~~
 700 ~~attendance age has 15 unexcused absences within 90 calendar days~~
 701 ~~or fails to enroll in school, the State Attorney may, or the~~
 702 ~~appropriate jurisdictional agency shall, file a child-in-need-~~
 703 ~~of-services petition if recommended by the case staffing~~
 704 ~~committee, unless it is determined that another alternative~~
 705 ~~action is preferable. The failure or refusal of the parent or~~
 706 ~~legal guardian or the child to participate, or make a good faith~~
 707 ~~effort to participate, in the activities prescribed to remedy~~
 708 ~~the truant behavior, or the failure or refusal of the child to~~
 709 ~~return to school after participation in activities required by~~
 710 ~~this subsection, or the failure of the child to stop the truant~~
 711 ~~behavior after the school administration and the Department of~~
 712 ~~Juvenile Justice have worked with the child as described in ss.~~
 713 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~
 714 ~~1003.27.~~

715 ~~(17)(28)~~ "Intake" means the initial acceptance and
 716 screening by the department or its authorized agent of a
 717 referral from an early truancy intervention court, a school
 718 board, or a school requesting services; a request for assistance
 719 from a parent or child; or a complaint, of Juvenile Justice of a
 720 complaint or a law enforcement report, or probable cause
 721 affidavit of a child's truancy, ungovernable behavior, or
 722 running away, on behalf of a family delinquency, family in-need
 723 of-services, or child in-need-of-services to determine the most
 724 appropriate course of action ~~recommendation to be taken~~ in the
 725 best interests of the child, the family, and the community. The

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726 emphasis of intake is on diversion and the least restrictive
 727 available services. Consequently, intake includes such
 728 alternatives as:

729 (a) The disposition of the request for services, complaint,
 730 report, or probable cause affidavit without court or public
 731 agency action or judicial handling when appropriate.

732 (b) The referral of the child to another public or private
 733 agency when appropriate.

734 (c) The recommendation by the assigned intake case manager
 735 juvenile probation officer of judicial handling when appropriate
 736 and warranted.

737 ~~(18)(29)~~ "Judge" means the circuit judge exercising
 738 jurisdiction pursuant to this chapter.

739 ~~(30)~~ "Juvenile justice continuum" includes, but is not
 740 limited to, delinquency prevention programs and services
 741 designed for the purpose of preventing or reducing delinquent
 742 acts, including criminal activity by criminal gangs and juvenile
 743 arrests, as well as programs and services targeted at children
 744 who have committed delinquent acts, and children who have
 745 previously been committed to residential treatment programs for
 746 delinquents. The term includes children-in-need-of-services and
 747 families-in-need-of-services programs; conditional release;
 748 substance abuse and mental health programs; educational and
 749 vocational programs; recreational programs; community services
 750 programs; community service work programs; and alternative
 751 dispute resolution programs serving children at risk of
 752 delinquency and their families, whether offered or delivered by
 753 state or local governmental entities, public or private for-
 754 profit or not-for-profit organizations, or religious or

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charitable organizations.

~~(31) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation, or conditional release, and other related services.~~

~~(19)(32)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

~~(20)(33)~~ "Licensed child-caring agency" means an agency licensed by the Department of Children and Families pursuant to s. 409.175 a person, society, association, or agency licensed by the Department of Children and Families to care for, receive, and board children.

~~(21)(34)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(35) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but~~

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~~is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.~~

~~(22)(36)~~ "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(23) "Needs assessment" means the gathering of information for the evaluation of a child's physical, psychological, educational, vocational, and social condition and family environment related to the child's need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, education services, and other specialized services, as appropriate.

~~(24)(37) "Neglect" has the same meaning as in s. 39.01(53). occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious~~

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organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) ~~Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or~~

(b) ~~Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well recognized church or religious organization.~~

(38) ~~"Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.~~

(25)(39) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

(26)(40) "Participant," for purposes of a shelter proceeding under this chapter, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents, identified prospective parents, grandparents entitled to priority for adoption consideration

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under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(27)(41) "Party," for purposes of a ~~shelter~~ proceeding under this chapter, means the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest or the child has failed to appear for a proceeding after having been noticed. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(28) "Physically secure shelter" means a department-approved locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226. A physically secure shelter unit shall provide 24-hour, continuous supervision. A physically secure shelter must be licensed by the Department of Children and Families as a licensed child-caring agency.

(42) ~~"Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of~~

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871 ~~the child.~~

872 ~~(29)(43)~~ "Preventive services" means social services and
 873 other supportive and evaluation and intervention ~~rehabilitative~~
 874 services provided to the child or the parent, ~~of the child, the~~
 875 legal guardian ~~of the child,~~ or the custodian of the child ~~and~~
 876 ~~to the child~~ for the purpose of averting the removal of the
 877 child from the home or disruption of a family which will or
 878 could result in an adjudication that orders the placement of a
 879 child under dependency supervision into foster care or into the
 880 delinquency system ~~or that will or could result in the child~~
 881 ~~living on the street.~~ Social services and other supportive and
 882 ~~rehabilitative~~ services may include the provision of assessment
 883 and screening services; individual, group, or family counseling;
 884 specialized educational and vocational services; temporary
 885 voluntary shelter for the child; outreach services for children
 886 living on the street; ~~independent living services to assist~~
 887 ~~adolescents in achieving a successful transition to adulthood,~~
 888 and other specialized services.

889 ~~(44)~~ "Protective supervision" means a legal status in
 890 ~~child-in-need-of-services cases or family-in-need-of-services~~
 891 ~~cases which permits the child to remain in his or her own home~~
 892 ~~or other placement under the supervision of an agent of the~~
 893 ~~Department of Juvenile Justice or the Department of Children and~~
 894 ~~Families, subject to being returned to the court during the~~
 895 ~~period of supervision.~~

896 ~~(30)(45)~~ "Relative" means a grandparent, great-grandparent,
 897 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
 898 niece, or nephew, whether related by the whole or half blood, by
 899 affinity, or by adoption. The term does not include a

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900 stepparent.

901 ~~(31)(46)~~ "Reunification services" means social services and
 902 other supportive and ~~rehabilitative~~ services provided to the
 903 child and the parent of the child, the legal guardian of the
 904 child, or the custodian of the child, whichever is applicable,
 905 ~~the child, and, where appropriate, the foster parents of the~~
 906 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been
 907 placed in temporary shelter care to return to his or her family
 908 at the most appropriate and effective ~~earliest possible~~ time
 909 based on the presenting concerns at intake. Social services and
 910 other supportive and ~~rehabilitative~~ services shall be consistent
 911 with the child's need for a safe, continuous, and stable living
 912 environment and shall promote the strengthening of family life
 913 whenever possible.

914 ~~(32)(47)~~ "Secure detention center or facility" means a
 915 physically restricting facility for the temporary care of
 916 children, pending adjudication, disposition, or placement under
 917 chapter 985.

918 ~~(33)(48)~~ "Shelter" means a department-approved shelter
 919 facility for the temporary care of runaway children; children
 920 placed for voluntary shelter respite upon request of the child
 921 or the child's parent, legal guardian, or custodian; or for
 922 placement of a child who has been adjudicated a child in need of
 923 services or who has been found in contempt of court under s.
 924 984.09. Shelters must provide 24-hour continual supervision. A
 925 shelter must be licensed by the Department of Children and
 926 Families as a licensed child-caring agency ~~a place for the~~
 927 ~~temporary care of a child who is alleged to be or who has been~~
 928 ~~found to be dependent, a child from a family in need of~~

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929 ~~services, or a child in need of services, pending court~~
 930 ~~disposition before or after adjudication or after execution of a~~
 931 ~~court order. "Shelter" may include a facility which provides 24-~~
 932 ~~hour continual supervision for the temporary care of a child who~~
 933 ~~is placed pursuant to s. 984.14.~~

934 ~~(49) "Shelter hearing" means a hearing provided for under~~
 935 ~~s. 984.14 in family-in-need-of-services cases or child-in-need-~~
 936 ~~of-services cases.~~

937 ~~(50) "Staff-secure shelter" means a facility in which a~~
 938 ~~child is supervised 24 hours a day by staff members who are~~
 939 ~~awake while on duty. The facility is for the temporary care and~~
 940 ~~assessment of a child who has been found to be dependent, who~~
 941 ~~has violated a court order and been found in contempt of court,~~
 942 ~~or whom the Department of Children and Families is unable to~~
 943 ~~properly assess or place for assistance within the continuum of~~
 944 ~~services provided for dependent children.~~

945 ~~(34)(51)~~ "Substance abuse" means using, without medical
 946 reason, any psychoactive or mood-altering drug, including
 947 alcohol, in such a manner as to induce impairment resulting in
 948 dysfunctional social behavior.

949 ~~(35)(52)~~ "Taken into custody" means the status of a child
 950 immediately when temporary physical control over the child is
 951 attained by a person authorized by law, pending the child's
 952 release, shelter detention, placement, or other disposition as
 953 authorized by law.

954 ~~(36)(53)~~ "Temporary legal custody" means the relationship
 955 that a juvenile court creates between a child and an adult
 956 relative of the child, adult nonrelative approved by the court,
 957 or other person until a more permanent arrangement is ordered.

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958 Temporary legal custody confers upon the custodian the right to
 959 have temporary physical custody of the child and the right and
 960 duty to protect, train, and discipline the child and to provide
 961 the child with food, shelter, and education, and ordinary
 962 medical, dental, psychiatric, and psychological care, unless
 963 these rights and duties are otherwise enlarged or limited by the
 964 court order establishing the temporary legal custody
 965 relationship.

966 ~~(37)(54)~~ "Truancy petition" means a petition filed by the
 967 superintendent of schools under s. 984.151 for the purpose of
 968 early truancy intervention alleging that a student subject to
 969 compulsory school attendance has had at least five unexcused
 970 absences, or absences for which the reasons are unknown, within
 971 a calendar month or 10 unexcused absences, or absences for which
 972 the reasons are unknown, within a 90-calendar-day period, or has
 973 had more than 15 unexcused absences in a 90-calendar-day period.
 974 ~~A truancy petition is filed and processed under s. 984.151.~~

975 ~~(38)~~ "Truant status offender" means a child subject to the
 976 jurisdiction of the court under s. 984.151 who has been found by
 977 the court to be truant while subject to compulsory education.
 978 The court's jurisdiction is limited to entering orders to
 979 require the child to attend school and participate in services
 980 to encourage regular school attendance. A truant status offender
 981 is not a delinquent child and may not be deemed to have
 982 committed a criminal or delinquent act solely due to failure to
 983 attend school.

984 ~~(39)(55)~~ "Violation of law" or "delinquent act" means a
 985 violation of any law of this state, the United States, or any
 986 other state which is a misdemeanor or a felony or a violation of

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a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(40) "Voluntary family services" means voluntary services provided by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian; or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the Department of Juvenile Justice or an agency designated by the department to provide voluntary services to families and children.

Section 5. Section 984.04, Florida Statutes, is amended to read:

984.04 Early truancy intervention; families in need of services and children in need of services; procedures and jurisdiction.—

~~(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has~~

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~~not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services.~~

(1)(2) The department of Juvenile Justice shall be responsible for all nonjudicial proceedings involving voluntary a family in need of services for a family identified as a family in need of services.

~~(3) All nonjudicial procedures in family-in-need-of-services cases shall be according to rules established by the department of Juvenile Justice under chapter 120.~~

(2)(4) The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151 is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21 continued placement of a child from a family in need of services

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1045 ~~in shelter.~~

1046 ~~(3)(5)~~ The circuit court shall have exclusive original
 1047 jurisdiction of proceedings in which a child is alleged to be a
 1048 child in need of services. When the jurisdiction of any child
 1049 who has been found to be a child in need of services or the
 1050 parent, custodian, or legal guardian of such a child is
 1051 obtained, the court shall retain jurisdiction, unless
 1052 relinquished by its order or unless the department withdraws its
 1053 petition because the child no longer meets the definition of a
 1054 child in need of services as defined in s. 984.03, until the
 1055 child reaches 18 years of age. This subsection does ~~shall~~ not be
 1056 ~~construed to prevent the exercise of jurisdiction by any other~~
 1057 ~~court having jurisdiction of the child if the child commits a~~
 1058 ~~violation of law, is the subject of the dependency provisions~~
 1059 ~~under this chapter, or is the subject of a pending investigation~~
 1060 ~~into an allegation or suspicion of abuse, neglect, or~~
 1061 ~~abandonment.~~

1062 (4) Jurisdiction of the circuit court shall attach to the
 1063 case and parties to proceedings filed under s. 984.15 or under
 1064 s. 984.151 when the summons is served upon the child and a
 1065 parent, legal guardian, or custodian, or when the parties
 1066 personally appear before the court.

1067 ~~(5)(6)~~ All procedures, including petitions, pleadings,
 1068 subpoenas, summonses, and hearings, in proceedings under this
 1069 ~~chapter family-in-need-of-services cases and child-in-need-of-~~
 1070 ~~services cases~~ shall be according to the Florida Rules of
 1071 Juvenile Procedure unless otherwise provided by law.

1072 ~~(7) The department may contract with a provider to provide~~
 1073 ~~services and programs for families in need of services and~~

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1074 ~~children in need of services.~~

1075 Section 6. Subsections (2) and (4) of section 984.06,
 1076 Florida Statutes, are amended to read:

1077 984.06 Oaths, records, and confidential information.—

1078 (2) The court shall make and keep records of all cases
 1079 brought before it pursuant to this chapter and shall preserve
 1080 the records ~~pertaining to a child in need of services~~ until 10
 1081 years after the last entry was made or until the child is 18
 1082 years of age, whichever date is first reached, and may then
 1083 destroy them. The court shall make official records, consisting
 1084 of all petitions and orders filed in a case arising pursuant to
 1085 this chapter and any other pleadings, certificates, proofs of
 1086 publication, summonses, warrants, and other writs which are
 1087 filed in the case.

1088 (4) Except as provided in subsection (3), all information
 1089 obtained pursuant to this chapter in the discharge of official
 1090 duty by any judge, employee of the court, authorized agent of
 1091 the department, school employee, district superintendent, school
 1092 board employee, or law enforcement agent is confidential and may
 1093 not be disclosed to anyone other than the authorized personnel
 1094 of the court, the department and its designees, school or school
 1095 board personnel, law enforcement agencies, and others entitled
 1096 under this chapter to receive that information, except upon
 1097 order of the court.

1098 Section 7. Section 984.07, Florida Statutes, is amended to
 1099 read:

1100 984.07 Right to counsel; waiver; appointed counsel;
 1101 compensation.—

1102 (1) When a petition is filed alleging that a child is a

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1103 child in need of services or if the child is subject to contempt
 1104 proceedings under s. 984.09, the child must be represented by
 1105 counsel at each court appearance. The court must appoint counsel
 1106 unless the child is not indigent and has counsel present to
 1107 represent the child or the record in that proceeding
 1108 affirmatively demonstrates by clear and convincing evidence that
 1109 the child knowingly and intelligently waived the right to
 1110 counsel after being fully advised by the court of the nature of
 1111 the proceedings and the dispositional alternatives available to
 1112 the court. If the child waives counsel at any proceeding, the
 1113 court shall advise the child with respect to the right to
 1114 counsel at every subsequent hearing.

1115 (2) A child in proceedings under s. 984.151 may have
 1116 counsel appointed by the court if the court determines it is in
 1117 the best interest of the child.

1118 (3) If the court appoints counsel for a child, and if the
 1119 child and his or her parents or legal guardians are indigent and
 1120 unable to employ counsel, the court must appoint an attorney to
 1121 represent the child under s. 27.511. Determination of indigence
 1122 and costs of representation shall be as provided by s. 57.082.
 1123 Legal counsel representing a child who exercises the right to
 1124 counsel may provide advice and counsel to the child at any time
 1125 after appointment.

1126 (4) If the parents or legal guardians of an indigent child
 1127 are not indigent but refuse to employ counsel, the court shall
 1128 appoint counsel pursuant to s. 27.511 to represent the child
 1129 until counsel is provided. Costs of representation must be
 1130 imposed as provided by s. 57.082. Thereafter, the court may not
 1131 appoint counsel for an indigent child with nonindigent parents

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1132 or legal guardian but shall order the parents or legal guardian
 1133 to obtain private counsel.

1134 (a) A parent or legal guardian of an indigent child who has
 1135 been ordered to obtain private counsel for the child and who
 1136 willfully fails to follow the court order shall be punished by
 1137 the court in civil contempt proceedings.

1138 (b) An indigent child may have counsel appointed pursuant
 1139 to ss. 27.511 and 57.082 if the parents or legal guardian have
 1140 willfully refused to obey the court order to obtain counsel for
 1141 the child and have been punished by civil contempt. Costs of
 1142 representation must be imposed as provided by s. 57.082.

1143 (5) If the court makes a finding that nonindigent parents
 1144 have made a good faith effort to participate in services and
 1145 remediate the child's behavior, but despite their good faith
 1146 efforts, the child's truancy, ungovernable behavior, or runaway
 1147 behavior has persisted, the court may appoint counsel to
 1148 represent the child as provided in s. 27.511.

1149 (6) If counsel is entitled to receive compensation for
 1150 representation pursuant to court appointment in a child in need
 1151 of services proceeding, such compensation may not exceed \$1,000
 1152 at the trial level and \$2,500 at the appellate level.

1153 (7) This section does not preclude the court from
 1154 requesting reimbursement of attorney fees and costs from the
 1155 nonindigent parent or legal guardian.

1156 (8) The court may appoint an attorney to represent a parent
 1157 or legal guardian under this chapter only upon a finding that
 1158 the parent or legal guardian is indigent pursuant to s. 57.082.
 1159 If an attorney is appointed, the parent or legal guardian shall
 1160 be enrolled in a payment plan pursuant to s. 28.246 ~~if counsel~~

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1161 ~~is entitled to receive compensation for representation pursuant~~
 1162 ~~to court appointment in a child-in-need-of-services proceeding,~~
 1163 ~~such compensation shall not exceed \$1,000 at the trial level and~~
 1164 ~~\$2,500 at the appellate level.~~

1165 Section 8. Subsection (1) of section 984.071, Florida
 1166 Statutes, is amended, and subsection (3) is added to that
 1167 section, to read:

1168 984.071 Resources and information.—

1169 (1) ~~The department of Juvenile Justice, in collaboration~~
 1170 ~~with the Department of Children and Families and the Department~~
 1171 ~~of Education,~~ shall develop and publish an information guide
 1172 ~~packet~~ that explains the current process under this chapter for
 1173 obtaining assistance for a child in need of services or a family
 1174 in need of services and the community services and resources
 1175 available to parents ~~of troubled or runaway children.~~ The
 1176 information guide shall be published in a written format for
 1177 distribution and shall also be published on the department's
 1178 website. ~~In preparing the information packet, the Department of~~
 1179 ~~Juvenile Justice shall work with school district~~
 1180 ~~superintendents, juvenile court judges, county sheriffs, and~~
 1181 ~~other local law enforcement officials in order to ensure that~~
 1182 ~~the information packet lists services and resources that are~~
 1183 ~~currently available within the county in which the packet is~~
 1184 ~~distributed.~~ Each information guide packet shall be reviewed
 1185 annually and updated as appropriate. The school district shall
 1186 distribute this information guide packet to parents of truant
 1187 children, and to other parents upon request or as deemed
 1188 appropriate by the school district. In addition, the department
 1189 ~~of Juvenile Justice~~ shall distribute the information guide

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1190 ~~packet~~ to state and local law enforcement agencies. Any law
 1191 enforcement officer who has contact with the parent of a child
 1192 who is locked out of the home, ~~who is ungovernable,~~ or who runs
 1193 away from home shall make the information guide available to the
 1194 parent.

1195 (3) The Department of Education and the Department of
 1196 Children and Families must each post the department's
 1197 information guide on their respective websites.

1198 Section 9. Sections 984.08 and 984.085, Florida Statutes,
 1199 are repealed.

1200 Section 10. Section 984.0861, Florida Statutes, is created
 1201 to read:

1202 984.0861 Prohibited use of detention.—A child under the
 1203 jurisdiction of the court solely pursuant to this chapter may
 1204 not be placed in:

1205 (1) Any form of detention care intended for the use of
 1206 alleged juvenile delinquents as authorized under chapter 985 for
 1207 any purpose.

1208 (2) A secure detention facility authorized for use under
 1209 chapter 985 for any purpose.

1210 (3) Any jail or other similar facility used for the purpose
 1211 of detention or confinement of adults for any purpose.

1212 Section 11. Section 984.09, Florida Statutes, is amended to
 1213 read:

1214 984.09 Punishment for contempt of court; alternative
 1215 sanctions.—

1216 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
 1217 punish any child for contempt for interfering with the court or
 1218 with court administration, or for violating any provision of

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1219 this chapter or order of the court relative thereto. It is the
 1220 intent of the Legislature that the court restrict and limit the
 1221 use of contempt powers and prohibit the use of detention care
 1222 and secure detention facilities as provided in s. 984.0861 with
 1223 respect to commitment of a child to a secure facility. A child
 1224 who commits direct contempt of court or indirect contempt of a
 1225 valid court order may be taken into custody and ordered to serve
 1226 an alternative sanction or placed in a shelter secure facility,
 1227 as authorized in this section, by order of the court.

1228 (2) PLACEMENT IN A SHELTER SECURE FACILITY.—A child
 1229 adjudicated as a child in need of services may only be placed in
 1230 a shelter secure facility for purposes of punishment for
 1231 contempt of court if alternative sanctions are unavailable or
 1232 inappropriate, or if the child has already been ordered to serve
 1233 an alternative sanction but failed to comply with the sanction.

1234 ~~(a) A delinquent child who has been held in direct or~~
 1235 ~~indirect contempt may be placed in a secure detention facility~~
 1236 ~~for 5 days for a first offense or 15 days for a second or~~
 1237 ~~subsequent offense, or in a secure residential commitment~~
 1238 ~~facility.~~

1239 ~~(a)(b)~~ A child in need of services who has been held in
 1240 direct contempt or indirect contempt may be placed, for 5 days
 1241 for a first offense or 15 days for a second or subsequent
 1242 offense, in a staff-secure shelter operated by or contracted
 1243 with the department to provide such services or a staff-secure
 1244 residential facility solely for children in need of services if
 1245 such placement is available, or, if such placement is not
 1246 available, the child may be placed in an appropriate mental
 1247 health facility or substance abuse facility for assessment. In

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1248 addition to disposition under this paragraph, a child in need of
 1249 services who is held in direct contempt or indirect contempt may
 1250 be placed in a physically secure shelter setting as provided
 1251 under s. 984.226 if conditions of eligibility are met.

1252 (b) A child subject to proceedings under s. 984.151 who has
 1253 been held in direct contempt or indirect contempt may only be
 1254 placed, for 5 days for a first offense or 15 days for a second
 1255 or subsequent offense, in a shelter operated by or contracted
 1256 with the department for such services if a shelter bed is
 1257 available. Upon a second or subsequent finding of contempt under
 1258 this section, the court must refer the child to the case
 1259 staffing committee with a recommendation to file a child in need
 1260 of services petition.

1261 (c) Any shelter placement ordered under this section must
 1262 be given as a cumulative sanction. Separate sanctions for the
 1263 same act or series of acts within the same episode may not be
 1264 imposed.

1265 (3) ALTERNATIVE SANCTIONS.—~~Each judicial circuit shall have~~
 1266 ~~an alternative sanctions coordinator who shall serve under the~~
 1267 ~~chief administrative judge of the juvenile division of the~~
 1268 ~~circuit court, and who shall coordinate and maintain a spectrum~~
 1269 ~~of contempt sanction alternatives in conjunction with the~~
 1270 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~

1271 Upon determining that a child has committed direct contempt of
 1272 court or indirect contempt of a valid court order, the court may
 1273 immediately request the circuit alternative sanctions
 1274 coordinator to recommend the most appropriate available
 1275 alternative sanction and shall order the child to perform up to
 1276 50 hours of community-service ~~manual labor~~ or a similar

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alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department of ~~Juvenile Justice~~ to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the ~~manual~~ labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child subject to proceedings under this chapter is charged with direct contempt of court, ~~including traffic court,~~ the court may impose an authorized sanction immediately.

(b) If a child subject to proceedings under this chapter is charged with indirect contempt of court, the court must issue an order to show cause and schedule ~~hold~~ a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. The child must be served with the order to show cause and notice of hearing. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.

2. Right to an explanation of the nature and the consequences of the proceedings.

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 984.07 ~~s. 985.033~~.

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4. Right to confront witnesses.

5. Right to present witnesses.

6. Right to have a transcript or record of the proceeding.

7. Right to appeal to an appropriate court.

The child's parent, legal ~~or~~ guardian, or custodian may address the court regarding the due process rights of the child. If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed under subsection (2). If the court orders shelter placement of a child found in contempt of court, the court shall review the matter ~~placement of the child~~ every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a shelter ~~secure~~ facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a shelter ~~secure~~ facility as punishment for contempt of court.

~~(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver license or driving privilege. The court may order that a child's driver license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt~~

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and up to 2 years for a second or subsequent offense. If the child's driver license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including ~~nonsecure detention programs,~~

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community service projects, ~~and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~

Section 12. Section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(1) Intake shall be performed by the department or the department's authorized agent. A report ~~or complaint~~ alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent, or legal guardian, or custodian, the local school district, a law enforcement agency, or the Department of Children and Families, having knowledge of the facts may make a report ~~or complaint~~.

(2) A representative of the department shall make a preliminary determination as to whether the report ~~or complaint~~ is complete. The criteria for the completeness of a report ~~or complaint~~ with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in which the representative of the department finds that the report ~~or complaint~~ is incomplete, the representative of the department shall return the report ~~or complaint~~ without delay to the person or agency originating the report ~~or complaint~~ or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report ~~or complaint~~.

(3) If the representative of the department determines that

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1393 in his or her judgment the interests of the family, the child,
 1394 and the public will be best served by providing the family and
 1395 child services and treatment voluntarily accepted by the child
 1396 and the parents, ~~or~~ legal guardians, or custodians, the
 1397 department's ~~departmental~~ representative may refer the family or
 1398 child to an appropriate service and treatment provider. As part
 1399 of the intake procedure, the department's ~~departmental~~
 1400 representative shall inform the parent, ~~or~~ legal custodian
 1401 guardian, or custodian, in writing, of the services currently
 1402 ~~and treatment~~ available to the child and family by department
 1403 providers and other ~~or~~ community agencies in the county in which
 1404 the family is located, and the rights and responsibilities of
 1405 the parent, ~~or~~ legal guardian, or custodian under this chapter.
 1406 Upon admission, and depending on services, a staff member may be
 1407 assigned to the family as deemed appropriate.

1408 (4) If the department reasonably believes ~~has reasonable~~
 1409 ~~grounds to believe~~ that the child has been abandoned, abused, or
 1410 neglected, it shall proceed pursuant to ~~the provisions of~~
 1411 chapter 39 and report immediately to the central abuse hotline.

1412 Section 13. Section 984.11, Florida Statutes, is amended to
 1413 read:

1414 984.11 Services to families ~~in need of services.~~

1415 (1) The department or its authorized agent shall provide an
 1416 array of voluntary family services aimed at remediating school
 1417 truancy, homelessness, and runaway and ungovernable behavior by
 1418 children. Services ~~and treatment~~ to families in need of services
 1419 shall be by voluntary agreement of the parent, ~~or~~ legal
 1420 guardian, or custodian and the child ~~or as directed by a court~~
 1421 ~~order pursuant to s. 984.22.~~

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1422 (2) A family is not eligible to receive voluntary family
 1423 services, if, at the time of the referral, the child is under
 1424 court-ordered supervision by the department for delinquency
 1425 under chapter 985 or court-ordered supervision by the Department
 1426 of Children and Families under chapter 39. A child who has
 1427 received a prearrest delinquency citation, or is receiving
 1428 delinquency diversion services, may receive voluntary family
 1429 services.

1430 (3) If there is a pending investigation into an allegation
 1431 of abuse, neglect or abandonment, the child may be eligible for
 1432 voluntary family services if the Department of Children and
 1433 Families agrees to the provision of services and makes a
 1434 referral. An interagency agreement between the department and
 1435 the Department of Children and Families shall govern this
 1436 referral process, which is contingent on available funding. The
 1437 department must notify the Department of Children and Families
 1438 if a referral is declined.

1439 (4)(2) These services may include, but need not be limited
 1440 to:

- 1441 (a) ~~Homemaker~~ ~~or~~ Parent aide services.
- 1442 (b) Intensive crisis counseling.
- 1443 (c) Parent training.
- 1444 (d) Individual, group, or family counseling.
- 1445 (e) Referral to community mental health services.
- 1446 (f) Prevention and diversion services.
- 1447 (g) Services provided by voluntary or community agencies.
- 1448 (h) Runaway center services.
- 1449 (i) Runaway shelter ~~Housekeeper~~ services.
- 1450 (j) Referral for special educational, tutorial, or remedial

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1451 services.

1452 (k) Referral to vocational, career development job
 1453 ~~training~~, or employment services.

1454 (l) Recreational services.

1455 (m) Assessment.

1456 (n) Case management.

1457 (o) Referral for or provision of substance abuse assessment
 1458 or treatment.

1459 ~~(5)(3)~~ The department shall advise the parents, ~~or~~ legal
 1460 guardian, or custodian that they are responsible for
 1461 contributing to the cost of the ~~child or family~~ services and
 1462 ~~treatment~~ to the extent of their ability to pay. The parent is
 1463 responsible for using health care insurance to the extent it is
 1464 available for the provision of health services ~~The department~~
 1465 ~~shall set and charge fees for services and treatment provided to~~
 1466 ~~clients. The department may employ a collection agency for the~~
 1467 ~~purpose of receiving, collecting, and managing the payment of~~
 1468 ~~unpaid and delinquent fees. The collection agency must be~~
 1469 ~~registered and in good standing under chapter 559. The~~
 1470 ~~department may pay to the collection agency a fee from the~~
 1471 ~~amount collected under the claim or may authorize the agency to~~
 1472 ~~deduct the fee from the amount collected.~~

1473 ~~(4) The department may file a petition with the circuit~~
 1474 ~~court to enforce the collection of fees for services and~~
 1475 ~~treatment rendered to the child or the parent and other legal~~
 1476 ~~custodians.~~

1477 Section 14. Section 984.12, Florida Statutes, is amended to
 1478 read:

1479 984.12 Case staffing; services and treatment related to a

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1480 family in need of services.—

1481 (1) The appropriate representative of the department shall
 1482 request a meeting of the family and child with a case staffing
 1483 committee to review the case of any family or child who the
 1484 department determines is in need of services ~~or treatment~~ if:

1485 (a) The family or child is not in agreement with the
 1486 services or treatment offered;

1487 (b) The family or child will not participate in the
 1488 services or treatment selected; or

1489 (c) The representative of the department needs assistance
 1490 in developing an appropriate plan for services. The time and
 1491 place selected for the meeting shall be convenient for the child
 1492 and family.

1493 (2) The composition of the case staffing committee shall be
 1494 based on the needs of the family and child. It shall include a
 1495 representative from the child's school district and a
 1496 representative of the department ~~of Juvenile Justice~~, and may
 1497 include the department's authorized agent and a supervisor of
 1498 the department's contracted provider; a representative from the
 1499 area of health, mental health, substance abuse, or social, ~~or~~
 1500 ~~educational~~ services; a representative of the state attorney; a
 1501 representative of law enforcement ~~the alternative sanctions~~
 1502 ~~coordinator~~; and any person recommended by the child, family, or
 1503 department. The child and the child's parent, legal guardian, or
 1504 custodian must be invited to attend the committee meeting.

1505 (3) The case staffing committee shall:

1506 (a) Identify the family's concerns and contributing
 1507 factors.

1508 (b) Request the family and child to identify their needs

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and concerns.

(c) Seek input from the school district and any other persons in attendance with knowledge of the family or child's situation and concerns.

(d) Consider the voluntary family services or other community services that have been offered and the results of those services.

(e) Identify whether truancy is a concern and evaluate compliance with the remedial strategies provided pursuant to s. 1003.26.

(f) Reach a timely decision to provide the child or family with ~~needed~~ services and recommend any appropriate ~~and~~ treatment through the development of a plan for services.

(4) The plan for services shall contain the following:

(a) Statement of the concerns ~~problems~~.

(b) Needs of the child.

(c) Needs of the parents, legal guardian, or ~~legal~~ custodian.

(d) Measurable objectives that address the identified problems and needs.

(e) Services and treatment to be provided, to include:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it

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shall be implemented as soon as is practicable.

(6) ~~The assigned case manager shall have responsibility A case manager shall be designated by the case staffing committee to be responsible~~ for implementing the plan. The department's authorized agent case manager shall periodically review the progress towards achieving the objectives of the plan in order to:

(a) Advise the case staffing committee of the need to make adjustments to the plan; ~~or~~

(b) Recommend a child in need of services petition be filed by the department; or

(c) ~~(b)~~ Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, legal guardian, or ~~legal~~ custodian may convene a meeting of the case staffing committee, ~~and any other member of the committee may convene a meeting if the member finds that doing so is in the best interest of the family or child.~~ A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

(8) Any other member of the committee may convene a meeting if voluntary family services have been offered and the services have been rejected by the child or family, or the child has not made measurable progress toward achieving the service plan goals, and the member finds that doing so is in the best interest of the family or child.

(9) A case staffing committee meeting must be convened within 30 days after the date the case is referred by the court

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pursuant to s. 984.151.

~~(10)(4)~~ Within 7 days after meeting, the case staffing committee shall provide the parent, legal guardian, or ~~legal~~ custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15. Section 984.13, Florida Statutes, is amended to read:

984.13 Taking a child into custody ~~a child alleged to be from a family in need of services or to be a child in need of services.~~

(1) A child may be taken into custody:

(a) By a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child has run away from his or her parents, legal guardian, or ~~other legal~~ custodian.

(b) By a designated school representative pursuant to s. 1003.26(3) or a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent, ~~or legal guardian, or custodian,~~ for the purpose of delivering the child without unreasonable delay to the appropriate school system site. For the purpose of this paragraph, "school system site" includes, but is not limited to, a center approved by the superintendent of schools for the

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purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer or designated school representative pursuant to s. 1003.26(3) shall deliver the child to the parent, ~~or legal guardian, or custodian,~~ to a location determined by the parent, legal ~~or~~ guardian, or custodian, or to a designated truancy interdiction site until the parent or guardian can be located.

(c) Pursuant to an order of the circuit court based upon sworn testimony ~~before or~~ after a child in need of services petition is filed under s. 984.15.

(d) Pursuant to an order of the circuit court based upon a finding of contempt under this chapter for the purpose of delivering the child to a designated shelter facility.

(e)(d) By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to this chapter or placement in a shelter.

(2) The person taking the child into custody shall:

(a) Release the child to a parent, legal guardian, ~~legal~~ custodian, or responsible adult relative and make a full written report to the department's authorized agent for families in need of services within 3 days after release or to a department-approved family-in-need-of-services and child-in-need-of-services provider if the person taking the child into custody reasonably believes ~~has reasonable grounds to believe~~ the child has run away from a parent, legal guardian, or ~~legal~~ custodian; is truant; or is ungovernable and beyond the control of the

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parent, guardian, or legal custodian; ~~following such release,~~
~~the person taking the child into custody shall make a full~~
~~written report to the intake office of the department within 3~~
~~days; or~~

(b) Deliver the child to a shelter when: ~~the department,~~
~~stating the facts by reason of which the child was taken into~~
~~custody and sufficient information to establish probable cause~~
~~that the child is from a family in need of services.~~

1. The parent, legal guardian, or custodian is unavailable
to take immediate custody of the child;

2. The child requested voluntary family services and
shelter placement;

3. A court order under this chapter for shelter placement
has been issued; or

4. The child and the parent, legal guardian, or custodian
voluntarily agree the child is in need of temporary shelter
placement and such placement is necessary to provide a safe
place for the child to remain until the parents and child can
agree on conditions for the child's safe return home.

(c) Deliver the child to a hospital for necessary
 evaluation and treatment if the child is reasonably believed to
be suffering from a serious physical condition which requires
either prompt diagnosis or treatment.

(d) Deliver the child to a designated public receiving
 facility as defined in s. 394.455 for examination under s.
394.463 if the child is reasonably believed to be mentally ill,
including immediate threat of suicide as provided in s.
394.463(1).

(e) Deliver the child to a hospital, addictions receiving

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facility, or treatment resource if the child is reasonably
believed to be intoxicated and has threatened, attempted, or
inflicted physical harm on himself or herself or another, or is
incapacitated by substance abuse.

(3) If the child is taken into custody ~~and by, or is~~
 delivered to a shelter, ~~the department,~~ the department's
authorized agent ~~appropriate representative of the department~~
 shall review the facts and make such further inquiry as
 necessary to determine whether the child shall remain in
shelter, receive voluntary family services that would allow the
child alleged to be from a family in need of services to remain
at home, custody or be released. Unless shelter is required as
provided in s. 984.14(1), the department shall:

~~(a) Release the child to his or her parent, guardian, or~~
~~legal custodian, to a responsible adult relative, to a~~
~~responsible adult approved by the department, or to a~~
~~department-approved family-in-need-of-services and child-in-~~
~~need-of-services provider; or~~

~~(b) Authorize temporary services and treatment that would~~
~~allow the child alleged to be from a family in need of services~~
~~to remain at home.~~

Section 16. Section 984.14, Florida Statutes, is amended to
 read:

984.14 Voluntary shelter services placement; hearing.—

(1) Temporary voluntary shelter services provided by the
department shall provide a safe environment with 24-hour care
and supervision, referrals for services as needed, and education
at the center or offsite and counseling services for children.
~~Unless ordered by the court pursuant to the provisions of this~~

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chapter, or upon voluntary consent to placement by the child and the child's parent, legal guardian, or custodian, a child taken into custody shall not be placed in a shelter prior to a court hearing unless a determination has been made that the provision of appropriate and available services will not eliminate the need for placement and that such placement is required.

(a) To provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement; or

(b) Because a parent, custodian, or guardian is unavailable to take immediate custody of the child.

(2) If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine whether the child can safely return home, or determine whether the family is seeking temporary voluntary shelter services until they can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the Department of Children and Families shall be contacted to assume custody of the child. If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall immediately notify the

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parents or legal custodians that the child was taken into custody.

(3) ~~A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each condition required to be determined in subsection (1).~~

(4) ~~A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.~~

(5) ~~Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.~~

(6) ~~When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

(7) ~~A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in~~

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1741 ~~need of services may not be placed in a secure detention~~
 1742 ~~facility or jail or any other commitment program for delinquent~~
 1743 ~~children under any circumstances.~~

1744 ~~(8) The court may order the placement of a child in need of~~
 1745 ~~services into a staff secure facility for no longer than 5 days~~
 1746 ~~for the purpose of evaluation and assessment.~~

1747 Section 17. Section 984.15, Florida Statutes, is amended to
 1748 read:

1749 984.15 Petition for a child in need of services.—

1750 (1) All proceedings seeking an adjudication that a child is
 1751 a child in need of services shall be initiated by the filing of
 1752 a petition by an attorney representing the department or by the
 1753 child's parent, legal guardian, or legal custodian. ~~If a child~~
 1754 ~~in need of services has been placed in a shelter pursuant to s.~~
 1755 ~~984.14, the department shall file the petition immediately,~~
 1756 ~~including in the petition notice of arraignment pursuant to s.~~
 1757 ~~984.20.~~

1758 (2)(a) The department shall file a petition for a child in
 1759 need of services if the child meets the definition of a child in
 1760 need of services, and the case manager or staffing committee
 1761 recommends requests that a petition be filed and:

1762 1. The family and child have in good faith, but
 1763 unsuccessfully, used the services and process described in ss.
 1764 984.11 and 984.12; or

1765 2. The family or child have refused ~~all~~ services described
 1766 in ss. 984.11 and 984.12 after reasonable efforts by the
 1767 department to involve the family and child in voluntary family
 1768 services and treatment.

1769 (b) Once the requirements in paragraph (a) have been met,

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1770 the department shall file a petition for a child in need of
 1771 services as soon as practicable ~~within 45 days~~.

1772 (c) The petition shall be in writing, shall state the
 1773 specific grounds ~~under s. 984.03(9)~~ by which the child is
 1774 designated a child in need of services, and shall certify that
 1775 the conditions prescribed in paragraph (a) have been met. The
 1776 petition shall be signed by the petitioner under oath stating
 1777 good faith in filing the petition and shall be signed by an
 1778 attorney for the department.

1779 (3)(a) The parent, legal guardian, or ~~legal~~ custodian may
 1780 file a petition alleging that a child is a child in need of
 1781 services if:

1782 1. The department waives the requirement for a case
 1783 staffing committee.

1784 2. The department fails to convene a meeting of the case
 1785 staffing committee within 7 days, excluding weekends and legal
 1786 holidays, after receiving a written request for such a meeting
 1787 from the child's parent, legal guardian, or ~~legal~~ custodian.

1788 3. The parent, legal guardian, or ~~legal~~ custodian does not
 1789 agree with the plan for services offered by the case staffing
 1790 committee.

1791 4. The department fails to provide a written report within
 1792 7 days after the case staffing committee meets, as required
 1793 under s. 984.12(10) ~~s. 984.12(8)~~.

1794 (b) The parent, legal guardian, or ~~legal~~ custodian must
 1795 give the department prior written notice of intent to file the
 1796 petition. If, at the arraignment hearing, the court finds that
 1797 such written notice of intent to file the petition was not
 1798 provided to the department, the court shall dismiss the

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petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services ~~as defined in s. 984.03(9)~~. The petition must also demonstrate that the parent, legal guardian, or ~~legal~~ custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

~~(4)(d)~~ The petition must be signed by the petitioner under oath.

~~(5)(e)~~ The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

~~(a)1-~~ The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

~~(b)2-~~ The subject of a pending petition ~~referral~~ alleging that the child is delinquent; or

~~(c)3-~~ Under the current supervision of the department or the Department of Children and Families for an adjudication or withholding of adjudication of delinquency or dependency.

~~(6)(4)~~ The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

~~(7)(5)~~ The petitioner ~~department or the parent, guardian, or legal custodian~~ may withdraw a petition at any time before

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~~prior to~~ the child is being adjudicated a child in need of services.

Section 18. Section 984.151, Florida Statutes, is amended to read:

984.151 Early truancy intervention; truancy petition; ~~judgment prosecution; disposition.-~~

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special magistrate ~~master~~ pursuant to Supreme Court rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, legal guardian, or ~~legal~~ custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school in compliance with s. 1003.26; the number of out-

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1857 of-school contacts between the school system and student's
 1858 parent or guardian; and the number of days and dates of days the
 1859 student has missed school. The petition shall be sworn to by the
 1860 superintendent or his or her designee.

1861 (5) Once the petition is filed, the court shall hear the
 1862 petition within 30 days.

1863 (6) The student and the student's parent or guardian shall
 1864 attend the hearing.

1865 (7) If the court determines that the student did miss any
 1866 of the alleged days, the court shall enter an order finding the
 1867 child to be a truant status offender and the court shall order
 1868 the student to attend school and order the parent, legal
 1869 guardian, or custodian to ensure that the student attends
 1870 school. The court's power under this subsection is limited to
 1871 entering orders to require the student to attend school and
 1872 require the student and family to participate in services to
 1873 encourage regular school attendance. The court, and may order
 1874 any of the following services:

1875 (a) The student to participate in alternative sanctions to
 1876 include mandatory attendance at alternative classes; to be
 1877 followed by mandatory community services hours for a period up
 1878 to 6 months; the student and

1879 (b) The student's parent, legal or guardian, or custodian
 1880 to participate in parenting classes homemaker or parent aide
 1881 services;

1882 (c) The student or the student's parent, legal or guardian
 1883 or custodian to participate in individual, group, or family
 1884 intensive crisis counseling;

1885 (d) The student or the student's parent, legal or guardian

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1886 or custodian to participate in community mental health services
 1887 or substance abuse treatment services if available and
 1888 applicable;

1889 (e) The student and the student's parent, legal or
 1890 guardian, or custodian to participate in services service
 1891 provided by state or community voluntary or community agencies,
 1892 if appropriate as available, including services for families in
 1893 need of services as provided in s. 984.11;

1894 (f) The student and the student's parent, legal guardian,
 1895 or custodian to attend meetings with school officials to address
 1896 the child's educational needs, classroom assignment, class
 1897 schedule, and other barriers to school attendance identified by
 1898 the child's school, the child or his or her family;

1899 (g) The student and the student's parent, legal guardian,
 1900 or custodian to engage in learning activities provided by the
 1901 school board as to why education is important and the potential
 1902 impact on the child's future employment and education options if
 1903 the attendance problem persists; or

1904 (h) ~~and~~ The student or the student's parent, legal or
 1905 guardian, or custodian to participate in vocational or job
 1906 training, or employment services.

1907 (8) If the student does not substantially comply with
 1908 compulsory school attendance and court-ordered services required
 1909 under successfully complete the sanctions ordered in subsection
 1910 (7), and the child meets the definition of a child in need of
 1911 services, the case shall be referred by the court to the
 1912 department's authorized agent for review by the case staffing
 1913 committee under s. 984.12 with a recommendation to file a
 1914 petition for child in need of services child-in-need-of-services

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~~petition~~ under s. 984.15. The court shall review the case not less than every 45 days to determine whether the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee in accord with this subsection.

(9) If the student substantially complies with compulsory school attendance the court shall close the truancy case.

(10) If the child is adjudicated a child in need of services pursuant to s. 984.21, the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04.

(11) The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04.

(12) The court may not order a child placed in shelter pursuant to this section unless the court has found the child to be in contempt for violation of a court order under s. 984.09.

(13)(9) The parent, legal guardian, or legal custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

(14) Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09 two or more times shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a petition for a child in need of services.

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(15) The clerk of court must serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's authorized agent.

Section 19. Subsections (3) and (5) of section 984.16, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

984.16 Process and service for child in need of services petitions.-

(3) The summons shall require the person on whom it is served to appear for a hearing at a time, ~~and~~ place, and manner specified. ~~Except in cases of medical emergency, the time shall not be less than 24 hours after service of the summons.~~ The summons must ~~may~~ require the custodian to bring the child to court ~~if the court determines that the child's presence is necessary.~~ A copy of the petition shall be attached to the summons.

(5) The jurisdiction of the court shall attach to the child and the parent, legal guardian, or custodian, ~~or legal guardian~~ of the child and the case when the summons is served upon the child or a parent, ~~or~~ legal guardian, or actual custodian of the child; ~~or~~ when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services; or when a party personally appears before the court whichever occurs first, and thereafter the court may control the child and case in accordance with this chapter.

(11) If a court takes action that directly involves a student's school, including, but not limited to, an order that a student attend school, attend school with his or her parent,

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requiring the parent to participate in meetings, including parent-teacher conferences, Section 504 plan meetings or individualized education plan meetings to address the student's disability, the office of the clerk of the court shall provide notice to the school of the court's order.

Section 20. Section 984.17, Florida Statutes, is amended to read:

984.17 Response to petition and representation of parties.—

(1) At the time a child in need of services petition is filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be filed by any child, parent, ~~or~~ legal guardian, or custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child and ~~or~~ parent, legal guardian, or custodian shall, before ~~prior to~~ an adjudicatory hearing, be advised by the court of the right to counsel.

(3) When a petition for a child in need of services has been filed and the parents, legal guardian, or ~~legal~~ custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for a disposition hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

(4) An attorney representing the department shall represent

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the state in any proceeding in which the petition alleges that a child is a child in need of services ~~and in which a party denies the allegations of the petition and contests the adjudication.~~

Section 21. Section 984.18, Florida Statutes, is repealed.

Section 22. Section 984.19, Florida Statutes, is amended to read:

984.19 Medical screening and treatment of child; examination of parent, legal guardian, or person requesting custody.—

(1) When any child is to be placed in shelter care, the department or its authorized agent may ~~is authorized to~~ have a medical screening provided for ~~performed on~~ the child without authorization from the court and without consent from a parent, legal ~~or~~ guardian, or custodian. Such medical screening shall be provided ~~performed~~ by a licensed health care professional and shall be to screen ~~examine~~ the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) ~~When the department has performed~~ the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent, legal ~~or~~ guardian, or custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent, legal ~~or~~ guardian, or custodian of the child is unavailable and his or her whereabouts cannot be

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reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent, legal ~~or~~ guardian, or custodian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department's authorized agent may ~~department has the authority to~~ consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with Disabilities. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is

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necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or intellectual disability services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in s. 394.467 or chapter 393 shall be used, as applicable. A child may be provided services in emergency situations pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, as applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately contacted ~~called~~ or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, ~~nothing in~~ this section does not ~~shall be deemed to~~ eliminate the right of a parent, legal ~~a~~ guardian, or custodian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, ~~nothing in~~ this

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section ~~does not shall be deemed to~~ alter the provisions of s. 743.064.

(8) A court may order ~~shall not be precluded from ordering~~ services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) ~~Nothing in~~ This section does not ~~shall be construed to~~ authorize the permanent sterilization of the child, unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child ~~alleged to be or found to be a child from a family in need of services or a child in need of services~~ shall be placed in a detention facility or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents, legal guardian, or custodian ~~guardian~~ of a child alleged to be or adjudicated a child in need of services remain financially responsible for the cost of medical treatment provided to the child even if one or both of the parents or if the legal guardian, or custodian did not consent to the medical treatment. After a hearing, the court may order the parents, legal or guardian, or custodian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

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(12) A judge may order a child under its jurisdiction to submit to substance abuse evaluation, testing, and treatment in accordance with s. 397.706 ~~Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. 984.22(3) and of whom the department has become the legal custodian.~~

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 23. Section 984.20, Florida Statutes, is amended to read:

984.20 Hearings for child in need of services ~~child in need of services~~ cases.—

(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody. The hearing shall be held for the child and the parent, legal guardian, or custodian to admit, deny, or consent to

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findings that a child is in need of services as alleged in the petition. If the child and the parent, legal guardian, or custodian admit or consent to the findings in the petition, the court shall adjudicate the child a child in need of services and proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, legal guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing ~~7 days after the date of the arraignment hearing.~~

(b) The court may grant a continuance of the arraignment hearing ~~When a child is in the custody of the parent, guardian, or custodian, upon the filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time from the date of the filing of the petition. If the child or the parent, legal guardian, or custodian request a continuance to obtain an attorney. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation~~ admit or consent to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of child in need of services, the court shall hold an adjudicatory hearing within a reasonable time from the date of the arraignment hearing.

(c) If at the arraignment hearing the child and the parent, legal guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(e)~~, the court shall proceed to hold a disposition hearing at the

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earliest practicable time that will allow for the completion of a predisposition study.

(d) Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the adjudication of the child as a child in need of services. The document containing the notice to respond or appear must contain, in type as large as the balance of the document, the following or substantially similar language:

FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
CHILD INTO SHELTER.

If a person appears for the arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and, if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to adjudication of the child as a child in need of services.

(2) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of

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2205 investigation, discovery, or procuring counsel or witnesses
 2206 shall, whenever practicable, be granted. ~~If the child is in~~
 2207 ~~custody, the adjudicatory hearing shall be held within 14 days~~
 2208 ~~after the date the child was taken into custody.~~

2209 (b) Adjudicatory hearings shall be conducted by the judge
 2210 without a jury, applying the rules of evidence in use in civil
 2211 cases and adjourning the hearings from time to time as
 2212 necessary. In an adjudicatory a hearing ~~on a petition in which~~
 2213 ~~it is alleged that the child is a child in need of services, a~~
 2214 preponderance of evidence shall be required to establish that
 2215 the child is in need of services. If the court finds the
 2216 allegations are proven by a preponderance of evidence and the
 2217 child is a child in need of services, the court shall enter an
 2218 order of adjudication.

2219 (c) All hearings, except as hereinafter provided, shall be
 2220 open to the public, and no person shall be excluded therefrom
 2221 except on special order of the judge who, in his or her
 2222 discretion, may close any hearing to the public when the public
 2223 interest or the welfare of the child, in his or her opinion, is
 2224 best served by so doing. Hearings involving more than one child
 2225 may be held simultaneously when the several children involved
 2226 are related to each other or were involved in the same case. The
 2227 child and the parent, legal guardian, or custodian of the child
 2228 may be examined separately and apart from each other.

2229 (3) DISPOSITION HEARING.—

2230 (a) At the disposition hearing, ~~if the court finds that the~~
 2231 ~~facts alleged in the petition of a child in need of services~~
 2232 ~~were proven in the adjudicatory hearing,~~ the court shall receive
 2233 and consider a predisposition study, which shall be in writing

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2234 and be presented by an authorized agent of the department or its
 2235 provider.

2236 ~~(a)~~ The predisposition study shall cover:

2237 1. All treatment and services that the parent, legal
 2238 guardian, or custodian and child received.

2239 2. The love, affection, and other emotional ties existing
 2240 between the ~~family parents~~ and the child.

2241 3. The capacity and disposition of the parents, legal
 2242 guardian, or custodian to provide the child with food, clothing,
 2243 medical care or other remedial care recognized and permitted
 2244 under the laws of this state in lieu of medical care, and other
 2245 material needs.

2246 4. The length of time that the child has lived in a stable,
 2247 satisfactory environment and the desirability of maintaining
 2248 continuity.

2249 5. The permanence, as a family unit, of the existing or
 2250 proposed custodial home.

2251 6. The moral fitness of the parents, legal guardian, or
 2252 custodian.

2253 7. The mental and physical health of the family.

2254 8. The home, school, and community record of the child.

2255 9. The reasonable preference of the child, if the court
 2256 deems the child to be of sufficient intelligence, understanding,
 2257 and experience to express a preference.

2258 10. Any other factor considered by the court to be
 2259 relevant.

2260 (b) The predisposition study also shall provide the court
 2261 with documentation regarding:

2262 1. The availability of appropriate prevention, services,

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2263 and treatment for the parent, legal guardian, custodian, and
 2264 child to prevent the removal of the child from the home or to
 2265 reunify the child with the parent, legal guardian, or custodian
 2266 after removal or to reconcile the problems between the family
 2267 ~~parent, guardian, or custodian~~ and the child.†

2268 2. The inappropriateness of other prevention, treatment,
 2269 and services that were available.†

2270 3. The efforts by the department to prevent shelter out-of-
 2271 ~~home~~ placement of the child or, when applicable, to reunify the
 2272 parent, legal guardian, or custodian if appropriate services
 2273 were available.†

2274 4. Whether voluntary family ~~the~~ services were provided.†

2275 5. If the voluntary family services and treatment were
 2276 provided, whether they were sufficient to meet the needs of the
 2277 child and the family and to enable the child to remain at home
 2278 or to be returned home.†

2279 6. If the voluntary family services and treatment were not
 2280 provided, the reasons for such lack of provision.† ~~and~~

2281 7. The need for, or appropriateness of, continuing such
 2282 treatment and services if the child remains in the custody of
 2283 the parent, legal guardian, or custodian or if the child is
 2284 placed outside the home.

2285 (c) If placement of the child with anyone other than the
 2286 child's parent, guardian, or custodian is being considered, the
 2287 study shall include the designation of a specific length of time
 2288 as to when custody by the parent, guardian, or custodian shall
 2289 be reconsidered.

2290 (d) A copy of this predisposition study shall be furnished
 2291 to the person having custody of the child at the time such

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2292 person is notified of the disposition hearing.

2293 (e) After review of the predisposition study and other
 2294 relevant materials, the court shall hear from the parties and
 2295 consider all recommendations for court-ordered services,
 2296 evaluations, treatment and required actions designed to remedy
 2297 the child's truancy, ungovernable behavior, or running away. The
 2298 court shall enter an order of disposition.

2299 Any other relevant and material evidence, including other
 2300 written or oral reports, may be received by the court in its
 2301 effort to determine the action to be taken with regard to the
 2302 child and may be relied upon to the extent of its probative
 2303 value, even though not competent in an adjudicatory hearing.
 2304 Except as provided in paragraph (2)(c), ~~nothing in~~ this section
 2305 does not shall prohibit the publication of proceedings in a
 2306 hearing.

2307 (4) REVIEW HEARINGS.—

2308 (a) The court shall hold a review hearing within 45 days
 2309 after the disposition hearing. Additional review hearings may be
 2310 held as necessary, allowing sufficient time for the child and
 2311 family to work toward compliance with the court orders and
 2312 monitoring by the case manager. No longer than 90 days may
 2313 elapse between judicial review hearings but no less than 45 days
 2314 after the date of the last review hearing.

2315 (b) The parent, legal guardian, or custodian and the child
 2316 shall be noticed to appear for the review hearing. The
 2317 department must appear at the review hearing. If the parent,
 2318 legal guardian, or custodian does not appear at a review
 2319 hearing, or if the court finds good cause to waive the child's
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presence, the court may proceed with the hearing and enter orders that affect the child and family accordingly.

(c)(b) At the review hearings, the court shall consider the department's judicial review summary. The court shall close the case if the child has substantially complied with the case plans and court orders and no longer requires continued court supervision, subject to the case being reopened. Upon request of the petitioner, the court may close the case and relinquish jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter, but no less than 45 days after the date of the last review hearing.

Section 24. Section 984.21, Florida Statutes, is amended to read:

984.21 Orders of adjudication.—

(2)(1) If the court finds that the child named in a petition is not a child in need of services, it shall enter an order so finding and dismiss ~~dismissing~~ the case.

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court later finds that the parent, guardian, or custodian of the child~~

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~~have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

(3) If the court finds by a preponderance of evidence that the child named in a petition is a child in need of services, ~~but elects not to proceed under subsection (2)~~, it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(1)(4) An order of adjudication by a court that a child is a child in need of services is a civil adjudication, and is ~~services shall~~ not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a delinquent or criminal by reason of ~~that~~ adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 25. Section 984.22, Florida Statutes, is amended to read:

984.22 Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or used ~~utilized~~ by a child or family, the court having jurisdiction of the child in need of services shall have the power to direct the least intrusive and least restrictive

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2379 disposition, as follows:

2380 (a) Order the parent, legal guardian, or custodian and the
2381 child to participate in treatment, services, and any other
2382 alternative identified as necessary.

2383 (b) Order the parent, legal guardian, or custodian to pay a
2384 fine or fee based on the recommendations of the department.

2385 (2) When any child is adjudicated by the court to be a
2386 child in need of services, the court having jurisdiction of the
2387 child and parent, legal guardian, or custodian shall have the
2388 power, by order, to:

2389 (a) Place the child under the supervision of the
2390 department's authorized agent ~~contracted~~ provider of programs
2391 and services for children in need of services and families in
2392 need of services. The term "supervision," for the purposes of
2393 this section, means services as defined by the contract between
2394 the department and the provider.

2395 (b) Place the child in the temporary legal custody of an
2396 adult willing to care for the child.

2397 (c) Commit the child to a licensed child-caring agency
2398 willing to receive the child and to provide services without
2399 compensation from the department.

2400 (d) Order the child, and, if the court finds it
2401 appropriate, the parent, legal guardian, or custodian of the
2402 child, to render community service in a public service program.

2403 (e) Order the child placed in shelter pursuant to s.
2404 984.225 or s. 984.226.

2405 (3) When any child is adjudicated by the court to be a
2406 child in need of services and temporary legal custody of the
2407 child has been placed with an adult willing to care for the

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2408 child, or a licensed child-caring agency, ~~the Department of~~
2409 ~~Juvenile Justice, or the Department of Children and Families,~~
2410 the court shall order the natural or adoptive parents of such
2411 child, including the natural father of such child born out of
2412 wedlock who has acknowledged his paternity in writing before the
2413 court, or the guardian of such child's estate if possessed of
2414 assets which under law may be disbursed for the care, support,
2415 and maintenance of such child, to pay child support to the adult
2416 relative caring for the child, the licensed child-caring agency,
2417 ~~the department of Juvenile Justice, or the Department of~~
2418 ~~Children and Families.~~ When such order affects the guardianship
2419 estate, a certified copy of such order shall be delivered to the
2420 judge having jurisdiction of such guardianship estate. If the
2421 court determines that the parent is unable to pay support,
2422 placement of the child shall not be contingent upon issuance of
2423 a support order. The department may employ a collection agency
2424 to receive, collect, and manage ~~for the purpose of receiving,~~
2425 ~~collecting, and managing~~ the payment of unpaid and delinquent
2426 fees. The collection agency must be registered and in good
2427 standing under chapter 559. The department may pay to the
2428 collection agency a fee from the amount collected under the
2429 claim or may authorize the agency to deduct the fee from the
2430 amount collected.

2431 ~~(4) All payments of fees made to the department under this~~
2432 ~~chapter, or child support payments made to the department~~
2433 ~~pursuant to subsection (3), shall be deposited in the General~~
2434 ~~Revenue Fund.~~

2435 (4)(5) In carrying out the provisions of this chapter, the
2436 court shall order the child, family, parent, legal guardian, or

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custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary to address the needs for the rehabilitation of the child and family.

~~(5)-(6)~~ The participation and cooperation of the family, parent, legal guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its orders ~~order~~.

Section 26. Section 984.225, Florida Statutes, is amended to read:

984.225 Powers of disposition; placement in a ~~staff-secure~~ shelter.—

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of services be placed in shelter to enforce the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized agent, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized agent verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed. for up to 90 days in a staff-secure shelter if:

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(2) The court shall order the parent, legal guardian, or custodian to cooperate with reunification efforts and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

(3) Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(a) The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.

(b) After other alternative, less restrictive, remedies have been exhausted, the child may be placed in shelter for up to 90 days if:

1.(a) The child's parent, legal guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or legal custodian;

2.(b) The child refuses to remain under the reasonable care and custody of the ~~his or her~~ parent, legal guardian, or legal custodian, as evidenced by repeatedly running away and failing to comply with a court order; or

3.(c) The child has failed to successfully complete an

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alternative treatment program or to comply with a court-ordered ~~services sanction~~ and the child has been placed in a shelter residential program on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services under this chapter.

(4) The court shall review the child's 90-day shelter placement within 45 days after the child's placement and determine whether continued shelter is deemed necessary. The court shall also determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program, and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct a staffing to take place with the Department of Children and Families.

~~(2) This section applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.~~

~~(3) The court shall order the parent, guardian, or legal~~

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~~eustodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.~~

~~(4) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.~~

(5) If a child has not been reunited with his or her parent, legal guardian, or ~~legal~~ custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the ~~staff-secure~~ shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(6)~~ The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the 90-day shelter commitment period, the parent, legal guardian, or ~~legal~~ custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the 90-day shelter commitment period, the child is not reunited with his or her parent, legal guardian, or custodian due solely to the continued refusal of the parent, legal guardian, or custodian to provide food, clothing, shelter, and parental support, the child is

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considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the custody of the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39. The department shall coordinate with the Department of Children and Families as provided in s. 984.086. The clerk of court shall serve the Department of Children and Families with any court order of referral.

~~(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine whether the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39.~~

(6)(8) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child transferred to the custody of the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary services. The clerk of court shall serve the Agency for Persons with

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Disabilities or the Department of Children and Families with any court order of referral.

Section 27. Section 984.226, Florida Statutes, is amended to read:

984.226 Physically secure shelter ~~setting~~.—

(1) Subject to specific legislative appropriation, the department of ~~Juvenile Justice~~ shall establish or contract for physically secure shelters ~~settings designated exclusively~~ for the placement of children in need of services who meet the criteria provided in this section.

~~(2) When a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.033. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.~~

(2)(3) When a child is adjudicated as a child in need of services by a court and all other less restrictive placements have been exhausted, the court may order the child to be placed in a physically secure shelter setting authorized in this section if the child has:

(a) Failed to appear for placement in a ~~staff-secure~~

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shelter for up to 90 days as ordered under s. 984.225, or failed to comply with any other provision of a valid court order relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b) Run away from a 90-day staff-secure shelter following placement under s. 984.225 ~~or s. 984.09~~.

The department or an authorized agent representative of the department must verify to the court that a bed is available for the child in a physically secure shelter. If a bed is not available in a physically secure shelter, the court must stay the placement until such a bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure shelter. Physically secure shelter placement may only be used when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements setting.

~~(3)(4)~~ A child may be placed in a physically secure shelter setting for up to 90 days by order of the court. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure shelter setting, the court may order that the child remain in the physically secure shelter setting for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(4)(5)~~(a) The court shall review the child's placement once within every 45 days to determine whether the child can be

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returned home with the provision of ongoing services as provided in s. 984.20.

(b) At any time during the placement of a child in need of services in a physically secure shelter setting, the department or an authorized agent representative of the department may submit to the court a report that recommends:

1. That the child has received all of the services available from the physically secure shelter setting and is ready for reunification with a parent or guardian; or

2. That the child is unlikely to benefit from continued placement in the physically secure shelter setting and is more likely to have his or her needs met in a different type of placement. The court may order that the child be transitioned from a physically secure shelter to a shelter placement as provided in s. 984.225 upon a finding that the physically secure shelter is no longer necessary for the child's safety and to provide needed services.

(c) The court shall determine if the parent, legal guardian, or custodian has reasonably participated in and has ~~financially~~ contributed to or participated in the child's counseling and treatment program.

(d) If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the placement, the court shall direct a staffing to take place with the Department of Children and Families ~~that the child be handled as a dependent child, jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed by chapter 39.~~

(e) If the child requires long-term residential mental

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2669 health treatment or residential care for a developmental
 2670 disability, the court shall refer the child to the Department of
 2671 Children and Families or the Agency for Persons with
 2672 Disabilities for the provision of necessary services. The clerk
 2673 of court shall serve the Agency for Persons with Disabilities or
 2674 the Department of Children and Families with any court order of
 2675 referral.

2676 (5)(6) Prior to being ordered to a physically secure
 2677 shelter setting, the child must be afforded all rights of due
 2678 process required under s. 984.07 985.037.

2679 (6) While in the physically secure shelter setting, the
 2680 child shall receive appropriate assessment, intervention,
 2681 treatment, and educational services that are designed to
 2682 eliminate or reduce the child's truant, ungovernable, or runaway
 2683 behavior. The child and family shall be provided with individual
 2684 and family counseling and other support services necessary for
 2685 reunification.

2686 (7) The court shall order the parent, legal guardian, or
 2687 ~~legal~~ custodian to cooperate with efforts to reunite the child
 2688 with the family, participate in counseling, and pay all costs
 2689 associated with the care and counseling provided to the child
 2690 and family, in accordance with the child's insurance and the
 2691 family's ability to pay as determined by the court. Placement of
 2692 a child under this section is designed to provide residential
 2693 care on a temporary basis. Such placement does not abrogate the
 2694 legal responsibilities of the parent, legal guardian, or ~~legal~~
 2695 custodian with respect to the child, except to the extent that
 2696 those responsibilities are temporarily altered by court order.

2697 Section 28. Section 985.731, Florida Statutes, is

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2698 transferred and renumbered as section 787.035, Florida Statutes.

2699 Section 29. Subsection (9) of section 985.03, Florida
 2700 Statutes, is amended to read:

2701 985.03 Definitions.—As used in this chapter, the term:

2702 (9) "Child who has been found to have committed a
 2703 delinquent act" means a child who, under this chapter, is found
 2704 by a court to have committed a violation of law or to be in
 2705 direct or indirect contempt of court, except that this
 2706 definition does not include an act constituting contempt of
 2707 court arising out of a ~~dependency~~ proceeding under chapter 39 or
 2708 chapter 984 or a proceeding concerning a child or family in need
 2709 of services.

2710 Section 30. Subsection (4) of section 985.24, Florida
 2711 Statutes, is amended to read:

2712 985.24 Use of detention; prohibitions.—

2713 (4) A child who is alleged to be dependent under chapter
 2714 39, or any child subject to proceedings under chapter 984, but
 2715 who is not alleged to have committed a delinquent act or
 2716 violation of law, may not, under any circumstances, be placed
 2717 into secure detention care.

2718 Section 31. Section 1003.26, Florida Statutes, is amended
 2719 to read:

2720 1003.26 Enforcement of school attendance.—The Legislature
 2721 finds that poor academic performance is associated with
 2722 nonattendance and that school districts must take an active role
 2723 in promoting and enforcing attendance as a means of improving
 2724 student performance. It is the policy of the state that each
 2725 district school superintendent be responsible for enforcing
 2726 school attendance of all students subject to the compulsory

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school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school is required to ~~shall~~ implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee must ~~shall~~ contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

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(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher must ~~shall~~ report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. ~~The principal shall,~~ Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal must ~~shall~~ notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance. The child study team may allow the parent to attend the meeting virtually or by telephone if the parent is unable to attend the meeting in person.

(c) If the parent or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy based upon the information available to the school. The recommendations shall be provided to the parent within 7 days after the child study team meeting. If the an initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.

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2. Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if the learning environment is an issue of concern.

~~3.2-~~ Evaluation for alternative education programs.

~~4.3-~~ Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to the Department of Juvenile Justice's designated provider for voluntary family services, or to other agencies for family services or recommend ~~recommendation for~~ filing a truancy petition pursuant to s. 984.151.

(d) The child study team must ~~shall~~ be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

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(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days after ~~of~~ the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of the term "regular school attendance" under s. 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the

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child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee must ~~shall~~ refer the case to the Department of Juvenile Justice's authorized agent, which shall then offer voluntary family services, and schedule a meeting of the case staffing committee pursuant to s. 984.12 if the services do not remediate the child's truancy, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(h) If a student subject to compulsory school attendance is responsive to the interventions described in this section and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the district school superintendent, a designated school representative must provide

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~~shall give~~ written notice in person or by return-receipt mail to the parent, requiring the child's that requires enrollment or attendance within 3 days after the date of notice, ~~in person or by return-receipt mail, to the parent~~ when no valid reason is found for a student's nonenrollment in school if the child is under compulsory education requirements, and is not exempt. If the child is not enrolled or in attendance in school within 3 days after the notice being provided and requirement are ~~ignored,~~ the designated school representative must ~~shall~~ report the case to the district school superintendent, who must ~~may~~ refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies. In addition, the designated school representative may refer the case to the Department of Juvenile Justice's authorized agent for families in need of services or to the case staffing committee, ~~established pursuant to s. 984.12.~~ The child study team must ~~shall~~ diligently facilitate intervention services and ~~shall~~ report the case back to the district school superintendent within 15 days after referral of the case if only when all reasonable efforts to resolve the nonenrollment behavior have been made and the child is still not attending school are ~~exhausted.~~ If the parent ~~still~~ refuses to cooperate or enroll the child in school within 15 days after referral of the case to the child study team, the district school superintendent must ~~shall~~ make a report to law enforcement and refer the case to the Office of the State Attorney ~~shall take such steps as are~~ necessary to bring criminal prosecution against the parent.

(b) Subsequent to referring the case to the Office of the

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2901 ~~State Attorney the activities required under subsection (1), the~~
 2902 ~~district school superintendent or his or her designee must shall~~
 2903 ~~give written notice in person or by return-receipt mail to the~~
 2904 ~~parent that criminal prosecution is being sought for~~
 2905 ~~nonattendance. The district school superintendent may file a~~
 2906 ~~truancy petition, as defined in s. 984.03, following the~~
 2907 ~~procedures outlined in s. 984.151.~~

2908 (3) RETURN STUDENT TO PARENT.—A designated school
 2909 representative may visit the home or place of residence of a
 2910 student and any other place in which he or she is likely to find
 2911 any student who is required to attend school when the student is
 2912 not enrolled or is absent from school during school hours
 2913 without an excuse, and, when the student is found, shall return
 2914 the student to his or her parent or to the principal or teacher
 2915 in charge of the school, or to the private tutor from whom
 2916 absent. If the parent cannot be located or is unavailable to
 2917 take custody of the child, and the child is not to be presented
 2918 to the child's school or tutor, the youth shall be referred to
 2919 the Department of Juvenile Justice's shelter, to another
 2920 facility, or to the juvenile assessment center or other location
 2921 established by the district school board to receive students who
 2922 are absent from school. Upon receipt of the student, the parent
 2923 shall be immediately notified.

2924 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school
 2925 representative shall report to the appropriate authority
 2926 designated by law to receive such notices, all violations of the
 2927 Child Labor Law that may come to his or her knowledge.

2928 (5) RIGHT TO INSPECT.—A designated school representative
 2929 shall have the right of access to, and inspection of,

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2930 establishments where minors may be employed or detained only for
 2931 the purpose of ascertaining whether students of compulsory
 2932 school age are actually employed there and are actually working
 2933 there regularly. The designated school representative shall, if
 2934 he or she finds unsatisfactory working conditions or violations
 2935 of the Child Labor Law, report his or her findings to the
 2936 appropriate authority.

2937 Section 32. Subsections (2), (3), (4), (6), and (7) of
 2938 section 1003.27, Florida Statutes, are amended to read:

2939 1003.27 Court procedure and penalties.—The court procedure
 2940 and penalties for the enforcement of the provisions of this
 2941 part, relating to compulsory school attendance, shall be as
 2942 follows:

2943 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2944 (a) ~~In each case of nonenrollment or of nonattendance upon~~
 2945 ~~the part of a student who is required to attend some school,~~
 2946 ~~when no valid reason for such nonenrollment or nonattendance is~~
 2947 ~~found,~~ The district school superintendent shall institute a
 2948 criminal prosecution against the student's parent, in each case
 2949 of nonenrollment or of nonattendance of a student who is
 2950 required to attend school, when no valid reason for the
 2951 nonenrollment or nonattendance is found. ~~However,~~ Criminal
 2952 prosecution may not be instituted against the student's parent
 2953 until the school and school district have complied with s.
 2954 1003.26.

2955 (b) Each public school principal or the principal's
 2956 designee ~~must shall~~ notify the district school board of each
 2957 minor student under its jurisdiction who accumulates 15
 2958 unexcused absences in a period of 90 calendar days. Reports

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shall be made to the district school board at the end of each school quarter. The calculation of 15 absences within 90 days are determined based on calendar days and are not limited to the span of one school quarter during which the nonattendance begins or ends. The district school board shall verify the schools reporting 15 or more unexcused absences within a 90-day period have complied with the requirements of remediating truancy at the school level or pursuing appropriate court intervention as provided in this section. Any school not meeting the requirements in this paragraph shall provide a remedial action plan to the school board within 30 days, and follow up within 90 days to confirm all truancy cases have been addressed either through the child's enrollment and regular attendance or referral of the case to the appropriate court or agency to pursue court intervention.

(c) The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to the provisions of s. 322.091.

(d)(e) Each designee of the governing body of each private school and each parent whose child is enrolled in a home education program or personalized education program may provide the Department of Highway Safety and Motor Vehicles with the

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legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student pursuant to s. 322.091.

(3) HABITUAL TRUANCY CASES.— The district school superintendent ~~may is authorized to~~ file a truancy petition seeking early truancy intervention, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the district school superintendent chooses not to file a truancy petition, the case must be referred to the Department of Juvenile Justice's authorized agent for families in need of services. The procedures for filing a child in need of services ~~child-in-need-of-services~~ petition must ~~shall~~ be commenced pursuant to this subsection and chapter 984 if voluntary family services do not remediate the child's truancy. The. ~~In accordance with procedures established by the district school board, the~~ designated school representative must ~~shall~~ refer a student who is a habitual ~~habitually~~ truant and the student's family to the Department of Juvenile Justice's designated children in need of services provider for provision of voluntary services, and may refer the case to ~~children-in-need-of-services-and-families-in-need-of-services-provider~~ or the case staffing committee, established pursuant to s. 984.12, following the referral process established by the cooperative interagency agreement ~~as determined by the cooperative agreement required in this~~

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~~section.~~ The case staffing committee may request the Department of Juvenile Justice or its designee to file a petition for child in need of services ~~child-in-need-of-services-petition~~ based upon the report and efforts of the district school board or other community agency, and early truancy intervention by the circuit court, after review and an initial meeting, or may seek to resolve the truant behavior through the school or community-based organizations or other state or local agencies. Prior to ~~and subsequent to~~ the filing of a child in need of services petition for a child in need of services due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and ss. 984.11 and s. 1003.26 to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the district school board must have complied with the requirements of s. 1003.26, and those efforts must have been unsuccessful.

(4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~ Department of Juvenile Justice's authorized agent Justice or his or her designee, ~~the circuit manager's designee, the district administrator of the Department of Children and Families or the district administrator's designee,~~ and the district school superintendent or his or her ~~the superintendent's~~ designee must develop a cooperative interagency agreement that:

(a) Clearly defines each department's role, responsibility, and function in working with ~~habitual~~ truants and their families.

(b) Identifies and implements measures to quickly resolve and reduce truant behavior.

(c) Addresses issues of streamlining service delivery, the

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appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the Department of Juvenile Justice or its authorized agent ~~circuit juvenile justice manager or the circuit manager's designee~~ and the district school superintendent or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed.

(e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
Proceedings or prosecutions under this chapter may be commenced by the district school superintendent or his or her designee, by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education or the Department of Juvenile Justice, by a parent, or in the case of a criminal prosecution, by the Office of the State Attorney. If a proceeding has been commenced against both a parent and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate services or sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

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(7) PENALTIES.—The penalties for refusing or failing to comply with this chapter shall be as follows:

(a) *The parent.*—

1. A parent who refuses or fails to have a minor student who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. The continued or habitual absence of a minor student without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, a showing that the parent has made a bona fide and diligent effort to control and keep the student in school shall be an affirmative defense to any criminal or other liability under this subsection and the court shall refer the parent and child for counseling, guidance, or other needed services.

3. In addition to any other sanctions authorized under s. 984.151 ~~punishment~~, the court shall order a parent who has violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship or is prohibited by rules or policy of the school board, perform community service hours at the school, or participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school attendance. It shall be unlawful to

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terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) *The principal or teacher.*—A principal or teacher in any public, parochial, religious, denominational, or private school, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) *The employer.*—

1. An employer who fails to notify the district school superintendent when he or she ceases to employ a student commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) *The student.*—

~~1. In addition to any other sanctions authorized under s. 984.151~~ sanctions, the court shall order a student found to be a ~~habitual~~ habitual truant to make up all school work missed and attend school daily with no unexcused absences or tardiness, and may order the child to ~~and may order the student to pay a civil penalty of up to \$2, based on the student's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or~~ participate in counseling or other services, as appropriate.

~~2. Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work~~

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missed and may order the student to pay a civil penalty of up to \$5, based on the student's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.

Section 33. Paragraph (g) is added to subsection (7) of section 381.02035, Florida Statutes, to read:

381.02035 Canadian Prescription Drug Importation Program.—

(7) ELIGIBLE IMPORTERS.—The following entities may import prescription drugs from an eligible Canadian supplier under the program:

(g) A pharmacist or wholesaler employed by or under contract with the Department of Juvenile Justice, for dispensing to juveniles in the custody of the Department of Juvenile Justice.

Section 34. Paragraph (a) of subsection (5) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(5) (a) A minor who violates subsection (3):

1. For a first offense, commits a misdemeanor of the first degree; shall serve a period of detention of up to 5 days in a secure detention facility, with credit for time served in secure detention prior to disposition; and shall be required to perform 100 hours of community service or paid work as determined by the department.

2. For a second or subsequent offense, commits a felony of the third degree. For a second offense, the minor shall serve a

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period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as determined by the department. For a third or subsequent offense, the minor shall be adjudicated delinquent and committed to a residential program. A finding by a court that a minor committed a violation of this section, regardless of whether the court adjudicates the minor delinquent or withholds adjudication of delinquency, withhold of adjudication of delinquency shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

Section 35. Paragraph (a) of subsection (2) of section 985.12, Florida Statutes, is amended to read:

985.12 Prearrest delinquency citation programs.—

(2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(a) A prearrest delinquency citation program for misdemeanor offenses shall be established in each judicial circuit in the state. The state attorney and public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest delinquency citation program and develop its policies and procedures. In

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3191 developing the program's policies and procedures, input from
 3192 other interested stakeholders may be solicited. ~~The department~~
 3193 ~~shall annually develop and provide guidelines on best practice~~
 3194 ~~models for prearrest delinquency citation programs to the~~
 3195 ~~judicial circuits as a resource.~~

3196 Section 36. Subsection (5) of section 985.126, Florida
 3197 Statutes, is amended to read:

3198 985.126 Prearrest and postarrest diversion programs; data
 3199 collection; denial of participation or expunged record.—

3200 (5) The department shall provide a quarterly report to be
 3201 published on its website and distributed to the Governor,
 3202 President of the Senate, and Speaker of the House of
 3203 Representatives listing the entities that use prearrest
 3204 delinquency citations for less than 80 ~~70~~ percent of first-time
 3205 misdemeanor offenses.

3206 Section 37. Paragraph (c) of subsection (1) of section
 3207 985.25, Florida Statutes, is amended to read:

3208 985.25 Detention intake.—

3209 (1) The department shall receive custody of a child who has
 3210 been taken into custody from the law enforcement agency or court
 3211 and shall review the facts in the law enforcement report or
 3212 probable cause affidavit and make such further inquiry as may be
 3213 necessary to determine whether detention care is appropriate.

3214 (c) If the final score on the child's risk assessment
 3215 instrument indicates detention care is appropriate, but the
 3216 department otherwise determines the child should be released,
 3217 the department shall contact the state attorney, who may
 3218 authorize release. If the final score on the child's risk
 3219 assessment instrument indicates release or supervised release is

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3220 appropriate, but the department otherwise determines that there
 3221 should be supervised release or detention, the department shall
 3222 contact the state attorney, who may authorize an upward
 3223 departure. Notwithstanding any other provision of this
 3224 paragraph, a child may only be moved one category in either
 3225 direction within the risk assessment instrument and release is
 3226 not authorized if it would cause the child to be moved more than
 3227 one category.

3228
 3229 Under no circumstances shall the department or the state
 3230 attorney or law enforcement officer authorize the detention of
 3231 any child in a jail or other facility intended or used for the
 3232 detention of adults, without an order of the court.

3233 Section 38. Paragraph (c) of subsection (7) of section
 3234 985.433, Florida Statutes, is amended to read:

3235 985.433 Disposition hearings in delinquency cases.—When a
 3236 child has been found to have committed a delinquent act, the
 3237 following procedures shall be applicable to the disposition of
 3238 the case:

3239 (7) If the court determines that the child should be
 3240 adjudicated as having committed a delinquent act and should be
 3241 committed to the department, such determination shall be in
 3242 writing or on the record of the hearing. The determination shall
 3243 include a specific finding of the reasons for the decision to
 3244 adjudicate and to commit the child to the department, including
 3245 any determination that the child was a member of a criminal
 3246 gang.

3247 (c) The court may also require that the child be placed on
 3248 conditional release in a probation program following the child's

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discharge from commitment. Community-based sanctions under subsection (8) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

Section 39. Section 985.625, Florida Statutes, is repealed.

Section 40. Subsection (4) of section 985.632, Florida Statutes, is amended to read:

985.632 Quality improvement and cost-effectiveness; Comprehensive Accountability Report.—

~~(4) COST-EFFECTIVENESS MODEL.—The department, in consultation with the Office of Economic and Demographic Research and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program.~~

~~(a) The cost-effectiveness model shall compare program costs to expected and actual child recidivism rates. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model.~~

~~(b) The department shall rank commitment programs based on the cost-effectiveness model, performance measures, and adherence to quality improvement standards and shall report this data in the annual Comprehensive Accountability Report.~~

~~(c) Based on reports of the department on child outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum standard of program effectiveness. This paragraph does not preclude the department from terminating~~

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~~a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.~~

~~(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.~~

~~(e) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:~~

~~1. Construct a profile of each commitment program that uses the results of the quality improvement data portion of the Comprehensive Accountability Report required by this section, the cost-effectiveness data portion of the Comprehensive Accountability Report required in this subsection, and other reports available to the department.~~

~~2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1. and target, for technical assistance, any commitment program that has achieved low or disparate ratings in the reports required under subparagraph 1.~~

~~3. Identify the essential factors that contribute to the high, low, or disparate program ratings.~~

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4. ~~Use the results of these evaluations in developing or refining juvenile justice programs or program models, child outcomes and program outputs, provider contracts, quality improvement standards, and the cost-effectiveness model.~~

Section 41. Subsection (8) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded on alleged abuse, as defined in s. 39.01 or s. 415.102, ~~or s. 984.03~~; incest, as defined in s. 826.04; or an action brought pursuant to s. 787.061 may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

Section 42. Subsection (1) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(1) In each case in which regular support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor's reasonable ability to pay, action as is necessary to secure the obligor's payment of current support, any arrearage that may have accrued under an existing order of support, and, if a parenting time plan was not incorporated into the existing order of support, include either a signed, agreed-upon parenting time plan or a

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signed Title IV-D Standard Parenting Time Plan, if appropriate. The department shall notify the program attorney in the judicial circuit in which the recipient resides setting forth the facts in the case, including the obligor's address, if known, and the public assistance case number. Whenever applicable, the procedures established under chapter 88, Uniform Interstate Family Support Act, chapter 61, Dissolution of Marriage; Support; Time-sharing, chapter 39, Proceedings Relating to Children, chapter 984, Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children, and chapter 985, Delinquency; Interstate Compact on Juveniles, may govern actions instituted under this act, except that actions for support under chapter 39, chapter 984, or chapter 985 brought pursuant to this act shall not require any additional investigation or supervision by the department.

Section 43. Paragraph (e) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the term:

(e) "Resident" means any of the following: a frail elder as defined in s. 429.65; a person who has a disability as defined in s. 760.22(3)(a); a person who has a developmental disability as defined in s. 393.063; a nondangerous person who has a mental illness as defined in s. 394.455; or a child who is found to be dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in need of services as defined in s. 984.03 ~~or s. 985.03~~.

Section 44. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

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3365 744.309 Who may be appointed guardian of a resident ward.—
 3366 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 3367 of a felony or who, from any incapacity or illness, is incapable
 3368 of discharging the duties of a guardian, or who is otherwise
 3369 unsuitable to perform the duties of a guardian, shall be
 3370 appointed to act as guardian. Further, no person who has been
 3371 judicially determined to have committed abuse, abandonment, or
 3372 neglect against a child as defined in s. 39.01 or s. 984.03(1),
 3373 (2), and (24) ~~(37)~~, or who has been found guilty of, regardless
 3374 of adjudication, or entered a plea of nolo contendere or guilty
 3375 to, any offense prohibited under s. 435.04 or similar statute of
 3376 another jurisdiction, shall be appointed to act as a guardian.
 3377 Except as provided in subsection (5) or subsection (6), a person
 3378 who provides substantial services to the proposed ward in a
 3379 professional or business capacity, or a creditor of the proposed
 3380 ward, may not be appointed guardian and retain that previous
 3381 professional or business relationship. A person may not be
 3382 appointed a guardian if he or she is in the employ of any
 3383 person, agency, government, or corporation that provides service
 3384 to the proposed ward in a professional or business capacity,
 3385 except that a person so employed may be appointed if he or she
 3386 is the spouse, adult child, parent, or sibling of the proposed
 3387 ward or the court determines that the potential conflict of
 3388 interest is insubstantial and that the appointment would clearly
 3389 be in the proposed ward's best interest. The court may not
 3390 appoint a guardian in any other circumstance in which a conflict
 3391 of interest may occur.
 3392 Section 45. Section 784.075, Florida Statutes, is amended
 3393 to read:

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3394 784.075 Battery on detention or commitment facility staff
 3395 or a juvenile probation officer.—A person who commits a battery
 3396 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.
 3397 985.03, on other staff of a detention center or facility as
 3398 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff
 3399 member of a commitment facility as defined in s. 985.03, commits
 3400 a felony of the third degree, punishable as provided in s.
 3401 775.082, s. 775.083, or s. 775.084. For purposes of this
 3402 section, a staff member of the facilities listed includes
 3403 persons employed by the Department of Juvenile Justice, persons
 3404 employed at facilities licensed by the Department of Juvenile
 3405 Justice, and persons employed at facilities operated under a
 3406 contract with the Department of Juvenile Justice.
 3407 Section 46. Paragraph (b) of subsection (4) of section
 3408 985.618, Florida Statutes, is amended to read:
 3409 985.618 Educational and career-related programs.—
 3410 (4)
 3411 (b) Evaluations of juvenile educational and career-related
 3412 programs shall be conducted according to the following
 3413 guidelines:
 3414 1. Systematic evaluations and quality assurance monitoring
 3415 shall be implemented, in accordance with s. 985.632(1), (2), and
 3416 (4) ~~(5)~~, to determine whether the programs are related to
 3417 successful postrelease adjustments.
 3418 2. Operations and policies of the programs shall be
 3419 reevaluated to determine if they are consistent with their
 3420 primary objectives.
 3421 Section 47. This act shall take effect July 1, 2025.

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

4/17/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB1344

Bill Number or Topic

Fiscal Policy Committee

Committee

Amendment Barcode (if applicable)

Name Robert Johnson

Phone 850 491 1430

Address 215 S Monroe St.

Street

Email rob@themayernickgroup.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Network
of Youth and Family Services

☐ 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)

4/17/25

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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SB 1344

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chancer Teel

Phone _____

Address 2737 Centerview Dr.

Street

Email Chancer.teel@fldis.gov

Tallahassee

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL Dept of
Juvenile Justice

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

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

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

S-001 (08/10/2021)

4/17/25
Meeting Date
Fiscal Policy
Committee

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

1344
Bill Number or Topic

Name Candace Brower Phone 850 999 4870
Address PO Box 1019 Email
Tallahassee FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

State agency
Criminal Conflict + Civil Regional
COUNSEL

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1386

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;
and Senators Yarborough and Leek

SUBJECT: Assault or Battery on a Utility Worker

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Denson</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	<u>Denson</u>	<u>Siples</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1386 amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against a utility worker while such utility worker is engaged in work on critical infrastructure, as defined in s. 812.141(1), F.S.

A “utility worker,” as defined by the bill is a person who bears at least one patch, emblem, organizational identification, or other clear marking that is intended to be plainly visible, that identifies the employing or contracting utility, and that clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation, transmission, distribution, or furnishing to or for the public, of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

The bill may have a positive insignificant prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

Assault and Battery of Utility Workers

There have been several reported instances of assault or battery against a utility officer in Florida over the past few years. One notable case occurred in October 2024, when a man from Hillsborough County was arrested for suspected aggravated assault. The man became frustrated when a road was partially blocked as utility crews worked to restore power in the area. In a fit of anger, he backed his vehicle into the utility pole and then threatened to shoot the utility workers who attempted to prevent him from fleeing the scene.¹ Another instance took place in February of 2025 involving a woman from Polk County who released her dogs on two utility workers who were investigating possible utility theft.²

Assault and Aggravated Assault

Section 784.011, F.S., provides that it is a second degree misdemeanor³ to commit an assault, which is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in the other person that such violence is imminent.

The courts have established that a well-founded fear in another person is measured by the reasonable person standard. According to this standard, if the circumstances are such that they would typically induce fear in the mind of a reasonable person, then the victim may be found to be in fear.⁴

Section 784.021, F.S., provides that an aggravated assault is an assault:

- With a deadly weapon⁵ without intent to kill; or
- With an intent to commit a felony.

Aggravated assault is a third degree felony⁶ and is ranked a Level 6 offense in the Criminal Punishment Code offense severity level ranking chart.⁷

¹ Hillsborough County Sheriff's Office Press Release, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: <https://www.teamhcsco.com/News/PressRelease/8eabd8cf-d2b7-4340-ab0a-9b6c96a5df54/24-220> (Last visited March 20, 2025).

² Law and Crime News, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: <https://lawandcrime.com/crime/released-her-dogs-at-them-florida-woman-allegedly-used-great-dane-to-attack-investigators-after-stealing-electricity/> (Last visited March 20, 2025).

³ A second degree misdemeanor is punishable by not more than 60 days in county jail and a fine not exceeding \$500. Sections 775.082 and 775.083, F.S.

⁴ *Brennan v Syfrett*, 369 So.3d 320 (Fla. 1st DCA 2023).

⁵ When undefined in statute, Florida courts have defined a "deadly weapon" as an instrument that will likely cause death or great bodily harm when used in the ordinary and usual manner contemplated by its design or an object that is used or threatened to be used in a way likely to produce death or great bodily harm. *See Brown v. State*, 86 So.3d 569, 571 (Fla. 5th DCA 2012).

⁶ A third degree felony is punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S.

⁷ Section 921.0022(3)(f), F.S.

Battery and Aggravated Battery

Section 784.03, F.S., provides that the offense of battery occurs when a person:

- Actually and intentionally touches or strikes another person against the will of the other; or
- Intentionally causes bodily harm to another person.

Under this statute, battery is generally classified as a first degree misdemeanor.⁸ However, if an individual has a prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery offense, they can be charged with a third-degree felony.⁹

Section 784.045, F.S., provides that a person commits an aggravated battery who, in committing battery:

- Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement;
- Uses a deadly weapon; or
- Knows or should have known that the victim of the battery was pregnant at the time of the offense.

Aggravated battery is a second degree felony and is ranked in Level 7 of the Criminal Punishment Code offense severity level ranking chart.¹⁰

Assault or Battery on a Law Enforcement Officers or Other Specified Professional

Section 784.07(2), F.S., reclassifies the degree of an offense for assault, aggravated assault, battery, and aggravated battery when a person is charged with intentionally committing any of these offenses against an officer or employee who is engaged in engaged in the lawful performance of his or her duties.

Law enforcement officers and specified personnel are currently identified as:

- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A railroad special officer;
- A traffic accident investigation officer;
- A nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;

⁸ A first degree misdemeanor is punishable by not more than a year in county jail and a fine not exceeding \$1,000. Sections 775.082(4)(a) and 775.083(1)(d), F.S.

⁹ Section 784.03(2), F.S.

¹⁰ Section 921.0022(3)(g), F.S. A second degree felony is punishable by not more than 15 years in state prison and a fine of up to \$10,000. Sections 775.082(3)(d) and 775.083(1)(b), F.S.

- A person licensed as a security officer and wearing a uniform bearing at least one patch or emblem that is visible at all times and clearly identifies the person's employing agency and that the person is a licensed security officer;
- A security officer employed by the board of trustees of a community college; or
- A public transit employee or agent.

The reclassification of the degree of the offense is as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony, and any person convicted of aggravated assault upon a law enforcement officer is subject to a mandatory three-year minimum term of imprisonment; and
- In the case of aggravated battery, from a second degree felony to a first degree felony,¹¹ and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.¹²

Additionally, if an individual, during the commission of a battery subject to reclassification as a third degree felony, possessed:

- A firearm or destructive device, the person is subject to a mandatory minimum term of imprisonment of three years; or
- A semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, the person is subject to a mandatory minimum term of imprisonment of eight years.¹³

Reclassifying an offense increases the maximum sentence for that offense. Typically, the maximum sentence for a criminal offense is determined by the degree of the misdemeanor or felony. The following are the maximum sentences associated with each degree:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.¹⁴

¹¹ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082(3)(b) and 775.083(1)(b), F.S.

¹² Section 784.07(2)(a)-(d), F.S.

¹³ Section 784.07(3)(a) and (b), F.S. Additionally, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release, prior to serving the minimum sentence. Section 784.07(3), F.S.

¹⁴ Section 775.082, F.S. (maximum penalties). Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.082, F.S., provides the following maximum fines: \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

Offenses Involving Critical Infrastructure

Section 812.141(1), F.S. defines critical infrastructure as any linear asset or any of the following for which the owner or operator has employed measures designed to exclude unauthorized persons, including, but not limited to, fences, barriers, guard posts, or signs prohibiting trespass:

- An electric power generation, transmission, or distribution facility, or a substation, a switching station, or an electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural gas or compressed gas compressor station or storage facility.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A liquid natural gas or propane gas terminal or storage facility with a capacity of 4,000 gallons or more.
- A wireless or wired communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
- A water intake structure, water treatment facility, wastewater treatment plant, pump station, or lift station.
- A seaport.¹⁵
- A railroad switching yard, trucking terminal, or other freight transportation facility.
- An airport.¹⁶
- A spaceport territory.¹⁷
- A transmission facility used by a federally licensed radio or television station.
- A military base or military facility conducting research and development of military weapons systems, subsystems, components, or parts.
- A civilian defense industrial base conducting research and development of military weapons systems, subsystems, components, or parts.
- A dam¹⁸ or other water control structures such as locks, floodgates, or dikes that are designed to maintain or control the level of navigable waterways.

III. Effect of Proposed Changes:

The bill amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against a utility worker while such utility worker is engaged in work on critical infrastructure, as defined in s. 812.141(1), F.S.

The offenses are reclassified as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony; and
- In the case of aggravated battery, from a second degree felony to a first degree felony.

¹⁵ Section 311.09, F.S.

¹⁶ Section 330.27, F.S.

¹⁷ Section 331.303, F.S.

¹⁸ Section 373.403(1)

The purpose of reclassifying these offenses is to increase the maximum sentence that may be imposed for an offense against a utility worker.

A “utility worker,” as defined by the bill is a person who bears at least one patch, emblem, organizational identification, or other clear marking that is intended to be plainly visible, that identifies the employing or contracting utility, and that clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation, transmission, distribution, or furnishing to or for the public, of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

The bill amends ss. 901.15, 943.051, 985.11, and 985.644, F.S., to make necessary conforming changes.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections (DOC). The EDR provides that while large numbers of offenders with specified assault and battery offenses come to prison each year with these offenses as a primary offense (389 new commitments in FY 23-24), it is unknown how large the utility worker victim pool is. The CJIC has heard bills with the same provisions in prior years and has found them to have an insignificant impact due to low volume.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 784.07, 901.15, 943.051, 985.11 and 985.644.

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 Criminal and Civil Justice on April 10, 2025:

The committee substitute revises the definition of utility worker, narrows the reclassification of assault or battery on a utility worker to only apply when a utility worker is engaged in work on critical infrastructure, and removes the offense severity ranking chart.

CS by Criminal Justice on March 25, 2025:

The committee substitute expands the definition of utility worker to include propane employees.

B. Amendments:

None.

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Yarborough

604-03479-25

20251386c2

A bill to be entitled

An act relating to assault or battery on a utility worker; amending s. 784.07, F.S.; defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker engaged in work on critical infrastructure; amending ss. 901.15, 943.051, 985.11, and 985.644, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (2) of section 784.07, Florida Statutes, is amended, and paragraph (h) is added to subsection (1) of that section, to read:

784.07 Assault or battery of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.—

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

(h) "Utility worker" means a person who bears at least one patch, emblem, organizational identification, or other clear marking that is intended to be plainly visible, that identifies the employing or contracting utility, and that clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation, transmission, distribution, or furnishing to or for the public, of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two

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or more utilities rendering joint service.

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, hospital personnel, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, ~~or~~ a security officer employed by the board of trustees of a community college, or a utility worker engaged in work on critical infrastructure as defined in s. 812.141(1), while the officer, firefighter, emergency medical care provider, hospital personnel, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, ~~or~~ security officer, or utility worker is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

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(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to a minimum term of imprisonment of 6 months.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.

Section 2. Subsection (15) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(15) There is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or other specified persons ~~officers~~ as provided ~~set forth~~ in s. 784.07 or has committed assault or battery upon any employee of a receiving facility as defined in s. 394.455 who is

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engaged in the lawful performance of his or her duties.

Section 3. Paragraph (b) of subsection (3) of section 943.051, Florida Statutes, is amended to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

(b) A minor who is charged with or found to have committed the following offenses shall be fingerprinted and the fingerprints shall be submitted electronically to the department, unless the minor is issued a prearrest delinquency citation pursuant to s. 985.12:

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault or battery on a law enforcement officer, a firefighter, or other specified persons ~~officers~~, as provided ~~defined~~ in s. 784.07 ~~784.07(2)(a) and (b)~~.

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014(3).

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as provided

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117 in s. 790.115.

118 Section 4. Paragraph (b) of subsection (1) of section
119 985.11, Florida Statutes, is amended to read:

120 985.11 Fingerprinting and photographing.—

121 (1)

122 (b) Unless the child is issued a prearrest delinquency
123 citation pursuant to s. 985.12, a child who is charged with or
124 found to have committed one of the following offenses shall be
125 fingerprinted, and the fingerprints shall be submitted to the
126 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 127 1. Assault, as defined in s. 784.011.
- 128 2. Battery, as defined in s. 784.03.
- 129 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 130 4. Unlawful use of destructive devices or bombs, as defined

131 in s. 790.1615(1).

- 132 5. Neglect of a child, as defined in s. 827.03(1)(e).

- 133 6. Assault on a law enforcement officer, a firefighter, or
134 other specified persons ~~officers~~, as provided ~~defined~~ in s.
135 784.07 ~~784.07(2)(a)~~.

- 136 7. Open carrying of a weapon, as defined in s. 790.053.

- 137 8. Exposure of sexual organs, as defined in s. 800.03.

- 138 9. Unlawful possession of a firearm, as defined in s.
139 790.22(5).

- 140 10. Petit theft, as defined in s. 812.014.

- 141 11. Cruelty to animals, as defined in s. 828.12(1).

- 142 12. Arson, resulting in bodily harm to a firefighter, as
143 defined in s. 806.031(1).

- 144 13. Unlawful possession or discharge of a weapon or firearm
145 at a school-sponsored event or on school property as defined in

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146 s. 790.115.

147
148 A law enforcement agency may fingerprint and photograph a child
149 taken into custody upon probable cause that such child has
150 committed any other violation of law, as the agency deems
151 appropriate. Such fingerprint records and photographs shall be
152 retained by the law enforcement agency in a separate file, and
153 these records and all copies thereof must be marked "Juvenile
154 Confidential." These records are not available for public
155 disclosure and inspection under s. 119.07(1) except as provided
156 in ss. 943.053 and 985.04(2), but shall be available to other
157 law enforcement agencies, criminal justice agencies, state
158 attorneys, the courts, the child, the parents or legal
159 custodians of the child, their attorneys, and any other person
160 authorized by the court to have access to such records. In
161 addition, such records may be submitted to the Department of Law
162 Enforcement for inclusion in the state criminal history records
163 and used by criminal justice agencies for criminal justice
164 purposes. These records may, in the discretion of the court, be
165 open to inspection by anyone upon a showing of cause. The
166 fingerprint and photograph records shall be produced in the
167 court whenever directed by the court. Any photograph taken
168 pursuant to this section may be shown by a law enforcement
169 officer to any victim or witness of a crime for the purpose of
170 identifying the person who committed such crime.

171 Section 5. Paragraph (a) of subsection (3) of section
172 985.644, Florida Statutes, is amended to read:

173 985.644 Departmental contracting powers; personnel
174 standards and investigation.—

604-03479-25

20251386c2

(3) (a) All employees of the department and all personnel of contract providers for any program for children, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, must complete:

1. A level 2 employment screening pursuant to chapter 435 before employment. The security background investigation conducted under this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the background screening provisions of this section has an arrest awaiting final disposition for, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under the following provisions of state law or similar laws of another jurisdiction:

a. Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified persons ~~officers~~.

b. Section 817.568, relating to criminal use of personal identification information.

2. A national criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

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

The Florida Senate
APPEARANCE RECORD

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

4/17/25

Meeting Date

Fiscal Policy

Committee

1386

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tanner Warwick

Phone

(850) 728-849

Address

516 N Adams St

Email

TWarwick@aif.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Associated Industries
of Florida

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

4/17/25

APPEARANCE RECORD

SB 1386

Meeting Date

Bill Number or Topic

Fiscal Policy

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

Committee

Amendment Barcode (if applicable)

Name **Kevin Doyle**

Phone **904-806-1714**

Address **118 N Monroe St # 319**

Email **kdoyle@consumerenergyalliance.org**

Street

Tallahassee

FL

32032

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:

Consumer Energy Alliance

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

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

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S-001 (08/10/2021)

4/17/25

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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

1386

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Dale Calhoun**

Phone **8506810496**

Address **201 S Monroe St Unit A**

Email **dale.calhoun@floridagas.rg**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Natural Gas Association
Florida Natural Gas Association

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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04/17/2025

Meeting Date

Fiscal Policy

Committee

SB 1386

Bill Number or Topic

Amendment Barcode (if applicable)

Name Victoria Price

Phone

Address 310 West College Ave

Street

Email vprice@chplc.com

Tallahassee

City

FL

State

32303

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 Public Utilities Company

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4.17.25

Meeting Date

FISCAL POLICY

Committee

SB 1386

Bill Number or Topic

Amendment Barcode (if applicable)

Name KEVIN NOONAN

Phone 407.466.1287

Address 100 W. ANDERSON ST

Email KNOONAN@FLS.Senate.GOV

Street

ORLANDO

FL

32801

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:

ORLANDO UTILITIES COMMISSION

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

4/17

Meeting Date

1386

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Chris Chaney

Phone

222-8900

Address

204 S Monroe St

Email

Chris@tapfla.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

Tampa Electric / T&E People's Gas

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

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

S-001 (08/10/2021)

4/17/25

The Florida Senate
APPEARANCE RECORD

1386

Meeting Date

Fiscal Policy

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ryan Matthews

Phone

850 222 9684

Address

301 S. Bronough St

Email

Ryan.Matthews@gray-robinson.com

Street

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: (1) FL Municipal Electric Assoc.
(2) FL Municipal Natural Gas Assoc.

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1408

INTRODUCER: Fiscal Policy Committee and Senators Collins and Martin

SUBJECT: Transportation Facility Designations

DATE: April 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	Favorable
3.	<u>Johnson</u>	<u>Siples</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1408 makes following honorary designations of transportation facilities and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each designation:

- Master Patrol Officer Jesse Madsen Memorial Highway in Hillsborough County.
- Sergeant Elio Diaz Memorial Highway in Charlotte County.
- Geraldine Thompson Way in Orange County.
- Harris Rosen Way in Orange County.
- Heroes Memorial Overpass in Bradford County.
- Harry Frisch Street in Duval County.
- Senator James A. Sebesta Memorial Highway in Hillsborough and Pinellas Counties.
- Deputy William May Memorial Highway in Walton County.
- Congressman Lincoln Diaz-Balart Memorial Highway in Miami-Dade County.
- PBSO Motormen Highway in Palm Beach County.
- Staff Sergeant Matthew Sitton Memorial Highway in Pinellas County.
- Sheriff Gary S. Borders Memorial Highway in Lake County.
- Sergeant Karl Strohsal Memorial Highway in Seminole County.
- Jose Wejebe Bridge in Monroe County.
- Master Deputy Bradley Link Memorial Highway in Lake County.
- SPC Daniel J. Agami Bridge in Broward County.
- Celia Cruz Way in Miami-Dade County.

The bill also reduces the length of an existing designation for Deputy William Gentry, Jr., Highway in Highlands County.

The estimated cost to the FDOT to install the designation markers is \$43,200. **See Section V. Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

II. Present Situation:

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.¹

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation and to erect any other markers it deems appropriate for the transportation facility.²

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.³

III. Effect of Proposed Changes:

Section 1 of the bill creates an undesignated section of Florida law, making the following honorary designations:

Subsection 1 designates that portion of I-275 between mile markers 47 and 48 in Hillsborough County as “Master Patrol Officer Jesse Madsen Memorial Highway.”

Officer Jesse Madsen, of the Tampa Police Department, was killed on March 9, 2021, when his patrol car was struck head on by a wrong-way driver on I-275. He was responding to reports of a wrong-way driver when he was struck by the car. A witness stated that Officer Madsen had intentionally collided with the oncoming car to prevent it from striking other vehicles. Officer Madsen was a U.S. Marine Corps veteran and had served with the Tampa Police Department for 16 years.⁴

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

³ Section 334.071(3), F.S.

⁴ Officer Down Memorial Page, *Officer Jesse Peter Madsen*, <https://www.odmp.org/officer/25185-officer-jesse-peter-madsen> (last visited February 27, 2025).

Subsection 2 designates that portion of U.S. 41 between Melbourne Street and Church Street in Charlotte County as “Sergeant Elio Diaz Memorial Highway.”

Sergeant Elio Diaz, of the Charlotte County Sheriff’s Office, was shot and killed during a traffic stop in Charlotte Harbor on December 15, 2024. During the stop, the driver pulled out a rifle and fired at Sergeant Diaz before fleeing. When he was found a few miles away, the suspect reached for his rifle and was shot and killed by deputies. Sergeant Diaz had served with the Charlotte County Sheriff’s Office for over 11 years. Sergeant Diaz was posthumously promoted to Sergeant.⁵

Subsection 3 designates that portion of W. South Street between South Division Avenue and U.S. 441 in Orange County as “Geraldine Thompson Way.”

Senator Geraldine Thompson served as a teacher, advocate, and college administrator. She was also instrumental in the establishment of the Wells’ Built Museum of African American History and Culture and served as chair of the Florida Museum of Black History’s Task Force. Senator Thompson served in the Florida House of Representatives from 2006 to 2012 and from 2018 to 2022. She served in the Florida Senate from 2012 to 2016 and from 2022 until her passing. Senator Thompson passed away on February 13, 2025.⁶

Subsection 4 designates that portion of International Drive between S.R. 528 and Sand Lake Road in Orange County as “Harris Rosen Way.”

Harris Rosen was the founder, President, and Chief Operating Officer of Rosen Hotels and Resorts, a company operating seven Orlando-area hotels. Mr. Rosen created programs to provide free preschool to children in underserved communities, was instrumental in the founding of the Rosen College of Hospitality Management at the University of Central Florida and was involved in other philanthropic efforts. Mr. Rosen passed away on November 25, 2024.⁷

Subsection 5 designates the railroad overpass located on S.R. 100 in the City of Starke in Bradford County as “Heroes Memorial Overpass.”

Heroes Memorial Overpass in the City of Starke honors those individuals, such as military service members, first responders, and other heroes, who have served and protected the community and made invaluable contributions to the safety, security, and well-being of the residents of Starke, often risking their lives in service to others.⁸

Subsection 6 designates that portion of S.R. 10/West Beaver Street between King Street and Acorn Street in Duval County as “Harry Frisch Street.”

⁵ Officer Down Memorial Page, *Sergeant Elio Diaz*, <https://www.odmp.org/officer/27245-sergeant-elio-diaz> (last visited February 27, 2025).

⁶ Senator Geraldine F. Thompson Obituary, <https://mitchellsfuneralhome.com/obituary/senator-geraldine-f-thompson> (last visited March 20, 2025).

⁷ *Harris Rosen – Founder, Rosen Hotels & Resorts*, <https://www.rosenhoteles.com/leadership/harris-rosen/> (last visited February 25, 2025).

⁸ Resolution of the City Commission of the City of Starke, Florida, supporting the designation of “Heroes Memorial Overpass” Resolution 2025-12; adopted February 4, 2024. (On file with Senate Committee on Transportation).

Hans “Harry” Frisch was born in Vienna, Austria in 1923. In 1953, he arrived in the United States after 15 years living in Israel. After some time operating an automobile repair shop, he joined family members in Beaver Street Fisheries, where he worked until three days before his passing. He contributed to many philanthropic organizations in both Jacksonville and abroad. Mr. Frisch passed away on January 13, 2023.⁹

Subsection 7 designates that portion of U.S. 92/S.R. 600/Gandy Boulevard between S. West Shore Boulevard in Hillsborough County and 4th Street N. in Pinellas County as “Senator James A. Sebesta Memorial Highway.”

Senator James A. Sebesta was initially appointed and subsequently, in 1972, elected Supervisor of Elections for Hillsborough County. Senator Sebesta was originally elected to the Florida Senate in 1988, and reelected in 2002, and served as the Chairman of the Senate Transportation Committee from 2000 to 2006. Senator Sebesta was committed to planning for Florida’s growth and improving the safety of Florida’s roadways. Senator Sebesta passed away on January 29, 2024.¹⁰

Subsection 8 that portion of U.S. 90 between Lancelot Road and Oakridge Way in Walton County as “Deputy William May Memorial Highway.”

Walton County Deputy Sheriff William May was shot and killed on April 2, 2025, while responding to a disturbance at a business in Defuniak Springs. Deputy May was working an overtime shift and was on his way home when he took the disturbance call. He had served with the Walton County Sheriff’s Office for over 11 years, the last six of which were as a law enforcement officer.¹¹

Subsection 9 designates that portion of U.S. 41/SW 8th Street between S.W. 27th Avenue and Brickell Avenue in Miami-Dade County is designated as “Congressman Lincoln Diaz-Balart Memorial Highway.”

Born in Havana, Cuba, Congressman Lincoln Diaz-Balart’s family fled Cuba in 1959 and eventually settled in Miami. He was elected to the Florida House of Representatives in 1986 and won a special election to the Florida Senate in 1989. He was first elected to Congress in 1992 and retired from Congress in 2011. Congressman Diaz-Balart passed away on March 3, 2025.¹²

Subsection 10 designates that portion of Southern Boulevard between 18000 Southern Boulevard/Lion Country Safari Road and Royal Palm Beach Boulevard in Palm Beach County is designated as “PBSO Motorman Highway.”

⁹ Hans “Harry” Frisch Obituary, <https://www.jacksonville.com/obituaries/pfla0406888> (last visited March 5, 2025).

¹⁰ James Sebesta Obituary, <https://www.legacy.com/us/obituaries/tampabaytimes/name/james-sebesta-obituary?id=54311555> (last visited February 17, 2025).

¹¹ Officer Down Memorial Page, *Deputy Sheriff William May*, <https://www.odmp.org/officer/27369-deputy-sheriff-william-may> (last visited April 7, 2025).

¹² United States House of Representatives, *Lincoln Diaz-Balart*, <https://history.house.gov/People/Detail/12198> (last visited April 9, 2025).

On November 25, 2024, Deputy Sheriff Dan Diaz, Corporal Luis Paez, and Deputy Sheriff Ralph “Butch” Waller, Jr., Palm Beach County motorcycle deputies were killed after being struck by a vehicle. Deputy Waller and Corporal Paez were life-flighted to St. Mary's Hospital, where they were pronounced deceased. Deputy Diaz succumbed to his injuries four days later.¹³

Subsection 11 designates that portion of S.R. 688/Ulmerton Road between 122nd Avenue N./125th Street and Walsingham Road in Pinellas County as “Staff Sergeant Matthew Sitton Memorial Highway.

On August 2, 2012, Staff Sergeant Matthew Sitton was killed in action in Kandahar, Afghanistan during Operation Enduring Freedom. A native of Largo, he served with distinction in the United States Army. Throughout his service, he earned numerous commendations, including the Bronze Star Medal, Purple Heart, Army Commendation Medal with oak leaf cluster, Army Achievement Medal, Army Good Conduct Medal with knot, National Defense Service Medal, Expert Infantryman Badge, and the Parachutist Badge.¹⁴

Subsection 12 designates that portion of S.R. 19 and C.R. 48 in the town of Howey-in-the-Hills in Lake County as “Sheriff Gary S. Borders Memorial Highway.”

Sheriff Gary S. Borders began his law enforcement career with the Osceola County Sheriff's Office. In 1989, he was hired by the Lake County Sheriff's Office to supervise the county jail. He served in the capacity of Major and Chief Deputy in the Criminal Justice Operations Bureau until his appointment as the Sheriff of Lake County in 2006. He was elected Lake County Sheriff in 2008 and reelected in 2012. Sheriff Borders retired from office in 2017 and passed away on November 16, 2021.¹⁵

Subsection 13 designates S.R. 400 east of the Central Parkway Bridge to the E.E. Williams Bridge in the City of Longwood in Seminole County as “Sergeant Karl Strohsal Memorial Highway.”

On July 14, 2007, Sergeant Karl Strohsal was struck and killed by another vehicle on Interstate 4 when his unmarked vehicle was in a crash and became disabled. The driver who struck Sergeant Strohsal was charged with driving on a suspended license and driving under the influence. Sergeant Strohsal had served with the Longwood Police Department for 18 years and had previously served with the New York City Police Department for 14 years.¹⁶

Subsection 14 designates Bridge number 900111 on S.R. 5/ South Pine Channel over South Pine Channel in Monroe County as “Jose Wejebe Bridge.”

¹³ Officer Down Memorial Page, *Deputy Sheriff Ralph "Butch" Waller, Jr.*, <https://www.odmp.org/officer/27215-deputy-sheriff-ralph-butch-waller-jr> (last visited April 7, 2025).

¹⁴ The Patriot All American, *Soldier Honored: Matthew S. Sitton*, <https://patriotallamerica.com/fallen-soldier/2019-63/> (last visited April 9, 2025).

¹⁵ Sheriff Gary S. Borders Obituary, <https://www.hardenpauli.com/obituaries/gary-borders> (last visited April 9, 2025).

¹⁶ Officer Down Memorial Page, *Sergeant Karl Strohsal*, <https://www.odmp.org/officer/18951-sergeant-karl-strohsal> (last visited April 7, 2025).

Born in Havana, Cuba, and growing up in Miami, Jose Wejebe's true passion was the water. He hosted the fishing show "Spanish Fly" and found time to work with various community charities. He passed away on April 6, 2012, when the plane he was piloting crashed in Everglades City.¹⁷

Subsection 15 designates that portion of U.S. 27 within the municipal boundaries of Minneola in Lake County as "Master Deputy Bradley Link Memorial Highway."

Master Deputy Sheriff Brad Link was shot and killed when he and other deputies responded to a disturbance at a home in Eustis. Two other deputies were wounded, one critically, during the incident and the subsequent attempt to rescue Deputy Link. Deputy Link had served with the Lake County Sheriff's Office for four and a half years and had previously served with the Polk County Sheriff's Office. Deputy Link passed away on August 3, 2024.¹⁸

Subsection 16 designates the bridge on S.R. 7 over Sample Road in Broward County as "SPC Daniel J. Agami Bridge."

On June 21, 2007, Army Specialist Daniel J. Agami, of Coconut Creek, passed away from injuries suffered when an improvised explosive device detonated near his vehicle in Baghdad, Iraq, killing five soldiers. At his funeral, his parents were presented with his Purple Hart, Bronze Star, and an Army commendation metal.¹⁹

Subsection 17 designates that portion of S.R. 932/N.W. 103rd Street/49th Street within the City of Hialeah in Miami-Dade County as "Celia Cruz Way."

Celia Cruz, known as the Queen of Salsa music, was born in Havana, Cuba. In 1960, during the Cuban Revolution, Celia, then touring in Mexico, decided not to return to Cuba. She moved to the United States and was barred her from returning to Cuba. Celia's career spanned more than 60 years and she performed and collaborated with many musical legends from around the world. Celia Cruz passed away on July 16, 2023.²⁰

Subsection 18 directs the FDOT to erect suitable markers designating each of the above designations.

Section 2 of the bill revises a 2022 designation for Deputy William Gentry, Jr., Highway in Highlands County.²¹ The current designation is U.S. 27/S.R. 25 for the enter length of Highlands County. The bill reduces the length of the designation to between 9200 U.S. 27 South and South George Boulevard in Highlands County.

¹⁷ Jose Wejebe Memorial Foundation, *About Jose Wejebe*, <https://josewejebefoundation.org/about-jose-wejebe/> (last visited April 9, 2025).

¹⁸ Officer Down Memorial Page, *Master Deputy Sheriff Bradley Michael Link*, <https://www.odmp.org/officer/27109-master-deputy-sheriff-bradley-michael-link> (last visited April 9, 2025).

¹⁹ Honor the Fallen, *Army Spec. Daniel J. Agami*, <https://thefallen.militarytimes.com/army-spc-daniel-j-agami/2857944> (last visited April 14, 2025).

²⁰ Celia Cruz Biography, <https://celiacruz.com/biography/> and Britannica, *Celia Cruz*, <https://www.britannica.com/biography/Celia-Cruz> (last visited April 15, 2025).

²¹ Subsection (7) of ch. 2022-224, Laws of Fla.

The bill also adds that this is a Memorial Highway. The bill also reenacts the provision requiring FDOT to erect suitable markers for this designation.

Deputy Gentry joined the Highlands County Sheriff's Office in March 2005 and eventually joined the K-9 Unit. For four years, he and his K-9 partner, Roni, patrolled the county. When Roni retired from service in 2012, Deputy Gentry transferred back to road patrol and then to the Special Investigations Unit, targeting illegal drugs until 2013. Deputy Gentry left the HCSO in 2013 and returned in 2017. Responding to an animal abuse call with a trainee, Deputy Gentry was shot and succumbed to his wounds on May 7, 2018.²²

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²² See Officer Down Memorial Page, *Deputy Sheriff William Jackson Gentry, Jr.*, available at <https://www.odmp.org/officer/23672-deputy-sheriff-william-jackson-gentry-jr> and Legacy.com, *William J Gentry, Jr.*, available at <https://www.legacy.com/obituaries/name/william-gentry-jr-obituary?pid=188976004> (last visited April 7, 2025).

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$43,200, based on the assumption that a minimum of two markers are required at a cost to the FDOT of no less than \$1,200 each for two designations. The estimate includes labor, materials, manufacturing, and installation.²³ The FDOT is expected to absorb the estimated cost within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

This bill substantially amends chapter 2022-224, Laws of Florida.

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 Fiscal Policy on April 17, 2025:

The CS incorporated the following additional honorary designations for transportation facilities and directs the FDOT to erect suitable markers:

- Geraldine Thompson Way in Orange County.
- Harris Rosen Way in Orange County.
- Heroes Memorial Overpass in Bradford County.
- Harry Frisch Street in Duval County.
- Senator James A. Sebesta Memorial Highway in Hillsborough and Pinellas Counties.
- Deputy William May Memorial Highway in Walton County.
- Congressman Lincoln Diaz-Balart Memorial Highway in Miami-Dade County.
- PBSO Motormen Highway in Palm Beach County.
- Staff Sergeant Matthew Sitton Memorial Highway in Pinellas County.
- Sheriff Gary S. Borders Memorial Highway in Lake County.
- Sergeant Karl Strohsal Memorial Highway in Seminole County.
- Jose Wejebe Bridge in Monroe County
- Master Deputy Bradley Link Memorial Highway in Lake County.
- SPC Daniel J. Agami Bridge in Broward County.
- Celia Cruz Way in Miami-Dade County.

²³ E-mail from Jack Rogers, FDOT Legislative Affairs Director, *RE: Transportation Facility Designation Costs*, December 9, 2024. (On file with Senate Committee on Transportation).

The CS also reduces the length of the existing Deputy William Gentry, Jr. Memorial Highway in Highlands County.

B. Amendments:

None.

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



411176

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 19 - 21
and insert:

(3) That portion of W. South Street between South Division Avenue and U.S. 441 in Orange County is designated as "Geraldine Thompson Way."

(4) That portion of International Drive between S.R. 528 and Sand Lake Road in Orange County is designated as "Harris Rosen Way."



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11 (5) The railroad overpass located on S.R. 100 in the City
12 of Starke in Bradford County is designated as "Heroes Memorial
13 Overpass" in honor of those who have given their lives in the
14 service of others.

15 (6) That portion of S.R. 10/West Beaver Street between King
16 Street and Acorn Street in Duval County is designated as "Harry
17 Frisch Street."

18 (7) That portion of U.S. 92/S.R. 600/Gandy Boulevard
19 between S. West Shore Boulevard in Hillsborough County and 4th
20 Street N. in Pinellas County is designated as "Senator James A.
21 Sebesta Memorial Highway."

22 (8) That portion of U.S. 90 between Lancelot Road and
23 Oakridge Way in Walton County is designated as "Deputy William
24 May Memorial Highway."

25 (9) That portion of U.S. 41/SW 8th Street between S.W. 27th
26 Avenue and Brickell Avenue in Miami-Dade County is designated as
27 "Congressman Lincoln Diaz-Balart Memorial Highway."

28 (10) That portion of Southern Boulevard between 18000
29 Southern Boulevard/Lion Country Safari Road and Royal Palm Beach
30 Boulevard in Palm Beach County is designated as "PBSO Motorman
31 Highway."

32 (11) That portion of S.R. 688/Ulmerton Road between 122nd
33 Avenue N./125th Street and Walsingham Road in Pinellas County is
34 designated as "Staff Sergeant Matthew Sitton Memorial Highway."

35 (12) That portion of S.R. 19 in the town of Howey-in-the-
36 Hills in Lake County is designated as "Sheriff Gary S. Borders
37 Memorial Highway."

38 (13) That portion of S.R. 400 east of the Central Parkway
39 Bridge and the E. E. Williamson Bridge in the City of Longwood



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in Seminole County is designated as "Sergeant Karl Strohsal
Memorial Highway."

(14) Bridge number 900111 on S.R. 5/South Pine Channel over
South Pine Channel in Monroe County is designated as "Jose
Wejebe Bridge."

(15) That portion of U.S. 27 within the municipal
boundaries of Minneola in Lake County is designated as "Master
Deputy Bradley Link Memorial Highway."

(16) The bridge on S.R. 7 over Sample Road in Broward
County is designated as "SPC Daniel J. Ajami Bridge."

(17) That portion of S.R. 932/N.W. 103rd Street/49th Street
within the City of Hialeah in Miami-Dade County is designated as
"Celia Cruz Way."

(18) The Department of Transportation is directed to erect
suitable markers designating the transportation facilities as
described in this section.

Section 2. Subsection (7) of section 1 of chapter 2022-224,
Laws of Florida, is amended, and subsection (27) of that section
is reenacted, to read:

Section 1. Transportation facility designations; Department
of Transportation to erect suitable markers.—

(7) That portion of U.S. 27/S.R. 25 between 9200 U.S. 27
South and South George Boulevard ~~the Polk County line and the~~
~~Glades County line~~ in Highlands County is designated as "Deputy
William Gentry, Jr., Memorial Highway."

(27) The Department of Transportation is directed to erect
suitable markers designating the transportation facilities as
described in this section.



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

70 And the title is amended as follows:

71 Delete line 6

72 and insert:

73 to erect suitable markers; amending chapter 2022-224,
74 Laws of Florida; revising an honorary designation in a
75 specified county; directing the Department of
76 Transportation to erect suitable markers; providing an
77 effective

By Senator Collins

14-00884A-25

20251408__

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.-

(1) That portion of I-275 between mile markers 47 and 48 in Hillsborough County is designated as "Master Patrol Officer Jesse Madsen Memorial Highway."

(2) That portion of U.S. 41 between Melbourne Street and Church Street in Charlotte County is designated as "Sergeant Elio Diaz Memorial Highway."

(3) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

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

April 17, 2025
Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1408
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Latisha Jones Phone 813-495-9765

Address 4055 Willow Dr. Email revlatisha@yahoo.com
Street

Mulberry FL 33568
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1590

INTRODUCER: Appropriations Committee on Pre-K - 12 Education and Senator Burgess

SUBJECT: Educator Preparation

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Favorable
2.	Gray	Elwell	AED	Fav/CS
3.	Jahnke	Siples	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1590 changes Florida's teacher preparation and certification system by requiring the Department of Education (DOE) to update and revise the Florida Educator Accomplished Practices and develop a new Florida Teacher Excellence Examination. The bill requires the State Board of Education to approve new uniform core-curricula, and once completed, requires the DOE to submit an implementation plan to the Governor and Legislature regarding modification to teacher preparation programs.

The bill also creates the Coaching for Educator Readiness and Teaching (CERT) Certification Program as an alternative pathway to certification through on-the-job mentorship and evaluation and strengthens professional learning standards and mentor training to better support teacher development and student success.

This bill has an indeterminate fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect upon becoming a law.

II. Present Situation:

Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.¹ State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers by which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.²

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:

- Initial Teacher Preparation programs in public and private colleges and universities requiring candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.
- Educator Preparation Institutes (EPIs) offering alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence.³
- District professional learning certification and education competency programs. Such programs are cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.⁴ In addition to completing the district program, candidates must demonstrate mastery of general knowledge⁵ and subject area knowledge.⁶

Teacher preparation program courses are prohibited from distorting significant historical events or including a curriculum or instruction that teaches identity politics, violates the Florida Educational Equity Act,⁷ or is based on theories that systemic racism, sexism, oppression, and

¹ Section 1004.04(1), F.S.

² See Florida Department of Education, *Florida's Coordinated System of Professional Learning*, <https://www.fldoe.org/teaching/professional-dev/> (last visited April 2, 2025). See also Rule 6A-5.066, F.A.C.; ss. 1004.04(3) and 1004.85(1), F.S.

³ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited April 2, 2025). See also Rule 6A-5.066, F.A.C.

⁴ Section 1012.56(8), F.S. Florida Department of Education. *State-Approved Educator Preparation Programs, Approved Add-on Programs*, <https://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited April 2, 2025).

⁵ See Florida Department of Education, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.shtml> (last visited April 2, 2025).

⁶ Florida Department of Education, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.shtml> (last visited April 2, 2025).

⁷ Section 1000.05, F.S.

privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. Teacher Preparation courses must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Initial Teacher Preparation Program

Each candidate enrolled in a teacher preparation program must receive instruction and be assessed on the uniform core-curricula in his or her area of program concentration during course work and field experiences. A candidate for certification in a coverage area that includes reading instruction or interventions in kindergarten through grade six must successfully complete all competencies for a reading endorsement.

The SBE must establish, in rule, uniform core-curricula for each state-approved teacher preparation program including, but not limited to:

- Candidate instruction and assessment in the Florida Educator Accomplished Practices (FEAP) across content areas;
- The use of state-adopted content standards to guide curricula and instruction;
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students;
- Content literacy and mathematical practices;
- Strategies appropriate for instruction of English language learners;
- Strategies appropriate for instruction of students with disabilities;
- Strategies to differentiate instruction based on student needs;
- Strategies and practices to support evidence-based content aligned to state standards and grading practices;
- Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such students to a mental health professional for support;
- Strategies to support the use of technology in education and distance learning; and
- Strategies and practices to support effective, research-based assessment and grading practices aligned to the state's academic standards.

In addition, before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area(s) of program concentration during a prekindergarten through grade 12 field experience and must pass each portion of the Florida Teacher Certification Examination required for a professional certificate in the area(s) of program concentration.

Educator Preparation Institutes

Postsecondary institutions that are accredited or approved by the Department of Education (DOE) to award degrees and credits for educator certification may seek approval from the DOE to create EPIs for the purpose of providing all or any of the following:

- Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements;

- Instruction to assist potential and existing substitute teachers in performing their duties;
- Instruction to assist paraprofessionals in meeting education and training requirements;
- Instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase routes to the classroom for mid-career professionals; and
- Instruction and professional development for part-time and full-time non-degreed teachers of career programs.

A private provider that has a proven history of delivering high-quality educator preparation may also seek approval to offer a competency-based certification program. The DOE approval must be based upon evidence provided from other state recipients of the provider's services and data showing the successful performance of completers based upon student achievement.⁸

EPIs may offer competency-based certification programs specifically designed for non-education major baccalaureate degree holders to enable program participants to meet educator certification. The DOE must approve a certification program if the EPI provides evidence of the EPI's capacity to implement a competency-based program that includes each of the following:

- Participant instruction and assessment in the FEAP across content areas.
- The use of state-adopted student content standards to guide curriculum and instruction.
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.
- Content literacy and mathematical practices.
- Strategies appropriate for instruction of English language learners.
- Strategies appropriate for instruction of students with disabilities.
- Strategies to differentiate instruction based on student needs.
- Strategies and practices to support evidence-based content aligned to state standards and grading practices.
- Strategies appropriate for the early identification of a student in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.
- Strategies to support the use of technology in education and distance learning.
- An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in specified areas.
- Field experiences appropriate to the certification subject area.
- A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening and educator professional or temporary certification.⁹

⁸ Section 1004.85(2), F.S.

⁹ Section 1004.85(3), F.S. *See also* s. 1004.04(2), F.S.

Requirements for Individuals Supervising or Directing Teacher Preparation Field Experiences

All school district personnel and instructional personnel who supervise or direct teacher preparation program students during field experience courses or internships taking place in this state in which candidates demonstrate an impact on student learning growth must have:

- Evidence of “clinical educator” training;
- A valid professional certificate;
- At least three years of teaching experience in prekindergarten through grade 12;
- Earned an effective or highly effective rating on the prior year’s performance evaluation or be a peer evaluator under the district’s evaluation system; and
- For all such personnel who supervise or direct teacher preparation students during internships in kindergarten through grade three or who are enrolled in a teacher preparation program for a certificate area includes reading instruction or intervention for any students in kindergarten through grade six, a certificate or endorsement in reading.¹⁰

Professional Learning Certification Programs

School districts, charter schools, and charter management organizations may offer a professional learning certification program that must be approved by the DOE. The program must include:

- A minimum period of initial preparation before becoming the teacher of record;
- An option to collaborate with other agencies or educational entities for implementation;
- A teacher mentorship and induction component;
- An assessment of teaching performance aligned with the district’s personnel evaluation system;
- Professional educational preparation content knowledge that must be included in the mentoring and induction activities;
- Required passing scores on the general knowledge, subject area, and the professional education competency test; and
- Completion of all competencies for a reading endorsement for all candidates for certification in coverage areas that include reading instruction or interventions in kindergarten through grade six.

As required by law, the DOE adopted standards for the approval of professional learning certification programs, including standards for the teacher mentorship and induction component. The standards for the teacher mentorship and induction component must include:

- Program administration and evaluation;
- Mentor roles, selection, and training;
- Beginning teacher assessment and professional development; and
- Teacher content knowledge and practices aligned to the FEAP.

To serve as a mentor in a professional learning certification program, an individual must:

- Hold a valid professional certificate;
- Have earned at least three years of teaching experience in prekindergarten through grade 12;

¹⁰ Section 1004.04(5), F.S.

- Have completed training in clinical supervision and participate in ongoing mentor training provided through the coordinated system of professional learning;
- Have earned an effective or highly effective rating on the prior year's performance evaluation; and
- May be a peer evaluator under the district's evaluation system.¹¹

Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE. Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in other instructional capacity must be certified.¹² The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools."¹³

The DOE issues three main types of educator certificates:

- Professional Certificate: The professional certificate is Florida's highest type of full-time educator certification. The professional certificate is valid for five years and is renewable.¹⁴
- Temporary Certificate: The temporary certificate covers employment in full-time positions for which educator certification is required.¹⁵ Generally, a temporary certificate is valid for five years and is nonrenewable.¹⁶
- Athletic Coaching Certificate: The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.¹⁷ The DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once. The five-year certificate requires satisfaction of certain specialization requirements established in rule.¹⁸

Professional Certificate Requirements

To be eligible for a professional certificate, a person must:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character;

¹¹ Section 1012.56(8), F.S.

¹² Sections 1012.55(1) and 1002.33(12), F.S.

¹³ Section 1012.54, F.S.

¹⁴ Section 1012.56(7)

¹⁵ Rule 6A-4.004(1), F.A.C.

¹⁶ Section 1012.56(7), F.S.

¹⁷ Section 1012.55(2), F.S.

¹⁸ Rule 6A-4.004(7), F.A.C.

- Be competent and capable of performing the duties, functions, and responsibilities of a teacher;
- Demonstrate mastery of general knowledge;
- Demonstrate mastery of subject area knowledge; and
- Demonstrate mastery of professional preparation and education competence, if the person serves as a classroom teacher or school administrator.¹⁹

Demonstrating Mastery of General Knowledge

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test;
- Achieving passing scores established in SBE rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (*e.g.*, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination);
- Providing documentation of a valid professional standard teaching certificate issued by another U.S. state or territory, by the National Board for Professional Teaching Standards (NBPTS), or by the American Board for Certification of Teacher Excellence (ABCTE);
- Completing two semesters of successful, part-time or full-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution identified by the DOE as having a quality program; and
- Documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.²⁰

Demonstrating Mastery of Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated through any of the following methods:

- Bachelor's Degree Level (for certification in a subject area for which SBE rule requires a bachelor's or higher degree):
 - If a Florida subject area examination has been developed, achieving a passing score on the Florida-developed subject area examination specified in SBE rule or documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher in the certificate subject area as identified in SBE rule.
 - If a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in SBE rule, including passing scores on both the oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages or successful completion of a United States Defense Language Institute Foreign Language Center program or a passing score on the Defense Language Proficiency Test.
 - For certification in any other subject area for which there is no Florida subject area test or standardized examination specified in state board rule (*e.g.*, Dance), completing the

¹⁹ Section 1012.56(2), F.S.

²⁰ Section 1012.56(3), F.S.

- required bachelor's or higher degree and content courses specified in SBE rule and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.
- Master's Degree Level (for certification in a subject area for which SBE rule requires a master's or higher degree): Completing the required master's or higher degree and content courses specified in SBE rule and achieving a passing score on the corresponding Florida-developed subject area test or standardized examination specified in SBE rule.
 - Out-of-State Certification: Providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory or by NBPTS or ABCTE, if the certificate is comparable to the Florida professional certificate issued for the same subject area.²¹

Demonstrating Mastery of Professional Preparation and Education Competence

Mastery of professional preparation and education competence may be demonstrated by:

- Successful completion of an approved teacher preparation program at a postsecondary educational institution within this state and achievement of a passing score on the professional education competency examination required by state board rule;
- Successful completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by state board rule;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the NBPTS or a national educator credentialing board approved by the State Board of Education;
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the DOE as having a quality program and achievement of a passing score on the professional education competency examination required by SBE rule;
- Successful completion of professional preparation courses as specified in state board rule, successful completion of a professional education competence program, and documentation of three years of being rated effective or highly effective while holding a temporary certificate;
- Successful completion of a professional learning certification program; or
- Successful completion of a competency-based certification program and achievement of a passing score on the professional education competency examination required by rule of the SBE.²²

Professional Education Competency Program

School districts must and private schools or state-supported public schools, including a charter school, may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law. Each program must:

²¹ Section 1012.56(5)

²² Section 1012.56(6), F.S.

- Be based on classroom application of the FEAP and instructional performance; and,
- For public schools, must be aligned with the district's or state-supported public school's evaluation system.

The Commissioner of Education must determine the continued approval of programs, based upon the department's review of performance data. The department must review the performance data as a part of the periodic review of each school district's professional learning system.²³

Teacher Apprenticeship Program

In 2023, the Legislature created the Teacher Apprenticeship Program (TAP). The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required to administer the program in accordance with legislative intent regarding apprenticeship training provided for in law.

To meet the minimum eligibility requirements to participate in the TAP, a candidate must have:

- Received an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average (GPA) of 3.0 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate.

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.²⁴

A teacher who serves as a mentor in the TAP must:

- Have at least five years of teaching experience in this state.
- Be rated as highly effective in the three most recent value-added model (VAM) scores or on the three most recent available performance evaluations if the teacher does not generate a state VAM score.
- Satisfy any other requirements established by the DOE.²⁵

Mentors for Individuals with a Temporary Certificate

A person who is issued a temporary certificate must be assigned a teacher mentor for a minimum of two school years after commencing employment. Each teacher mentor must:

- Hold a valid professional certificate;
- Have earned at least three years of teaching experience in prekindergarten through grade 12; and

²³ Section 1012.56(9), F.S.

²⁴ Section 1012.555(2), F.S.

²⁵ Section 1012.555(3), F.S.

- Have earned an effective or highly effective rating on the prior year's performance evaluation.²⁶

Professional Learning Systems

Current law requires school districts to develop a professional learning system in consultation with classroom teachers, state colleges and universities, business and community representatives, and local education foundations, consortia, and professional organizations. The system must be initially reviewed and approved by the DOE and subsequently reviewed and approved every five years thereafter. Among other things, the professional learning system must:

- Support and increase the success of educators through collaboratively developed school improvement plans;
- Assist the school community in providing stimulating, scientific research-based educational activities that encourage and motivate students to achieve at the highest levels, and that prepare students for success at subsequent educational levels and the workforce;
- Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance; and
- Provide training to teacher mentors as part of professional development certification and education competency programs.²⁷

An organization of private schools or consortium of charter schools which has no fewer than 10-member schools in this state, which publishes and files with the DOE copies of its standards, and the member schools comply with compulsory school attendance, or a public or private college or university with a teacher preparation program, may also develop a professional learning system. The system and in-service catalog must be submitted to the commissioner for approval.²⁸

III. Effect of Proposed Changes:

Implementation Plan

This bill provides legislative intent to modernize Florida's educator preparation programs, certification processes, and professional learning systems to better equip teachers for the demands of today's classrooms.

The bill requires the Department of Education (DOE) to establish a workgroup by September 1, 2025, to update and revise the Florida Educator Accomplished Practices (FEAPs) and develop a rule to implement the uniform core-curricula. The workgroup must include representatives from teacher preparation programs (TPPs), educator preparation institutes (EPIs), school districts, classroom teachers, and other education stakeholders.

The DOE is required to submit the workgroup's findings and the final version of the revised practices to the Governor, the President of the Senate, and the Speaker of the House of

²⁶ Section 1012.56(7), F.S.

²⁷ Section 1012.98(5), F.S.

²⁸ Section 1012.98(7), F.S.

Representatives by July 1, 2026. The bill further requires the State Board of Education (SBE) to consider the revised FEAPs and core-curricula by August 1, 2026.

No later than July 1, 2027, the DOE must begin developing the Florida Teacher Excellence Examination (FTEE), which must align with the revised FEAPs and serve as a measure of educator readiness for professional certification.

Finally, once the revised FEAPs and rule for implementing the core-curricula are approved, the DOE must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that includes an implementation plan and schedule for aligning initial TPPs, EPIs, teacher preparation core courses, and the Coaching for Educator Readiness and Teaching (CERT) Certification Program with the revised FEAPs and the FTEE.

Uniform Core-Curricula

The bill creates s. 1012.551, F.S., to establish requirements for all state-approved TPPs, beginning August 1, 2027, to implement uniform core-curricula aligned with the revised FEAPs. The SBE is required to adopt these core-curricula by rule to ensure consistency in teacher training across the state.

The bill specifies that the uniform core-curricula must meet, at a minimum, the following standards:

- May not distort significant historical events or include curriculum or instruction that teaches identity politics, violates the Florida Educational Equity Act, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
- Must afford candidates the opportunity to think critically, master academic program content, learn instructional strategies, and demonstrate teaching competence.
- Must use state-approved academic standards to guide instruction.
- Must provide training on the use of evidence-based instructional materials included on the state-adopted instructional materials list, those evaluated or developed by the Department of Education, and materials posted online by the department, including when and how to use intervention resources.
- Must include scientifically researched and evidence-based reading instructional strategies grounded in the science of reading, with phonics as the primary strategy for teaching word reading and a prohibition on the use of the three-cueing system or visual memory as primary instructional methods.
- Must include content literacy and mathematics practices.
- Must include differentiated instruction strategies to support the needs of English language learners and students with disabilities while maintaining grade-level expectations.
- Must include effective, evidence-based assessment and grading practices aligned with the state's academic standards.
- Must require a mastery-based clinical experience in classroom settings to apply program content and instruction, with in-classroom performance evaluations aligned with the FEAPs and instructional personnel evaluation systems. Clinical experience providers must meet

requirements outlined in s. 1012.56(7), and candidate performance must be evaluated through observable teaching practice rather than solely written or project-based assessments.

Coaching for Educator Readiness and Teaching (CERT) Certification Program

The bill creates s. 1012.552, F.S., to require the DOE to create the Coaching for Educator Readiness and Teaching (CERT) Certification Program as an alternative pathway for teachers to enter the teaching profession.

The bill authorizes school districts, charter schools, and charter management organizations to implement the CERT program as a cohesive, competency-based training and certification pathway for teachers who have a state-issued temporary certificate to earn their professional certificate through an on-the-job mentorship and learning program.

Participants in the CERT program must engage in a structured mentorship and induction component with qualified mentors. The CERT program must include an assessment of teaching performance aligned with the district's, charter school's, or charter management organization's personnel evaluation system. This includes an initial evaluation of each educator's competencies to develop an individualized professional learning plan and a summative evaluation to ensure successful program completion.

Additionally, the program must offer professional learning opportunities tailored to each educator's growth and learning needs, based on observational data and feedback. Candidates must achieve a passing score on the subject area examination required by SBE rule and successfully complete all reading endorsement competencies, including the endorsement practicum, if pursuing certification in a coverage area that requires it.

Finally, the program must provide guidance and on-the-job training in the classroom to support candidates in mastering the revised FEAPs.

School Community Professional Learning Act

The bill updates references to reflect Florida's current Educational Leadership Standards and the FEAPs. The bill requires training, when such training is available, on the use of instructional materials included on the state-adopted list, as well as those evaluated, developed, and posted online by the DOE, including guidance on when and how to implement intervention materials.

Additionally, the bill requires the DOE to develop criteria for the initial review and continued approval of clinical educator and mentor training programs. At a minimum, these criteria must include: instruction and assessment in the FEAPs; effective communication strategies to guide reflection and personal growth; modeling of evidence-based teaching practices and skills; and strategies for fostering resilience in educators.

The bill takes effect upon becoming a law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill could have an indeterminate, yet insignificant, fiscal impact on the Department of Education to provide administrative support to the workgroup to update the Florida Educator Accomplished Practices as well as creating the Coaching for Educator Readiness and Teaching (CERT) Program. It is likely that the department would be able to absorb the current requirements of the bill within the existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates sections 1012.551 and 1012.552 of the Florida Statutes.

This bill substantially amends section 1012.98 of the Florida Statutes.

The bill creates an undesignated section of Florida law.

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

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

CS by Appropriations Committee on Pre-K - 12 Education on April 10, 2025:

The committee substitute removes all the provisions from the bill and makes the following modifications:

- Requires the Department of Education (DOE) to establish a workgroup to revise the Florida Educator Accomplished Practices (FEAPs) and develop a rule for implementation of the uniform core-curricula to be considered by the State Board of Education by August 1, 2026.
- Requires, by July 2027, the DOE to begin development of the Florida Teacher Excellence Examination aligned with update FEAPS.
- Requires, upon approval of the FEAPS, the DOE to report to the Legislature on an implementation plan to align teacher preparation programs, core courses, and a new statewide certification program to the FEAPS.
- Creates s. 1012.551, F.S., to establish guidelines for the teacher preparation program uniform core-curricula.
- Creates s. 1012.552, F.S., to require the DOE to create a Coaching for Educator Readiness and Teaching (CERT) program.
- Amends s. 1012.98, F.S., to update a reference to the educational leadership standards, require training on the use of instructional materials, and require the DOE to update requirements for individuals who serve as mentors for clinical educators.

B. Amendments:

None.

By the Appropriations Committee on Pre-K - 12 Education; and
Senator Burgess

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A bill to be entitled

An act relating to educator preparation; providing legislative intent; requiring the Department of Education to establish a workgroup to update and revise the Florida Educator Accomplished Practices; requiring the department to submit workgroup findings to the Governor and the Legislature by a certain date; requiring the State Board of Education to consider certain revisions and a specified rule by a certain date; requiring the department to develop a teacher examination; requiring the department to submit to the Governor and the Legislature an implementation plan for teacher preparation programs; creating s. 1012.551, F.S.; establishing guidelines for teacher preparation program uniform core curricula; creating s. 1012.552, F.S.; requiring the department to create a specified alternative certification pathway for teachers; amending s. 1012.98, F.S.; updating a reference to educational leadership standards; requiring training on instructional materials; requiring the department to develop criteria for certain mentors' training; providing an effective date.

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

Section 1. (1) It is the intent of the Legislature to ensure all students have access to a well-qualified and prepared teacher at all grade levels. In order to prepare all teachers

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for success in the classroom, the Legislature intends to revise educator preparation programs, educator certification, and professional learning to modernize teacher training and properly prepare educators to meet the challenges of educating students in the 21st century.

(2) No later than September 1, 2025, the Department of Education shall establish a workgroup to update and revise the Florida Educator Accomplished Practices. The workgroup must include, at a minimum, representatives from state-approved initial teacher preparation programs under s. 1004.04, Florida Statutes, educator preparation institutes under s. 1004.85, Florida Statutes, school district personnel, classroom teachers, and other education stakeholders.

(a) The department shall submit the workgroup's findings and recommendations, including the final version of the revised practices, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2026.

(b) The revised Florida Educator Accomplished Practices and rule to implement the uniform core curricula pursuant to s. 1012.551, Florida Statutes, must be considered by the State Board of Education by August 1, 2026.

(3) No later than July 1, 2027, the Department of Education shall begin development of the Florida Teacher Excellence Examination, which must align with the revised Florida Educator Accomplished Practices and serve as a measure of educator readiness for professional certification.

(4) Upon approval of the Florida Educator Accomplished Practices and rule implementing the uniform core-curricula, the Department of Education shall submit a report to the Governor,

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the President of the Senate, and the Speaker of the House of Representatives which includes an implementation plan and schedule for aligning initial teacher preparation programs under s. 1004.04, Florida Statutes, educator preparation institutes under s. 1004.85, Florida Statutes, teacher preparation core courses, and Coaching for Educator Readiness and Teaching (CERT) programs under s. 1012.552, Florida Statutes, to the revised Florida Educator Accomplished Practices and the Florida Teacher Excellence Examination. The report must include any recommended changes to existing statutes necessary to implement such alignment.

Section 2. Section 1012.551, Florida Statutes, is created to read:

1012.551 Teacher preparation core principles, standards, and content.-

(1) Beginning August 1, 2027, each teacher preparation program approved pursuant to ss. 1004.04, 1004.85, and 1012.552 must provide uniform core curricula courses aligned with the Florida Educator Accomplished Practices that establish the foundational standards and expectations for evidence-based instruction and professional responsibility. The State Board of Education shall establish in rule the uniform core curricula.

(2) The uniform core curricula for each state-approved teacher preparation program must meet, at a minimum, the following standards:

(a) May not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent

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in the institutions of the United States and were created to maintain social, political, and economic inequities.

(b) Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

(c) Must use state-approved academic standards to guide instruction.

(d) Must provide training on the use of evidence-based instructional materials included on the state-adopted instructional materials list pursuant to s. 1006.28, materials evaluated and identified pursuant to s. 1001.215(4), materials developed pursuant to s. 1006.39, and materials posted online by the department, including when and how to use intervention materials.

(e) Must include scientifically researched and evidence-based reading instructional strategies grounded in the science of reading which improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies. The primary instructional strategy for teaching word reading is phonics instruction for decoding and encoding. Instructional strategies for foundational skills may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Instructional strategies may include visual information and strategies that improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

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(f) Must include content literacy and mathematics practices.

(g) Must include strategies for differentiated instruction to meet student needs, including English language learners and students with disabilities, while maintaining grade-level expectations.

(h) Must include strategies and practices to support effective, evidence-based assessment and grading practices aligned to the state's academic standards.

(i) Must require the completion of a mastery-based clinical experience in classroom settings to provide direct application of program content and instruction and mastery of the components of teaching as outlined in the Florida Educator Accomplished Practices. These clinical experiences must allow candidates to demonstrate mastery of curriculum and pedagogy through observable performance evaluations aligned with instructional personnel evaluation systems approved pursuant to s. 1012.34. Mastery must be assessed through in-classroom performance, with candidate feedback provided for growth and refinement, rather than solely through written assignments or project-based assessments. Clinical experience may only be provided by individuals who meet the requirements of s. 1012.56(7).

Section 3. Section 1012.552, Florida Statutes, is created to read:

1012.552 The Coaching for Educator Readiness and Teaching Certification (CERT) Program.-

(1) OBJECTIVE.-The Department of Education shall create the Coaching for Educator Readiness and Teaching (CERT) Certification Program as an alternative pathway for teachers to

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enter the teaching profession. School districts, charter schools, and charter management organizations may implement the CERT program to provide a cohesive, competency-based training and certification pathway for teachers who have a state-issued temporary certificate to earn their professional certificate through an on-the-job mentorship and learning program.

(2) PROGRAM REQUIREMENTS.-A CERT program must include all of the following:

(a) A teacher mentorship and induction component. Mentors must meet the requirements of s. 1012.56(7).

(b) An assessment of teaching performance aligned to the district, charter school, or charter management organization system for personnel evaluation under s. 1012.34 which provides for:

1. An initial evaluation of each educator's competencies to determine an appropriate individualized professional learning plan.

2. A summative evaluation to assure successful completion of the program.

(c) Professional learning, in accordance with s. 1012.98, tailored to each educator's growth and learning needs, according to observational data and feedback.

(d) Required achievement of passing scores on the subject area examination required by State Board of Education rule.

(e) Required successful completion of all competencies for a reading endorsement, including completion of the endorsement practicum, for a candidate certification in a coverage area identified pursuant to s. 1012.585(3)(f).

(f) Provide guidance and on-the-job training in the

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classroom on mastering Florida Educator Accomplished Practices.

Section 4. Subsections (3) and (4) and paragraph (b) of subsection (5) of section 1012.98, Florida Statutes, are amended to read:

1012.98 School Community Professional Learning Act.—

(3) Professional learning activities must be linked to student learning, provide ~~and~~ professional growth for instructional and administrative staff, and meet the following criteria:

(a) For instructional personnel, utilize materials aligned to the state's academic standards.

(b) For school administrators, utilize materials aligned to the Florida Educational Leadership Standards adopted in rule by the State Board of Education ~~state's educational leadership standards~~.

(c) Have clear, defined, and measurable outcomes for both individual inservice activities and multiple day sessions.

(d) Employ multiple measurement tools for data on teacher growth, participants' use of new knowledge and skills, student learning outcomes, instructional growth outcomes, and leadership growth outcomes, as applicable.

(e) Utilize active learning and engage participants directly in designing and trying out strategies, providing participants with the opportunity to engage in authentic teaching and leadership experiences.

(f) Utilize artifacts, interactive activities, and other strategies to provide deeply embedded and highly contextualized professional learning.

(g) Create opportunities for collaboration.

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(h) Utilize coaching and expert support to involve the sharing of expertise about content and evidence-based practices, focused directly on instructional personnel and school administrator needs.

(i) Provide opportunities for instructional personnel and school administrators to think about, receive input on, and make changes to practice by facilitating reflection and providing feedback.

(j) Provide sustained duration with follow-up ~~followup~~ for instructional personnel and school administrators to have adequate time to learn, practice, implement, and reflect upon new strategies that facilitate changes in practice.

(k) Provide training, when such training is available, on the use of instructional materials included on the state-adopted instructional materials list pursuant to s. 1006.28, materials evaluated and identified pursuant to s. 1001.215(4), materials developed pursuant to s. 1006.39, and materials posted online by the department, including when and how to use intervention materials.

(4) The inservice activities designed to implement this section must:

(a) Support and increase the success of educators through collaboratively developed school improvement plans that focus on:

1. Enhanced and differentiated instructional strategies to engage students in a rigorous and knowledge-based ~~relevant~~ curriculum based on the Florida Educator Accomplished Practices ~~state and local educational standards, goals, and initiatives;~~ and

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~~2. Increased opportunities to provide meaningful relationships between teachers and all students, and~~

~~2.3.~~ Increased opportunities for professional collaboration among and between teachers, certified school counselors, instructional leaders, postsecondary educators engaged in preservice training for new teachers, and the workforce community.

(b) Assist the school community in providing stimulating, scientific research-based educational activities that encourage and motivate students to achieve at the highest levels and to participate as active learners and that prepare students for success at subsequent educational levels and the workforce.

(c) Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

(d) Provide instructional personnel and school administrators with the knowledge, skills, and best practices necessary to support excellence in classroom instruction and educational leadership.

(e) Provide training to individuals who serve as mentors or clinical educators ~~teacher mentors as part of the professional learning certification program under s. 1012.56(8) and the professional education competency program under s. 1012.56(9).~~

The department shall develop criteria for the initial review and continued approval of clinical educator and mentor training that must include, at a minimum:

1. Instruction and assessment in the Florida Educator Accomplished Practices.

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2. Effective communication strategies to guide reflection and personal growth.

3. Effective modeling of evidence-based teaching practices and skills.

4. Fostering resilience in educators ~~components on teacher development, peer coaching, time management, and other related topics as determined by the Department of Education.~~

Section 5. This act shall take effect upon becoming a law.

The Florida Senate
APPEARANCE RECORD

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

SB 1590

Bill Number or Topic

4/17/25

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Logan Bragdon

Phone

850-508-1513

Address

~~215~~ 215 S Monroe St, Suite 710

Email

logan@afloridapromise.org

Street

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Foundation for Florida's
Future

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1612

INTRODUCER: Fiscal Policy Committee; Banking and Insurance Committee; and Senator Grall

SUBJECT: Financial Institutions

DATE: April 21, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2. <u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3. <u>Moody</u>	<u>Siples</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1612 makes amendments to the financial institutions code, including modifications to financial institutions' assessment payment dates, credit unions' reserve accounts and expense reimbursements for specified persons, applications for a proposed bank, and interest on trust account (IOTA) accounts used by lawyers and law firms. Further, the bill amends eligibility and other requirements of insurance coverage to be exported to (written by) a surplus lines insurer.

Financial Institutions Code

The bill provides various amendments to the financial institutions code. The bill:

- Amends the due dates by which time a financial institution must pay semiannual assessments and specifies the method and timing of when the semiannual assessments must be made.
- Authorizes the Office of Financial Regulation (OFR) to issue a certificate of acquisition to an acquiring financial institution after specified circumstances are met.
- Authorizes a credit union elected officer, director, or committee member to be reimbursed for certain necessary incidental expenses.
- Repeals the requirement for credit unions to maintain a regular reserve and modifies the definition of the term "equity" to remove reference to "regular reserve."
- Removes a timeframe for certain requirements by directors of a proposed new bank or trust company.
- Modifies the period in which a proposed bank or trust company must open and conduct a general commercial bank or trust company business.

- With respect to interest rates or dividends for IOTA, the bill creates s. 655.97, F.S., which:
 - Authorizes a financial institution to hold funds in an IOTA in which the interest or dividends are remitted to an entity for specified purposes, including providing free legal services to low-income individuals.
 - Requires financial institutions to pay the maximum interest rate or dividend of comparable specified accounts provided certain criteria are met.
 - Establishes a floor for the IOTA interest rate based on the Federal Funds Effective Rate.
 - Requires a financial institution that holds IOTA funds to submit certain documents to the Chief Financial Officer (CFO) by a specified date which, amongst other things, attests to complying with the interest rate or dividend requirements.
 - Requires the CFO to verify that the required documents have been received by the Department of Financial Services.
 - Provides s. 655.97, F.S., does not apply to certain interest rates.
 - Is effective upon becoming law.

Surplus Lines Insurers

The bill deletes requirements in current law regarding the eligibility of insurance coverage to be exported to (written by) a surplus lines insurer. The deleted requirements include that:

- Surplus lines agents must verify that a “diligent effort” has been made by requiring a properly documented statement of diligent effort from the retail or producing agent and by seeking coverage from and having been rejected by a specified number of authorized insurers currently writing this type of coverage and documenting these rejections;
- The surplus lines agent’s reliance on the diligent effort must be reasonable in the circumstances which such reasonableness must be based on several specified factors;
- The full amount of the surplus lines insurance policy must not be procurable from an insurer authorized to transact and are actually writing that kind and class of insurance after the retail or producing agent’s diligent effort; and
- The amount of insurance exported to a surplus lines policy must be only the excess over the amount procurable from authorized insurers.

The bill adds additional language to the required disclosure that an agent must give to an insured when exporting coverage to a surplus lines insurer, and establishes a presumption that the insured has been informed and knows that other insurance coverage may be available if the insured acknowledges such disclosure by signature.

The bill repeals rulemaking authority for the Financial Services Commission (FSC) to declare eligible for export generally to surplus lines any class or classes of insurance coverage or risk for which it finds that there is no reasonable or adequate market among authorized insurers, and the provisions for which such rulemaking authority does not apply.

Fiscal Impact

The bill has an insignificant negative fiscal impact on state revenues expenditures. See Section V., Fiscal Impact Statement.

The bill provides, except as otherwise expressly provided, an effective date of July 1, 2025.

II. Present Situation:

Financial Institutions

A financial institution must have a federal or state charter to accept deposits. Banks are chartered and regulated as national banks by the Office of the Comptroller of the Currency (OCC) within the U.S. Department of the Treasury or as state banks by a state regulator.¹

The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust companies, and related entities.² The OFR licenses and regulates 196 financial entities, including 57 state-chartered banks.³ There are also 30 federally-chartered banks operating in Florida.⁴

Banks and Trusts

Creation and Opening of a New Bank of Trust Company – Federal Law

Federally-chartered banks, publicly or privately held, must comply with rigorous regulatory requirements to become chartered.⁵ No person is allowed to offer any national bank issued security unless certain registration requirements are filed with the OCC,⁶ unless an exemption applies, such as nonpublic offerings.⁷ The OCC grants approval of a charter application in two phases: preliminary approval and final approval.⁸ Preliminary approval expires if the proposed national bank:

- Fails to raise the required capital within 12 months from the date the OCC grants preliminary approval.
- Does not commence business within 18 months from the date of preliminary approval, unless the OCC grants an extension.⁹

A national bank is required to raise its capital before business commences. For the OCC to issue final approval, organizers must complete all key phases of organizing the bank. Final approval means a charter for the bank has been issued and the bank can begin conducting business.¹⁰

¹ Congressional Research Service, *Introduction to Financial Services: Banking*, p. 1 (January 5, 2023; Updated January 13, 2025), Congress.gov, Library of Congress, <https://crsreports.congress.gov/product/pdf/IF/IF10035> (last visited March 21, 2025).

² Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes: Ch. 655, financial institutions generally; Ch. 657, credit unions; Ch. 658, banks and trust companies; Ch. 660, trust business; Ch. 662, family trust companies; Ch. 663, international banking; Ch. 665, relating to associations; and Ch. 667, savings banks.

³ The Office of Financial Regulation (OFR), *Fast Facts* (12th Ed., January 2025), <https://flofr.gov/docs/default-source/documents/fast-facts.pdf> (last visited March 21, 2025).

⁴ The Office of the Comptroller of Currency (OCC), U.S. Department of Treasury, *National Banks Active As of 2/28/2025*, <https://www.occ.gov/topics/charters-and-licensing/financial-institution-lists/national-by-state.pdf> (March 21, 2025).

⁵ See 12 CFR 16; Office of the Comptroller of the Currency, *Comptroller's Licensing Manual Charters*, p. 4 (December 2021), <https://www.occ.gov/publications-and-resources/publications/comptrollers-licensing-manual/files/licensing-booklet-charters.html> (last visited March 21, 2025).

⁶ 12 CFR 16.3

⁷ 12 CFR 16.7

⁸ The OCC, *Comptroller's Licensing Manual Charters*, p. 3 (December 2021), <https://www.occ.gov/publications-and-resources/publications/comptrollers-licensing-manual/files/licensing-booklet-charters.html> (last visited March 21, 2025).

⁹ 12 CFR 5.20(i)(6)(iv)

¹⁰ The OCC, *Comptroller's Licensing Manual Charters*, p. 3 (December 2021), <https://www.occ.gov/publications-and-resources/publications/comptrollers-licensing-manual/files/licensing-booklet-charters.html> (last visited March 21, 2025).

Creation and Opening of a New Bank or Trust Company – Florida Law

State laws specify requirements that a proposed new bank or trust company must comply with to be chartered. Directors are required to complete the stock offering and file with the OFR a list of subscribers of a proposed bank or trust company detailing specified information within six months of corporate existence and at least 30 days prior to opening for business.¹¹ The OFR reports “[t]he 6-month time requirement has been a problem for recent bank start-ups and is more restrictive than [the 12-month requirement] federally.”¹² Directors must also provide the OFR with any additional information relating to finances, business, or biography as the commission or the OFR may reasonable require for certain subscribers of stock,¹³ and the OFR must conduct an investigation of their character and certain financial criteria.¹⁴

Banks and trust companies are required to open and conduct a general commercial bank or trust company no later than 12 months after it commences its corporate existence.¹⁵ The corporation must notify the OFR, within a specified time, of its intended opening date and confirm its compliance with any orders issued by the OFR.¹⁶ The OFR must conduct a preopening examination and issue a certificate of authorization to transact a general commercial bank or trust business if certain requirements are met.¹⁷

Financial Institutions Assessments

Financial institutions are required to pay semiannual assessments based on the total assets as of the last business day of June and December of each year,¹⁸ covering the six-month period following the first day of the month in which they are due.¹⁹ The semiannual assessments must be calculated and sent to the OFR within a 30-day period. They must be received (if by mail) or transmitted (if by wire transfer, an automated clearinghouse, or other electronic means approved by the OFR) by January and July 31 of each year. The OFR may levy late penalties of up to \$100 per day or any part of the day that a semiannual assessment is overdue unless the OFR excuses the overdue payment for good cause. The OFR may levy an administrative fine of up to \$1,000 per day for an intentional late payment of a semiannual assessment.²⁰

Certificate of Acquisition

Florida law allows a financial institution to acquire 50 percent or more of the assets, liabilities, or a combination of both of any financial institution subject to the OFR approval and other specified conditions. For instance, both financial institutions must adopt a plan for the

¹¹ Section 658.235(1), F.S.

¹² Office of Financial Regulation, *Senate Bill 1612 Legislative Bill Analysis* (March 10, 2025) (on file with the Senate Committee on Banking and Insurance).

¹³ Section 658.235(2), F.S.

¹⁴ *Id.*

¹⁵ Section 658.25(1), F.S.

¹⁶ Section 658.25(2), F.S.

¹⁷ Section 658.25(3), F.S.

¹⁸ Section 655.047(1), F.S.

¹⁹ Section 655.047(3), F.S.

²⁰ Section 655.047(2), F.S.

acquisition, assumption, or sale which must contain specified information.²¹ The OFR is required to approve or disapprove of the plan and, following adoption of the plan by the transferring financial institution, must certify in writing that the plan has been approved.²² The transferring financial institution may abandon the transaction despite the members' or stockholders' approval and the OFR's certification of the plan.²³ Unlike the OFR's authority to issue a Certificate of Merger when two credit unions merge,²⁴ the OFR does not have authority to issue a Certificate of Acquisition when a financial institution purchases or wholly acquires another financial institution.²⁵

Interest on Trust Accounts (IOTA) Program

The State Constitution grants exclusive jurisdiction to the Florida Supreme Court to regulate the admission of people to practice law in the state. The Court also has exclusive jurisdiction to discipline those people once they are admitted to practice law.²⁶ Florida is a mandatory bar state and all members who are admitted to practice in Florida must be members of The Florida Bar.²⁷

The Florida Supreme Court has established the "authority and responsibilities of The Florida Bar" in the *Rules Regulating the Florida Bar*.²⁸ Chapter 5 contains the "Rules Regulating Trust Accounts," which all attorneys who maintain trust accounts must abide by. Funds that are placed in an attorney's trust account produce interest income exclusively for the IOTA program. The interest-producing program generates millions of dollars in interest each year. Once generated, the interest funds are swept by The Florida Bar directly into the Bar's foundation, Funding Florida Legal Aid.

The Florida Bar created the non-profit, tax-exempt corporation, The Florida Bar Foundation (Foundation), in 1956, and subsequently changed the name of the Foundation to Funding Florida Legal Aid in 2023. The Foundation functions to increase legal access for people with limited means by funding legal services, developing programs, and supporting legal aid providers selected by the foundation for grant awards. The Foundation's primary financial support comes from the IOTA program, but donations are also received from attorneys, law firms, corporations, foundations, and individuals.²⁹

It is important to note that, while the IOTA program is *mandatory* for attorneys, it is technically *voluntary* for banks to participate in the program.

²¹ Section 655.414(2), F.S.

²² Section 655.414(4) and (5), F.S.

²³ *Id.*

²⁴ Section 657.065, F.S.

²⁵ Section 655.414(5), F.S.

²⁶ FLA. CONST. art. V, s. 15. The Court conducts these official functions through two separate entities: the Florida Board of Bar Examiners and The Florida Bar.

²⁷ The Florida Bar, *Frequently Asked Questions*, <https://www.floridabar.org/about/faq/> (last visited March 7, 2025).

²⁸ The Florida Bar, *Rules Regulating the Florida Bar*, https://www-media.floridabar.org/uploads/2025/02/2025_06-DEC-RRTFB-12-30-2024.pdf. The Rules are divided into 21 chapters consisting of 807 pages.

²⁹ FFLA, Funding Florida Legal Aid, *Leadership and Funding for Justice in Florida*, <https://fundingfla.org/about-ffla/ffla-overview/> (last visited March 7, 2025).

IOTA Program and Funding Florida Legal Aid (FFLA)

Background on Attorney Trust Accounts

A trust account is a short-term account set up by an attorney in which he or she deposits funds on behalf of a client. The account generally contains funds that are combined such as a retainer payment, discovery or litigation costs paid in advance, filing fees, or a settlement award. The amount of money in the account changes often because deposits and withdrawals are made frequently. These fees may not be commingled with an attorney's operating account but must be kept separately.

A trust account has been described as an "unusual" creation that is significantly different from other accounts. Although an attorney opens the account and is responsible for managing the funds in the account, he or she is not the owner of the funds.³⁰ While an attorney is not the owner of the account, and therefore not entitled to interest generated by the account, neither is the client entitled to interest generated by the funds. The U.S. Court of Appeals for the Eleventh Circuit issued a decision in 1987 determining that a client was not entitled to the interest generated in a trust account.³¹

How the accounts may be regulated or restricted has presented a quandary for almost 200 years. The earliest attempt to regulate trust accounts can be traced to the Legislative Council of the Territory of Florida in 1828. In 1936, the Florida Supreme Court incorporated the regulation of trust accounts into the Court's rules. Additional measures were adopted over the years to ensure that attorneys, acting as "trustees" would not misuse their clients' funds or neglect to return them when requested to do so by the client.³²

The Evolution of Interest Earned on Trust Accounts

Trust accounts have evolved from simple accounts that earned no interest and benefitted no one in particular to today's accounts in which The Florida Bar, with Florida Supreme Court approval, mandates participation by attorneys, establishes the interest rates, and requires that the interest be remitted to The Florida Bar's foundation, Funding Florida Legal Aid.

For many years, attorneys deposited their clients' funds in non-interest-bearing checking accounts because trying to apportion multiple clients' interest earnings on short-term deposits was too complex. However, in 1978 and in response to a petition by The Florida Bar,³³ the Florida Supreme Court amended the Bar rules and authorized attorneys to invest trust funds held for their clients to generate investment income that would, among other things, provide legal aid

³⁰ *In re* Amendments to the Rules Regulating the Florida Bar-Miscellaneous: The Florida Bar's Response to the Florida Bankers Association's Motion for Rehearing, Case No. SC22-1292 (April 14, 2023), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/a8e413ea-a6d4-417f-a1b0-2536bb7c9292> (last visited Mar. 27, 2025).

³¹ *Cone v. State Bar of Florida*, 819 F.2d 1002 (11th Cir. 1987).

³² *A Petition of Florida Bar*, 356 So. 2d 799 (Mem), 800-801 (Fla. 1978). (The lengthier case style is *In re Interest on Trust Accounts, A Petition of The Florida Bar to Amend the Code of Professional Responsibility and the Rules Governing the Practice of Law.*)

³³ More specifically, the petition to amend the rules was brought by the Board of Governors of The Florida Bar with the concurrence of the Board of Directors of The Florida Bar Foundation.

to the poor and help provide student loans.³⁴ Participation in the program would be voluntary. The interest payments would be transmitted directly from the financial institutions to The Florida Bar Foundation. In implementing these changes, Florida became the first state in the nation to adopt an interest on trust accounts program, commonly called IOTA.³⁵ After several adjustments were made, the program became operational in 1981 and permitted *voluntary* participation by attorneys and their firms.³⁶ In 1989, the Rules were amended and participation in the program became *mandatory* for all attorneys.³⁷

The next significant development occurred in 2001 when the trust account rules were amended to define financial institutions that are eligible to hold IOTA accounts. These eligible institutions were limited to the institutions that pay IOTA account depositors “the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance” or other eligibility requirements. In essence, The Florida Bar Foundation was asking that IOTA accounts be placed on an equal par with non-IOTA accounts in an institution.³⁸ Financial institutions may impose charges and fees on IOTA accounts, as described below.³⁹

It is worth noting that these rules are not found in the Florida Statutes, but are rules adopted by The Florida Bar and approved by the Florida Supreme Court.

The following charges and fees have been defined as “reasonable” and are the only service charges or fees permitted to be deducted from interest earned on IOTA accounts. These service charges or fees may be deducted from IOTA account interest only at such rates and under such circumstances as is the financial institution’s customary practice for all its interest-bearing checking account customers:

- Per check charge.
- Per deposit charge.
- Fee in lieu of minimum balance.
- Federal deposit insurance fee.

Financial institutions also may recoup special costs for their participation in IOTA through deduction of a reasonable IOTA handling or administrative fee.⁴⁰

³⁴ *In re Interest on Trust Accounts*, A Petition of The Florida Bar, 356 So. 2d 799 (Mem) (Fla. 1978).

³⁵ *Id.* at 800-801.

³⁶ It should be noted that the establishment of IOTA or IOLTA (Interest on Lawyers’ Trust Accounts as they are called in other states) was possible only after Congress made changes to federal banking laws in 1980 that allowed certain checking accounts to pay interest. American Bar Association, *Interest on Lawyers’ Trust Accounts*, https://www.americanbar.org/groups/interest_lawyers_trust_accounts/overview/ (last visited Mar. 27, 2025). See also *Matter of Interest on Trust Accounts*, 402 So. 2d 389 (Mem) (Fla. 1981).

³⁷ *Matter of Interest on Trust Accounts: Petition to Amend the Rules Regulating the Florida Bar*, 538 So. 2d 448, 449-450, (Fla. 1989).

³⁸ *Amendment to Rules Regulating the Florida Bar—Rule 5-1.1(e)--IOTA*, 797 So. 2d 551 (Fla. 2001).

³⁹ Funding Florida Legal Aid, Iota, for Lawyers and Law Firms, <https://fundingfla.org/iota/attorneys-lawfirms/> (last visited Mar. 24, 2025).

⁴⁰ *Id.*

2023 Amendments to Interest on Trust Accounts Rule

Amendments adopted by the Florida Supreme Court in 2023 to the IOTA rule have resulted in a conflict between the Florida Bar and the Florida Bankers Association over the competing needs of The Florida Bar foundation to fund its legal aid programs against the ability of banking institutions to pay sufficient and sustainable interest rates that fund the foundation's legal aid programs. Both organizations estimate that between \$9 and \$10 billion is deposited annually into IOTA accounts at banking institutions.

The Florida Bar's Position

The Florida Bar petitioned the Court on October 3, 2022, to once again amend the IOTA rules. The stated goal of the proposed amendments was to “include all possible accounts that can be used as trust accounts” and “ensure the highest possible interest is available for IOTA accounts.”⁴¹ The net effect of these amendments would be to increase funding to the Bar's legal aid funding organization, Funding Florida Legal Aid.

On March 16, 2023, the Florida Supreme Court adopted amendments to *Rules Regulating The Florida Bar*, including provisions regulating trust fund accounts. The amendments:

- Expand the definition of an interest or dividend-bearing account to include a business or consumer deposit account, non-maturing deposit, an investment product, a daily financial institution repurchase agreement or a money market account.⁴²
- Require eligible institutions to maintain IOTA accounts that pay the highest interest rate or dividend generally available from the institution to its non-IOTA business or consumer account customers when IOTA accounts meet or exceed the same minimum balance qualifications.⁴³
- Mandate that eligible institutions tie minimum interest rates for IOTA accounts to the Wall Street Journal Prime Rate (indexed rate).⁴⁴

The formula to determine interest rates and dividends based on the Wall Street Journal Prime Rate is described by the amendments as follows:

When the Wall Street Journal Prime Rate (“indexed rate”) is between 325 and 499 basis points (3.25% and 4.99%), the minimum interest rate paid net of all fees and service charges (“yield”) must be no less than 300 basis points (3.00%) below the indexed rate in effect on the first business day of each month. When the indexed rate is 500 basis points (5.00%) or above, the yield must be no less than 40% of the indexed rate in effect on the first business day of each month.⁴⁵

⁴¹ *In re* Amendments to the Rules Regulating the Florida Bar – Miscellaneous: Petition to Amend the Rules Regulating the Florida Bar, Case No. SC2022-1292 (10/03/2022), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/60ddf5a7-6ae4-425a-a90b-2cebccc635bd0> (last visited Mar. 27, 2025).

⁴² R. Regulating Fla. Bar Rule 5-1.1(g)(1)(E).

⁴³ R. Regulating Fla. Bar Rule 5-1.1(g)(5)(A).

⁴⁴ R. Regulating Fla. Bar Rule 5-1.1(g)(5)(B).

⁴⁵ *Id.*

The Wall Street Journal Prime Rate is a lending rate.⁴⁶ To establish this rate, the Wall Street Journal regularly surveys the 30 largest banks in the United States to determine what interest rate they are charging their customers with the highest-rated credit for short-term loans.⁴⁷ When 75 percent of the 30 banks change their prime rate, the Wall Street Journal changes its rate.⁴⁸ As of March 5, 2025, the Wall Street Journal Prime Rate is 7.5 percent.⁴⁹

In a January 16, 2024, article published in the *Florida Bar News*, the amended rule was explained this way:

For instance, under the amended rule, when prime rate is between 3.25% and 5%, then the trust account rate banks pay out is between .25% and 2%, a 3% gain. After that the gains get even better for banks. At a 7% interest rate, for example, banks will pay out 2.8%, a 4.2% gain.⁵⁰

Another article explained the rule change in these terms:

As a result of this change, for a financial institution to be eligible to participate in the program, it must pay a minimum interest rate of 3.00% when the Wall Street Journal Prime Rate (index rate) is between 3.25% and 4.99%. When the index rate is above 5.00%, to stay eligible, financial institutions are required to pay a minimum interest rate equal to 40% of the index rate.⁵¹

Florida Bankers Association's Opposition and Challenge to the 2023 Rule Amendments

One criticism of the amended rule is that the Wall Street Journal Prime Rate is a benchmark for *lending purposes* and is not used to set *deposit* account interest rates. As a result, the interest rate is significantly higher than interest rates paid for other deposits.

The Florida Bankers Association (FBA) filed a motion for rehearing on March 31, 2023, stating that it did not receive adequate or meaningful notice of the proposed IOTA amendments.⁵² The FBA contended that the amended rules, while admirable, would “have a significant and negative impact on participating banks” and go far beyond its intended purpose. The FBA argued that basing the interest rate for IOTA accounts on the Wall Street Journal's Prime Rate would mean that the minimum interest paid on IOTA accounts would be significantly higher than any other interest rate offered by a bank on consumer or business accounts. The FBA also argued that the judicial branch had violated the separation of powers doctrine and encroached impermissibly on

⁴⁶ Fulton Bank, *What Is Wall Street Journal Prime Rate and Why It Matters* <https://www.fultonbank.com/Education-Center/Managing-Credit-and-Debt/Prime-rate-and-why-it-matters> (last visited March 7, 2025).

⁴⁷ Bankrate, Wall Street Journal Prime rate (Mar. 18, 2025), [Wall Street Prime Rate | WSJ Current Prime Rate Index](https://www.bankrate.com/prime-rate/) (last visited Mar. 24, 2025).

⁴⁸ *Id.*

⁴⁹ The Wall Street Journal, *WSJ-Markets*, <https://www.wsj.com/market-data/bonds> (last visited March 5, 2025).

⁵⁰ Florida Bar News, *Measure Would Have Florida's CFO Set the Rate Paid on Iota Accounts* (Jan. 16, 2024) <https://www.floridabar.org/the-florida-bar-news/measure-would-have-floridas-cfo-set-the-rate-paid-on-iota-accounts/> (last visited Mar. 27, 2025).

⁵¹ The Bank of Tampa, *Invested in You*, <https://www.bankoftampa.com/iota/> (last visited March 7, 2025).

⁵² *In re: Amendments to Rules Regulating the Florida Bar 5-1.1; Florida Bankers Association's Motion*, Case No. SC22- 1292 (Mar. 31, 2023), [70f6bc15-9b6e-41b5-8c56-65db9b750a31](https://www.flcourts.gov/cases/70f6bc15-9b6e-41b5-8c56-65db9b750a31) (flcourts.gov) (last visited Mar. 27, 2025).

the executive branch's power to regulate banks through the Office of Financial Regulation, the Department of Financial Services, and the Financial Services Commission (FSC).

The new rule became effective on May 15, 2023, and remains in effect. The Court allowed comments from interested parties until November 1, 2023, and directed The Florida Bar to file a report on the status of the implementation of the rules.

Negotiation Attempts Have Failed to Reach a Compromise

According to documents filed in the Florida Supreme Court, the Florida Bankers Association and The Florida Bar have attempted for months to reach a compromise rate that is agreeable to both parties. This has resulted in an impasse and no compromise has been reached.⁵³ On August 7, 2024, the Court denied the Florida Bankers Association's motion for rehearing.

IOTA Data for Funding Florida Legal Aid

Amounts Received by FFLA From the IOTA Program

Funding Florida Legal Aid supplied the information below on remittances from the IOTA accounts. The fiscal year begins July 1 and ends June 30 of the following year.

FY 2018-19	\$12,711,423
FY 2019-20	\$16,233,686
FY 2020-21	\$7,749,737
FY 2021-22	\$9,498,692
FY 2022-23	\$45,547,390
FY 2023-24	\$279,656,155

Information for FY 2024-25 is only partially complete. However, for remittances received from July 2024 through January 2025, FFLA reports total receipts of \$155,378,419.⁵⁴ It is significant to note that the IOTA collections increased by \$234,108,765 between fiscal year 2022-23 and fiscal year 2023-24. This is due to the newly implemented funding formula authorized by the Supreme Court in May 2023 for the benefit of the Foundation.⁵⁵

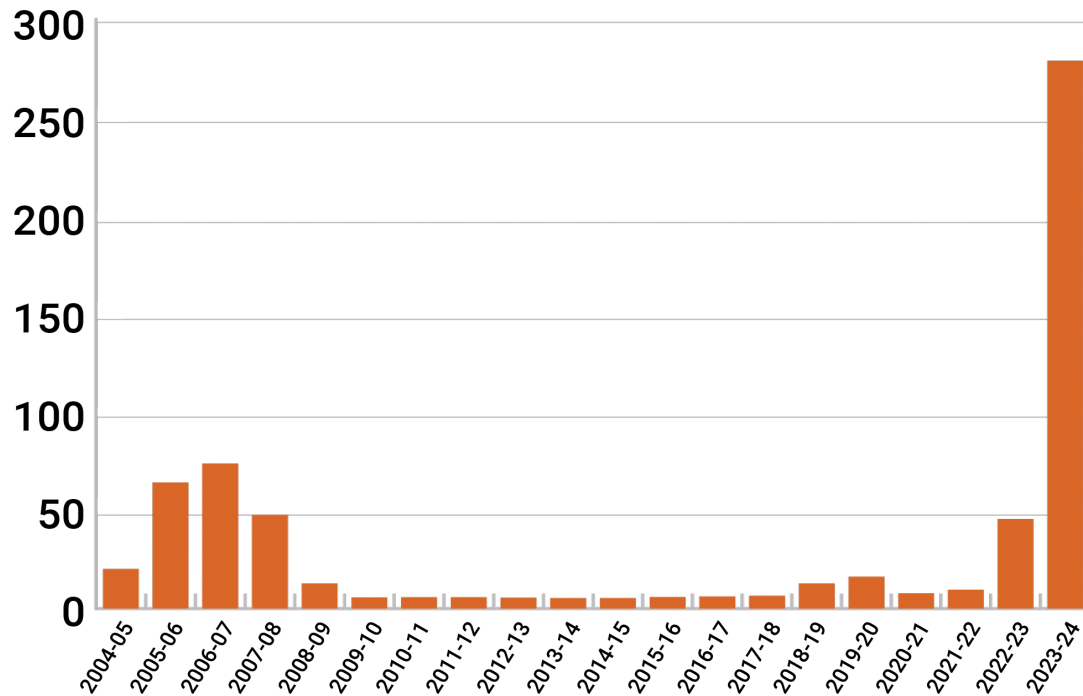
⁵³ *In re* Amendments to the Rules Regulating the Florida Bar, The Florida Bankers Association's Comment to the Florida Bar's Report on Implementation Status, Case No: SC2022-1292, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/f5381851-24da-4ff6-932d-487a9ca0b99c> (last visited Mar. 27, 2025).

⁵⁴ Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid (Feb. 19, 2025) (on file with the Senate Committee on Banking and Insurance).

⁵⁵ *In re* Amendments to the Rules Regulating the Florida Bar – Miscellaneous: The Florida Bar's Report on Implementation Status (April 2, 2024) Case No: SC2022-1292, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/e5b1ae2c-d317-4a98-8c2e-79231698b18d> (last visited Mar. 27, 2025).

The FFLA shows with the chart below how the annual revenue collections through the IOTA program have changed over the years.⁵⁶

IOTA Collections in Millions



Participating Banking Institutions and IOTA Program Accounts

The number of financial institutions participating in the IOTA program has not changed significantly since the interest formula was amended in May 2023.

April 2023	151 ⁵⁷
December 2023	162 ⁵⁸
December 2024	170 ⁵⁹

According to the FFLA, the program has grown by a net of 16 banks since the IOTA interest formula was amended in 2023.⁶⁰ Four banks have withdrawn from the program since the

⁵⁶ Florida Funding Legal Aid, Financial Stewardship, <https://fundingfla.org/about-ffla/ffla-finances/> (last visited March 10, 2025).

⁵⁷ Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid (Mar. 27, 2025) (on file with Senate Committee on Banking and Insurance).

⁵⁸ Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid, *SB 498 Fiscal Analysis from FFLA* (Feb. 19, 2025) (on file with the Senate Committee on Banking and Insurance).

⁵⁹ *Id.*

⁶⁰ *Id.*

adoption of the 2023 IOTA amendment.⁶¹ The number of trust accounts in the FFLA system as of January 2025 is 33,823.⁶²

Receipts and Disbursements by Funding Florida Legal Aid

Funding Florida Legal Aid received \$279,656,155 in IOTA collections for the fiscal year ending June 30, 2024. The Court granted FFLA's request to distribute \$94,832,278 to qualified organizations and place the remaining \$142,875,455 in reserve for the benefit of present and future organizations. The Court found the proposed distribution and additional reserve amount was "reasonably prudent to promote stability in distribution of IOTA funds." According to the Court's administrative order, this represents a 145 percent increase over the previous year's distribution.⁶³

Trust Account Programs in Other States

According to the American Bar Association (ABA), interest paid on trust account programs, sometimes called IOLTA, or Interest on Lawyers' Trust Accounts, are found in all 50 states, Washington, D.C., Puerto Rico, and the U.S. Virgin Islands. The ABA estimates that, since 1981, these programs have generated over \$4 billion to fund legal services for people living in poverty, often through legal aid and pro bono programs.⁶⁴ According to the Foundation, most states that have a safe harbor rate, have rates that range from 50 - 55 percent of the Federal Funds Target Rate (FFR) up to one percent of the FFR.⁶⁵

Chief Financial Officer

The State Constitution provides that the Chief Financial Officer (CFO) serves as the chief fiscal officer of the state. He or she is a member of the cabinet and is responsible for settling and approving accounts against the state and keeping all state funds and securities.⁶⁶ The CFO serves as the head of the Department of Financial Services (DFS).⁶⁷

Additionally, the CFO is required by statute to set the rate of interest that will be payable on judgments or decrees for the calendar quarter beginning January 1 each year. The CFO must adjust the rate quarterly on April 1, July 1, and October 1, by averaging the discount rate of the Federal Reserve Bank of New York for the preceding 12 months, then adding 400 basis points to the average federal discount rate.⁶⁸ As of January 1, 2025, the annual interest rate is 9.38 percent.⁶⁹

⁶¹ *Id.*

⁶² *Id.*

⁶³ *In Re: FFLA-FY 2023-24 IOTA Collections, Request for Approval of Additional Reserve Amount*, No. AOSC24-70, (Oct. 4, 2024) <https://supremecourt.flcourts.gov/content/download/2441648/file/AOSC24-70.pdf>.

⁶⁴ American Bar Association, *Interest on Lawyers' Trust Accounts, Overview, The Impact of IOLTA*, https://www.americanbar.org/groups/interest_lawyers_trust_accounts/overview/.

⁶⁵ Email from Amanda Fraser, Governmental Consultant on behalf of Funding Florida Legal Aid, *SB 498 Fiscal Analysis from FFLA* (March 5, 2025) (on file with the Senate Committee on Banking and Insurance).

⁶⁶ FLA. CONST. art. IV, s. 4(c).

⁶⁷ Section 20.121(1), F.S.

⁶⁸ Section 55.03(1), F.S.

⁶⁹ My Florida CFO, *Current Judgment Interest Rates*, <https://myfloridacfo.com/division/aa/audits-reports/judgment-interest-rates> (last visited March 4, 2025).

Credit Unions

A credit union must have a federal or state charter to operate in Florida. Credit unions are chartered and regulated as a national credit union by the National Credit Union Association (NCUA).⁷⁰ Such membership is limited to a group or groups with a common bond of occupation or association within a defined community. Deposits into a federal credit union allow members to become owners of the credit union, run to become a credit union official, and vote on certain matters.⁷¹

The Florida Financial Institutions Codes apply to all state-chartered credit unions.⁷² There are approximately 138 credit unions in Florida⁷³ with 67 of them being state-chartered.⁷⁴ Florida law provides that any person may be admitted to a credit union upon payment of any required fee, payment of shares, and compliance with the credit union bylaws.⁷⁵ State-chartered credit unions operate as financial institutions except for exercising certain incidental powers authorized by law.⁷⁶

Compensation

A credit union's elected officer, director, or committee member, except for the chief executive officer, may not be compensated for his or her service.⁷⁷ Such individuals may not, directly or indirectly, participate in the deliberation or determination of any issues relating to his or her pecuniary interest or the pecuniary interest of any corporation, partnership, or association in which he or she or a member of his or her immediate family is directly or indirectly interested.⁷⁸

Reserve Accounts

Florida law requires credit unions to maintain the following reserve accounts:

- Allowance for loan and lease losses;
- Regular reserve to meet losses which must not be decreased unless the OFR approves the decrease or as provided by rule of the commission;⁷⁹
- Allowance for investment losses; and

⁷⁰ National Credit Union Administration (NCUA), *Overview of the Charter Application Process* (April 14, 2022), <https://ncua.gov/regulation-supervision/manuals-guides/federal-credit-union-charter-application-guide/overview-charter-application-process> (last visited March 21, 2025).

⁷¹ National Credit Union Administration, *Overview of Federal Credit Unions* (April 14, 2022), <https://ncua.gov/regulation-supervision/manuals-guides/federal-credit-union-charter-application-guide/overview-federal-credit-unions> (last visited March 21, 2025).

⁷² Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes ch. 657, credit unions.

⁷³ National Credit Union Service Organization, *Credit Unions, Florida Credit Unions*, <https://ncuso.org/credit-union/fl/> (last visited March 21, 2025).

⁷⁴ The Office of Financial Regulation (OFR), *Fast Facts* (12th Ed., January 2025), p. 4, <https://flofr.gov/docs/default-source/documents/fast-facts.pdf> (last visited March 21, 2025).

⁷⁵ Section 657.023(1), F.S.

⁷⁶ Section 657.031(3), F.S.

⁷⁷ Section 657.028(2), F.S.

⁷⁸ Section 657.028(5), F.S.

⁷⁹ Section 657.043(2), F.S.

- Special reserves to protect members against losses from risk assets or extended credit when required by rule or other specified circumstances.⁸⁰

In 2022, the NCUA amended federal regulations and removed the requirement for federal credit unions to maintain a regular reserve account.⁸¹

Regulation of Insurance in Florida

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers and other risk bearing entities in Florida.⁸² As part of their regulatory oversight, the OIR may suspend or revoke an insurer's certificate of authority under certain conditions.⁸³ The OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each insurer that holds a certificate of authority to transact insurance business in Florida.⁸⁴ As part of the examination process, all persons being examined must make available to the OIR the accounts, records, documents, files, information, assets, and matters in their possession or control that relate to the subject of the examination.⁸⁵ The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Insurance Code.⁸⁶

Insurance companies that transact insurance in Florida or that have offices located in the state are required to obtain a certificate of authority (COA) issued by the OIR pursuant to s. 624.401, F.S. These companies, referred to as authorized or admitted insurers,⁸⁷ are broadly regulated by the OIR under the Insurance Code as to reserves, surplus as to policyholders, solvency, rates and forms, market conduct, permissible investments, and affiliate relationships.⁸⁸ Authorized insurers are also required to participate in a variety of government mandated insurance programs and pay assessments levied by state guaranty funds in the event of insurer insolvencies.⁸⁹

⁸⁰ Section 657.043, F.S.

⁸¹ The NCUA, *Risk-Based Capital Frequently Asked Questions: Is Prompt Corrective Action (PCA) for Credit Unions Changing with the Revised Capital Adequacy Standards?* (April 14, 2022), <https://ncua.gov/regulation-supervision/regulatory-compliance-resources/risk-based-capital-rule-resources/risk-based-capital-faqs> (last visited March 21, 2025).

⁸² Section 20.121(3)(a), F.S. The Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the Office of Insurance Regulation for purposes of rulemaking. Further, the Financial Services Commission appoints the commissioner of the Office of Insurance Regulation.

⁸³ Section 624.418, F.S.

⁸⁴ Section 624.316(1)(a), F.S.

⁸⁵ Section 624.318(2), F.S.

⁸⁶ Section 624.3161, F.S.

⁸⁷ An "authorized" or "admitted" insurer is one duly authorized by a COA to transact insurance in this state.

⁸⁸ The Insurance Code consists of chs. 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S.

⁸⁹ For example, Florida licensed direct writers of property and casualty insurance must be members of the Florida Insurance Guaranty Association, which handles the claims of insolvent insurers under part II of ch. 631, F.S., and insurers offering workers' compensation coverage in Florida must be members of the Florida Workers' Compensation Insurance Guaranty Association, which provides payment of covered claims for insurers that are declared insolvent under part V of ch. 631, F.S.

Surplus Lines Insurance

Surplus lines insurance is the market of last resort for difficult to place commercial and personal lines risks in Florida.⁹⁰ Typically, surplus lines insurers write policies for unusual, high-risk situations that include hazardous materials transporters, commercial trucking enterprises, day care centers, older homes located in coastal areas, professional athletes, hospitals, expensive boats and cars, and medical malpractice. Surplus lines insurance is coverage provided by a company that is not licensed in Florida but is allowed to transact insurance in the state as an “eligible” insurer⁹¹ under the surplus lines law (ss. 626.913-626.937, F.S.). Under this law, insurance may only be purchased from a surplus lines carrier if the necessary amount of coverage cannot be procured after a diligent effort to buy the coverage from authorized insurers.⁹²

Rates charged by a surplus lines carrier must not be lower than the rate applicable and in use by the majority of the authorized insurers writing similar coverages on similar risks in Florida.⁹³ Likewise, a surplus lines policy contract form must not be more favorable to the insured as to the coverage or rate offered by the majority of authorized carriers.⁹⁴ Except as specifically stated as applicable, surplus lines insurers are not subject to regulation under ch. 627, F.S., of the Florida Insurance Code, which includes, in part, provisions related to ratings standard, contracts, and attorney fees for authorized insurers.⁹⁵

The Florida Surplus Lines Service Office (FSLSO) is governed by a nine-person board of governors consisting of eight members appointed by the Department of Financial Services (DFS) with the insurance consumer advocate being the ninth member.⁹⁶ The FSLSO is required to perform its functions under a plan of operation⁹⁷ that is subject to the approval of the OIR.⁹⁸ The FSLSO is required to conduct the following activities:

- Receive, record and review all surplus lines insurance policies;
- Maintain records of the policies reported to the FSLSO and perform reports as required by the FSC;
- Prepare and deliver to each surplus lines agent quarterly reports of each agent’s business;
- Collect and remit to the DFS the surplus lines tax as provided for in s. 626.932, F.S.;
- Reconcile the policies provided by non-admitted insurers with the policies reported to the service office by agents;
- Collect monthly from each surplus lines agent a service fee of up to .03 percent; and

⁹⁰ Surplus lines insurance is insurance coverage provided by an insurer that is not licensed in Florida but is allowed to do business in the state because the particular coverage offered is not available from Florida-licensed or authorized carriers. Surplus lines insurers are governed under the Surplus Lines Law (ss. 626.913-626.937, F.S.).

⁹¹ An “eligible surplus lines insurer” as defined in s. 626.914(2), F.S., is an “unauthorized insurer” which has been made eligible by the Office of Insurance Regulation to issue insurance coverage under the surplus lines law.

⁹² See s. 626.914(4), F.S. A “diligent effort” is defined as seeking coverage from and being rejected by at least three authorized insurers that write the type of coverage being sought. The rejections must be documented.

⁹³ Section 626.916(1)(b), F.S.

⁹⁴ Section 626.916(1)(c), F.S.

⁹⁵ Section 626.913(4), F.S.

⁹⁶ Section 626.921(4), F.S.

⁹⁷ Section 626.921(3), F.S.

⁹⁸ Section 626.921(5), F.S.

- Other activities as specified by statute.⁹⁹

Diligent Effort

“To export” a policy means an insurance agent,¹⁰⁰ with the consent of the insurance applicant, placing a policy with an unauthorized insurer under the Surplus Lines Law through a surplus lines agent.¹⁰¹ Unless an exception applies, in order to place business with a surplus lines insurer, the agent must make a “diligent effort” to place the policy with a Florida-authorized insurer, which is shown by having three written rejections of coverage from authorized insurers currently writing the type of insurance being sought.¹⁰² However, if the cost to replace a residential dwelling is \$700,000 or more, then diligent effort is seeking and being denied coverage from at least one authorized insurer in the admitted market currently writing that type of coverage.¹⁰³

Export requirements further specify that:

- The premium rate for policies written by a surplus lines insurer cannot be less than the premium rate used by a majority of authorized insurers for the same coverage on similar risks;
- The policy exported cannot provide coverage or rates that are more favorable than those that are used by the majority of authorized insurers actually writing similar coverages on similar risks;
- The deductibles must be the same as those used by one or more authorized insurers, unless the coverage is for fire or windstorm; and
- The policyholder must be advised in writing that coverage may be available and less expensive in the admitted market and persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer.¹⁰⁴

Only three states do not require that an agent make a diligent effort before exporting a policy to a surplus lines insurer.¹⁰⁵ Eighteen states require the agent to obtain at least three declinations from authorized insurers before exporting a policy to a surplus lines insurer.¹⁰⁶

III. Effect of Proposed Changes:

This bill makes various revisions to the financial institutions codes and the Florida Insurance Code.

⁹⁹ Section 626.921(3), F.S.

¹⁰⁰ Typically, the applicant’s usual insurance agent works with the surplus lines agent to arrange the placement, rather than the applicant working directly with the surplus lines agent.

¹⁰¹ Section 626.914(3), F.S.

¹⁰² Sections 626.914(4) and 626.916(1)(a), F.S.

¹⁰³ Section 626.914(4), F.S.

¹⁰⁴ Section 626.916(1), F.S.

¹⁰⁵ These states are Louisiana, Virginia, and Wisconsin. See Wholesale & Specialty Insurance Association Diligent Effort Compliance Chart, <https://www.wsia.org/docs/Diligent%20effort%20chart%202-3-17.pdf> (last visited March 25, 2025).

¹⁰⁶ *Id.* Ohio requires five declinations and New Mexico requires four declinations. South Carolina requires only one declination.

Financial Institutions Codes

Section 8 amends s. 655.047, F.S., relating to assessments; financial institutions. The bill modifies the deadlines for when financial institutions must pay semiannual assessments from January 31 and July 31 to March 31 and September 30 of each year. The bill removes the distinction of the method and time for which electronic payments must be transmitted, and provides that all payments whether sent by mail, wire transfer, or automated clearinghouse, or other electronic means approved by the OFR must be received by the due date. The bill also removes the provision that specifies the assessment covers a six-month period following the first day of the month in which they are due and instead provides that the payments are for the six-month periods beginning January 1 and July 1.

The OFR reports that financial institutions are often forced to make asset estimates when determining their semiannual assessment because of the short deadlines provided for under current law. The OFR and financial institutions must recalculate the semiannual assessments once the institutions' actual total assets are determined. The bill provides for two additional months to calculate and pay the assessment which should allow for more efficiency by reducing the need for subsequent adjustments and saving the OFR and financial institutions' staff time.¹⁰⁷

Section 9 amends s. 655.414, F.S., relating to the acquisition of assets and assumption of liabilities, to authorize the OFR to issue a certificate of acquisition to an acquiring financial institution confirming that the acquisition, assumption, or sale transaction has been completed. The OFR suggests that issuing certificates of acquisition is "valuable to institutions for several reasons including filing with local municipalities as proof of a transaction."¹⁰⁸ Authorizing the OFR with this statutory authority would give the agency a similar power that it has with respect to issuing certificates of mergers for credit unions.

Section 10 establishes the interest rate that financial institutions must provide when paying interest or dividends on certain lawyer or law firm trust accounts in which the institution remits the interest or dividends to an entity established by the Florida Supreme Court that facilitates free legal services to low-income people or a program that is consistent with other court-authorized purposes.

A financial institution that holds one of these trust accounts must pay the highest interest rate or dividend that is generally available to its comparable business or consumer accounts or nonmaturing deposit accounts if the trust account meets or exceeds the same minimum balance or other account requirements. However, the interest rate must be at least 0.25 percent if the Federal Funds Effective Rate is less than 4 percent and must be at least 0.5 percent if the Federal Funds Effective Rate is 4 percent or greater. The Federal Funds Effective Rate "is the interest rate at which depository institutions trade federal funds (balances held at Federal Reserve Banks) with each other overnight."¹⁰⁹ Explained more simply, when one bank has an excess amount of cash, or liquidity, it will lend to another bank that quickly needs more cash. The interest rate that

¹⁰⁷ Office of Financial Regulation, *Senate Bill 1612 Legislative Bill Analysis* (March 10, 2025) (on file with the Senate Committee on Banking and Insurance).

¹⁰⁸ *Id.*

¹⁰⁹ *Federal Funds Effective Rate*, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/FEDFUNDS> (updated April 1, 2025) (last visited April 8, 2025).

the borrowing bank pays to the lending bank is decided upon or negotiated between the banks. The weighted average interest rate for all of these types of transactions between banks is called the effective federal funds rate.¹¹⁰

The financial institution must submit a rate validation sheet and affidavit to the Chief Financial Officer by the tenth day of each quarter attesting that it will pay the required interest rates stated above. The affidavit must attest that the rate information submitted on the rate validation sheet is true and factual. The Chief Financial Officer must verify that the rate validation sheet and affidavit have been received by the Department of Financial Services.

The minimum interest rate or dividend required by the bill does not apply to interest rates that have been established by written contracts or obligations unrelated to the trust accounts described in this bill.

This section of the bill is effective upon becoming a law.

Section 11 amends s. 657.002, F.S., relating to definitions, to amend the definition of “equity” to remove reference to “regular reserve.”

Section 12 amends s. 657.028, F.S., relating to activities of directors, officers, committee members, employees and agents, to authorize a credit union’s elected officer, director, or committee member to be reimbursed for necessary expenses incidental to performing official credit union business.

Section 13 amends s. 657.043 F.S., relating to reserves, to repeal the provision requiring credit unions to maintain a regular reserve to meet losses and prohibiting such reserve from being decreased without the prior written approval of the OFR or as prescribed by rule. This amendment is consistent with the removal of the regular reserve requirement from federal regulation, and allows state credit unions to close their regular reserve into undivided earnings without prior OFR approval.¹¹¹ Given that credit unions must still comply with the requirement to have an allowance for loan losses reserve account and given OFR’s ability to require a credit union to establish special reserves in certain circumstances, a regular reserve account has become unnecessary.¹¹² **Section 3** amends the definition of equity to remove reference to “regular reserve” since the requirement to maintain such reserve was repealed.

Section 14 amends s. 658.235, F.S., relating to subscriptions of stock and approval of major stakeholders. The bill removes directors’ time requirement to complete a stock offering and file with the OFR a final list of subscribers with certain information within six months after commencement of corporate existence. Such offering and submission of the list must still be completed at least 30 days before the proposed bank or trust company opens. This allows more time for organizing groups to raise capital needed to start a new bank or trust company.¹¹³

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Office of Financial Regulation, *Senate Bill 1612 Legislative Bill Analysis* (March 10, 2025) (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as “2025 OFR Agency Analysis for SB 1612”).

¹¹³ *Id.*

Section 15 amends s. 658.25, F.S., relating to opening for business, to modify the timeframe in which a new bank or trust company must open and conduct general commercial bank or trust business to within 18 months after the issuance of a final order of approval by the OFR, rather than no later than 12 months after the commencement of its corporate existence. This change “facilitates *de novo* bank and trust company start-ups and eliminates Florida’s disadvantage compared to federal regulations.”¹¹⁴

Florida Insurance Code

The bill eliminates the requirement that a retail or producing insurance agent must conduct a diligent effort to place insurance coverage with an authorized insurer before such coverage may be exported (written by) a surplus lines insurer.

Section 1 amends s. 626.914, F.S., to remove the definition of “diligent effort.”

Section 2 amends s. 626.916, F.S., to delete current law requiring that when exporting insurance coverage to a surplus lines insurer:

- The full amount of surplus lines insurance required must not be procurable, after a diligent effort has been made by the producing agent to do so, from among the insurers authorized to transact and actually writing that kind and class of insurance;
- The amount of insurance exported may only be the excess over the amount so procurable from authorized insurers; and
- Surplus lines agents must verify that a diligent effort has been made by requiring a properly documented statement of diligent effort from the retail or producing agent.

The bill maintains the requirement that the policyholder acknowledge the following disclosure, but adds the additional underlined statement:

You are agreeing to place coverage in the surplus lines market. Coverage may be available in the admitted market. Persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer. Additionally, surplus lines insurers’ policy rates and forms are not approved by any Florida regulatory agency.

The bill provides that if the acknowledgment of the disclosure is signed by the insured, the insured is presumed to have been informed and to know that other coverage may be available. The bill deletes rulemaking authority for the FSC to declare eligible for export generally any class or classes of insurance coverage or risk for which it finds that there is no reasonable or adequate market among authorized insurers.

Section 7 amends s. 627.715, F.S., to remove reference to an exemption to the diligent effort requirement on surplus lines agents.

¹¹⁴ *Id.*

Sections 3, 4, 5, and 6 amend ss. 626.918, 626.932, 626.9325, and 926.9541, F.S., to conform cross-references necessitated due to changes made by the bill.

Effective Date

Section 16 of the bill provides, except as otherwise expressly provided, which shall take effect upon becoming a law, for the 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:

Separation of Powers

The State Constitution divides the powers of state government into three branches: the legislative, executive, and judicial branches. The Constitution prohibits a person in one branch from exercising any powers that belong to the other two branches of government unless it is expressly provided.¹¹⁵

The Florida Supreme Court, under s. 15 of Article V of the State Constitution, has the “exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.” The Supreme Court exercises this responsibility through The Florida Bar and its rules. If the bill is determined to be a regulation of attorneys or the practice of law, it may be declared unconstitutional.

Federal Preemption/Regulation of Federally Chartered Financial Institutions

The bill creates s. 655.97, F.S., within the Financial Institutions Code (code).¹¹⁶ The code generally applies to the regulation of state-chartered financial institutions by the Office of Financial Regulation. The provisions of the bill require any financial institution holding a

¹¹⁵ FLA. CONST. art. II, s. 3.

¹¹⁶ Chs. 655, 657, 658, 660, 662, 663, 665, and 667, F.S.

trust account of a lawyer or law firm to pay the interest rate prescribed in the bill and submit a rate validation sheet and affidavit each quarter to the Chief Financial Officer (CFO). Chapter 17, F.S., prescribes the duties of the CFO.

The National Banking Act was enacted by Congress to facilitate a national banking system.¹¹⁷ The Office of the Comptroller of the Currency is the federal agency charged with regulating national banks and savings associations.¹¹⁸ The National Credit Union Administration is an independent federal agency that insures deposits at federally insured credit unions, protects the members who own credit unions, and charters and regulates federal credit unions. It is unclear whether the regulation of rates of interest on trust accounts within the code would be applicable to federally chartered financial institutions, such as national banks, savings associations, or credit unions.

The U.S. Supreme Court has reviewed the federal constitutional foundations of the national banking system, and reaffirmed that national bank powers are not normally limited by state law.¹¹⁹ The Court concluded that “where Congress has not expressly conditioned the grant of ‘power’ upon a grant of state permission, the Court has ordinarily found that no such condition applies.”¹²⁰ Further, in another case, the Court concluded, “We find no indication that Congress intended to make this phase of national banking [deposit-taking] subject to local restrictions, as it has done by express language in several other instances.”¹²¹

If the bill is determined to be a regulation of both state chartered and federally chartered financial institutions, The Florida Bar may be required to revise its rules governing the obligations of attorneys to establish IOTA accounts or the eligibility of financial institutions to participate in the IOTA program. However, federal law may preempt the application of the bill to the regulation of federally chartered financial institutions. The OFR does not have primary regulatory authority over nationally chartered institutions.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹¹⁷ *Marquette Nat’l Bank of Minneapolis v. First of Omaha Serv. Corp.*, 439 U.S. 299, 315 (1978).

¹¹⁸ 12 USC s. 1 *et seq.*

¹¹⁹ *Barnett Bank of Marion County, N.A. v. Nelson*, 517 U.S. 25, 32 (1996) (The history of the legal concept of national bank powers “is one of interpreting grants of both enumerated and incidental “powers” to national banks as grants of authority not normally limited by, but rather ordinarily preempting, contrary state law.). See also *Franklin Nat’l Bank v. New York*, 347 U.S. 373 (1954).

¹²⁰ *Barnett*, 517 U.S. at 34.

¹²¹ See also *Franklin Nat’l Bank v. New York*, 347 U.S. 373 (1954).

B. Private Sector Impact:**IOTA**

The interest rates prescribed in the bill will result in the financial institution not providing an interest rate that meets the higher interest rate required by the Florida Bar Rules for attorneys. As a result, financial institutions participating in the program may see greater profits under this bill, be able to pay higher interest rates to other customers, or charge lower fees for services. In contrast, Funding Florida Legal Aid will likely see a significant reduction in the interest revenue it receives to fund its legal aid programs and other authorized programs.

Surplus Lines Insurance

Insurance agents exporting policies to surplus lines insurers will not have to meet the diligent effort requirements, including the requirement that each surplus lines agent file quarterly with the FLSO an affidavit stating all the surplus lines insurance transacted by him or her during each calendar quarter has been submitted to the Office as required, including efforts made to place coverages with authorized insurers and the results thereof.

Surplus lines insurers, and those doing business with such insurers, will now have a single source of statutory law when researching relevant statutory provisions.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact.

With respect to the changes made to the financial institutions code, any expenses related to rulemaking can be absorbed within existing resources. The financial institution filings submitted to the CFO under this bill could be subject to OFR review during the normal course of a state-chartered financial institution examination. This would be similar to the current practice of OFR collecting and examining DFS pledge worksheets completed by institutions relating to public deposits.

With respect to surplus lines insurance, the bill is not expected to have a fiscal impact on state or local government.

VI. Technical Deficiencies:**Regulation of Financial Institutions**

The bill requires the Chief Financial Officer to verify that the rate validation sheet and affidavit have been received by the DFS. It is unclear whether the Legislature can regulate federally chartered financial institutions, which are not subject to regulation by the OFR. Further, the CFO does not appear to have regulatory jurisdiction of state-chartered financial institutions, which is under the jurisdiction of the OFR.

It is unclear what the penalty is for a financial institution that does not timely file a rate validation sheet and affidavit.

The bill does not provide the Financial Services Commission with authority to adopt rules or forms to implement these reporting requirements. It is unclear whether the Department of Financial Services has the authority to adopt rules that apply to state-chartered financial institutions regulated under ch. 655, F.S.

VII. Related Issues:

Rules 69U-120.730, 69U-110.053, and 69U-140.020, F.A.C., need to be amended to update financial institutions' new deadlines for payment of semiannual assessments.¹²²

It is possible that the effect of the bill may be to require the use of federally chartered financial institutions for IOTA accounts. The bill limits the interest that state-chartered financial institutions may offer on IOTA accounts. If such limitations are not in compliance with the requirements of the Rules Regulating the Florida Bar, then attorneys would need to maintain their accounts in federally chartered financial institutions, which generally are not subject to the requirements of ch. 655, F.S.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 626.914, 626.916, 626.918, 626.932, 626.9325, 626.9541, 627.715, 655.047, 655.414, 657.002, 657.043, 658.235, 658.25, and 657.028.

The bill creates section 655.97 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Fiscal Policy on April 17, 2025:

- Creates s. 655.97, F.S., which authorizes a financial institution to hold funds in an IOTA in which the interest or dividends are remitted to an entity for specified purposes.
- Requires financial institutions to pay the maximum interest rate or dividend of comparable specified accounts provided certain criteria are met.
- Establishes a floor for the IOTA interest rate based on the Federal Funds Effective Rate.
- Requires a financial institution that holds IOTA funds to submit certain documents to the CFO by a specified date which, amongst other things, attests to complying with the interest rate or dividend requirements.
- Requires the CFO to verify that the required documents have been received by the DFS.

¹²² *Id.*

- Provides s. 655.97, F.S., does not apply to certain interest rates.
- Provides s. 655.97, F.S., is effective upon becoming law.
- Deletes requirements in current law regarding the eligibility of insurance coverage to be exported to (written by) a surplus lines insurer.
- Adds additional language to the required disclosure that an agent must give to an insured when exporting coverage to a surplus lines insurer.
- Establishes a presumption that the insured has been informed and knows that other insurance coverage may be available in certain circumstances.
- Repeals rulemaking authority for the FSC to declare eligible for export generally to surplus lines certain class or classes of insurance coverage or risk, and the provisions for which such rulemaking authority does not apply.
- Amends several sections to conform cross-references.

CS by Banking and Insurance on March 17, 2025:

- Reinstates current law that restricts credit unions from investing more than five percent of their capital in fixed assets; and
- Allows credit union elected officers, directors, or committee members to be reimbursed for certain necessary incidental expenses.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Gruters) recommended the following:

Senate Amendment (with title amendment)

Before line 25

insert:

Section 1. Subsection (4) of section 626.914, Florida Statutes, is amended to read:

626.914 Definitions.—As used in this Surplus Lines Law, the term:

~~(4) "Diligent effort" means seeking coverage from and having been rejected by at least three authorized insurers~~



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~~currently writing this type of coverage and documenting these rejections. However, if the residential structure has a dwelling replacement cost of \$700,000 or more, the term means seeking coverage from and having been rejected by at least one authorized insurer currently writing this type of coverage and documenting this rejection.~~

Section 2. Paragraphs (a) and (e) of subsection (1) and subsections (2) and (3) of section 626.916, Florida Statutes, are amended to read:

626.916 Eligibility for export.—

(1) No insurance coverage shall be eligible for export unless it meets all of the following conditions:

~~(a) The full amount of insurance required must not be procurable, after a diligent effort has been made by the producing agent to do so, from among the insurers authorized to transact and actually writing that kind and class of insurance in this state, and the amount of insurance exported shall be only the excess over the amount so procurable from authorized insurers. Surplus lines agents must verify that a diligent effort has been made by requiring a properly documented statement of diligent effort from the retail or producing agent. However, to be in compliance with the diligent effort requirement, the surplus lines agent's reliance must be reasonable under the particular circumstances surrounding the export of that particular risk. Reasonableness shall be assessed by taking into account factors which include, but are not limited to, a regularly conducted program of verification of the information provided by the retail or producing agent. Declinations must be documented on a risk-by-risk basis. If it~~



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~~is not possible to obtain the full amount of insurance required by layering the risk, it is permissible to export the full amount.~~

~~(d)(e)~~ The insured has signed or otherwise provided documented acknowledgment of a disclosure in substantially the following form: "You are agreeing to place coverage in the surplus lines market. Coverage may be available in the admitted market. Persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer. Additionally, surplus lines insurers' policy rates and forms are not approved by any Florida regulatory agency." If the acknowledgment of the disclosure is signed by the insured, the insured is presumed to have been informed and to know that other coverage may be available.

~~(2) The commission may by rule declare eligible for export generally, and notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of subsection (1), any class or classes of insurance coverage or risk for which it finds, after a hearing, that there is no reasonable or adequate market among authorized insurers. Any such rules shall continue in effect during the existence of the conditions upon which predicated, but subject to termination by the commission.~~

~~(3)(a) Subsection (1) does not apply to wet marine and transportation or aviation risks that are subject to s. 626.917.~~

~~(b) Subsection (1) does not apply to classes of insurance which are related to indemnity of deductibles for property insurance or are subject to s. 627.062(3)(d)1. These classes may be exportable under the following conditions:~~



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69 ~~1. The insurance must be placed only by or through a~~
70 ~~surplus lines agent licensed in this state;~~
71 ~~2. The insurer must be made eligible under s. 626.918; and~~
72 ~~3. The insured has complied with paragraph (1) (c). If the~~
73 ~~disclosure is signed by the insured, the insured is presumed to~~
74 ~~have been informed and to know that other coverage may be~~
75 ~~available, and, with respect to the diligent effort requirement~~
76 ~~under subsection (1), there is no liability on the part of, and~~
77 ~~no cause of action arises against, the retail agent presenting~~
78 ~~the form.~~

79 Section 3. Subsection (5) of section 626.918, Florida
80 Statutes, is amended to read:

81 626.918 Eligible surplus lines insurers.—

82 (5) When it appears that any particular insurance risk
83 which is eligible for export, but on which insurance coverage,
84 in whole or in part, is not procurable from the eligible surplus
85 lines insurers, after a search of eligible surplus lines
86 insurers, then the surplus lines agent may file a supplemental
87 signed statement setting forth such facts and advising the
88 office that such part of the risk as shall be unprocurable, as
89 aforesaid, is being placed with named unauthorized insurers, in
90 the amounts and percentages set forth in the statement. Such
91 named unauthorized insurer shall, however, before accepting any
92 risk in this state, deposit with the department cash or
93 securities acceptable to the office and department of the market
94 value of \$50,000 for each individual risk, contract, or
95 certificate, which deposit shall be held by the department for
96 the benefit of Florida policyholders only; and the surplus lines
97 agent shall procure from such unauthorized insurer and file with



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the office a certified copy of its statement of condition as of the close of the last calendar year. If such statement reveals, including both capital and surplus, net assets of at least that amount required for licensure of a domestic insurer, then the surplus lines agent may proceed to consummate such contract of insurance. Whenever any insurance risk, or any part thereof, is placed with an unauthorized insurer, as provided herein, the policy, binder, or cover note shall contain a statement signed by the insured and the agent with the following notation: "The insured is aware that certain insurers participating in this risk have not been approved to transact business in Florida nor have they been declared eligible as surplus lines insurers by the Office of Insurance Regulation of Florida. The placing of such insurance by a duly licensed surplus lines agent in Florida shall not be construed as approval of such insurer by the Office of Insurance Regulation of Florida. Consequently, the insured is aware that the insured has severely limited the assistance available under the insurance laws of Florida. The insured is further aware that he or she may be charged a reasonable per policy fee, as provided in s. 626.916(2) ~~s. 626.916(4)~~, Florida Statutes, for each policy certified for export." All other provisions of this code shall apply to such placement the same as if such risks were placed with an eligible surplus lines insurer.

Section 4. Subsection (6) of section 626.932, Florida Statutes, is amended to read:

626.932 Surplus lines tax.—

(6) For the purposes of this section, the term "premium" means the consideration for insurance by whatever name called



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and includes any assessment, or any membership, policy, survey, inspection, service, or similar fee or charge in consideration for an insurance contract, which items are deemed to be a part of the premium. The per-policy fee authorized by s. 626.916(2) ~~s. 626.916(4)~~ is specifically included within the meaning of the term "premium." However, the service fee imposed pursuant to s. 626.9325 is excluded from the meaning of the term "premium."

Section 5. Subsection (6) of section 626.9325, Florida Statutes, is amended to read:

626.9325 Service fee.—

(6) For the purposes of this section, the term "premium" means the consideration for insurance by whatever name called and includes any assessment, or any membership, policy, survey, inspection, service, or similar fee or charge in consideration for an insurance contract, which items are deemed to be a part of the premium. The per-policy fee authorized by s. 626.916(2) ~~s. 626.916(4)~~ is specifically included within the meaning of the term "premium."

Section 6. Paragraph (o) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) *Illegal dealings in premiums; excess or reduced charges for insurance.*—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course



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to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the office, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer.

Notwithstanding any other provision of law, this provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(2) ~~s. 626.916(4)~~, in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination



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thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

(I) Lawfully parked;

(II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;

(III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed



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or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.



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243 6. No insurer shall impose or request an additional premium
244 for motor vehicle insurance, cancel or refuse to issue a policy,
245 or refuse to renew a policy because the insured or the applicant
246 is a handicapped or physically disabled person, so long as such
247 handicap or physical disability does not substantially impair
248 such person's mechanically assisted driving ability.

249 7. No insurer may cancel or otherwise terminate any
250 insurance contract or coverage, or require execution of a
251 consent to rate endorsement, during the stated policy term for
252 the purpose of offering to issue, or issuing, a similar or
253 identical contract or coverage to the same insured with the same
254 exposure at a higher premium rate or continuing an existing
255 contract or coverage with the same exposure at an increased
256 premium.

257 8. No insurer may issue a nonrenewal notice on any
258 insurance contract or coverage, or require execution of a
259 consent to rate endorsement, for the purpose of offering to
260 issue, or issuing, a similar or identical contract or coverage
261 to the same insured at a higher premium rate or continuing an
262 existing contract or coverage at an increased premium without
263 meeting any applicable notice requirements.

264 9. No insurer shall, with respect to premiums charged for
265 motor vehicle insurance, unfairly discriminate solely on the
266 basis of age, sex, marital status, or scholastic achievement.

267 10. Imposing or requesting an additional premium for motor
268 vehicle comprehensive or uninsured motorist coverage solely
269 because the insured was involved in a motor vehicle accident or
270 was convicted of a moving traffic violation.

271 11. No insurer shall cancel or issue a nonrenewal notice on



697190

any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

Section 7. Subsection (4) of section 627.715, Florida Statutes, is amended to read:

627.715 Flood insurance.—An authorized insurer may issue an insurance policy, contract, or endorsement providing personal lines residential coverage for the peril of flood or excess coverage for the peril of flood on any structure or the contents of personal property contained therein, subject to this section. This section does not apply to commercial lines residential or commercial lines nonresidential coverage for the peril of flood. An insurer may issue flood insurance policies, contracts, endorsements, or excess coverage on a standard, preferred, customized, flexible, or supplemental basis.

(4) An agent may export a contract or an endorsement providing flood coverage to an eligible surplus lines insurer ~~without making a diligent effort to seek such coverage from three or more authorized insurers~~ under s. 626.916 ~~s. 626.916(1)(a)~~.



697190

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to financial services; amending s.
626.914, F.S.; deleting the definition of the term
"diligent effort"; amending s. 626.916, F.S.; revising
the conditions for insurance coverage to be eligible
for export; providing that an insured is presumed to
have been informed of the availability of other
coverage under certain circumstances; deleting the
Financial Services Commission's authority to adopt
rules relating to insurance coverage or risk
eligibility for export; deleting applicability;
amending ss. 626.918, 626.932, 626.9325, 626.9541, and
627.715, F.S.; conforming cross-references and
provisions to changes made by the act; amending s.



733752

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 88 - 136
and insert:

Section 3. Effective upon becoming a law, section 655.97, Florida Statutes, is created to read:

655.97 Lawyer or law firm trust account interest rates.—

(1) A financial institution may hold funds in an interest-bearing trust account of a lawyer or law firm in which the institution remits interest or dividends on the balance of the



733752

deposited funds to an entity established by the Supreme Court for the purpose of providing or facilitating the provision of free legal services to low-income individuals or for other purposes authorized by the Supreme Court. If the institution holds such an account, it must pay at least the highest interest rate or dividend generally available from the institution to its comparable business or consumer accounts or nonmaturing deposit accounts, provided that the trust account meets or exceeds the same minimum balance or other account requirements. The trust account interest rate must be at least 0.25 percent if the Federal Funds Effective Rate is less than 4 percent. The trust account interest rate must be at least 0.5 percent if the Federal Funds Effective Rate is 4 percent or greater.

(a) The financial institution must submit a rate validation sheet and affidavit to the Chief Financial Officer by the 10th day of each quarter attesting that it will pay at least the same interest rate or dividend on the lawyer or law firm trust accounts that it is paying on its comparable business or consumer accounts or nonmaturing deposit accounts and that the rate will be at least 0.25 percent if the Federal Funds Effective Rate is less than 4 percent or at least 0.5 percent if the Federal Funds Effective Rate is 4 percent or greater.

(b) The affidavit must attest that the rate information submitted on the rate validation sheet is true and factual.

(c) The Chief Financial Officer shall verify that the rate validation sheet and affidavit have been received by the Department of Financial Services.

(2) This section does not apply to interest rates established by written contract or obligations unrelated to the



733752

trust accounts described by this section.

Section 4. Subsection (6) of section 657.002, Florida Statutes, is amended to read:

657.002 Definitions.—As used in this chapter:

(6) “Equity” means undivided earnings, ~~regular reserves,~~ and other reserves.

Section 5. Subsection (2) of section 657.028, Florida Statutes, is amended to read

657.028 Activities of directors, officers, committee members, employees, and agents.—

(2) An elected officer, director, or committee member, other than the chief executive officer, may not be compensated for her or his service to the credit union, but an elected officer, director, or committee member may be reimbursed for necessary expenses incidental to performing official business for the credit union as such.

Section 6. Subsections (2) and (4) of section 657.043, Florida Statutes, are amended to read:

657.043 Reserves.—

~~(2) REGULAR RESERVE.—The regular reserve shall belong to the credit union and shall be used to meet losses. The regular reserve may not be decreased without the prior written approval of the office or as provided by rule of the commission.~~

~~(3)(4) SPECIAL RESERVES.—In addition to such regular reserve,~~ Special reserves shall be established:

(a) To protect members against losses resulting from credit extended or from risk assets when required by rule, or when found by the office, in any special case, to be necessary for that purpose; or



733752

(b) As authorized by the board of directors.

Section 7. Subsection (1) of section 658.235, Florida Statutes, is amended to read:

658.235 Subscriptions for stock; approval of major shareholders.—

(1) ~~Within 6 months after commencement of corporate existence, and~~ At least 30 days before ~~prior to~~ opening, the directors shall have completed the stock offering and shall file with the office a final list of subscribers to all of the capital stock of the proposed bank or trust company showing the name and residence of each subscriber and the amount of stock of every class subscribed for by each.

Section 8. Subsection (1) of section 658.25, Florida Statutes, is amended to read:

658.25 Opening for business.—

(1) A bank or trust company corporation shall open and conduct a general commercial bank or trust business within 18 months after the issuance of a final order of approval by the office ~~no later than 12 months after the commencement of its corporate existence.~~

Section 9. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete lines 10 - 21

and insert:

creating s. 655.97, F.S.; authorizing financial



733752

institutions to hold funds in specified trust accounts to be used for specified purposes; requiring such financial institutions to pay a certain minimum interest rate or dividend; requiring that the interest rate be at least a specified percentage; requiring a financial institution to submit a quarterly rate validation sheet and affidavit to the Chief Financial Officer attesting that it will pay a certain minimum interest rate or dividend; requiring that the affidavit attest that certain information is true and factual; requiring the Chief Financial Officer to verify certain information; providing applicability; amending s. 657.002, F.S.; revising the definition of the term "equity"; amending s. 657.028, F.S.; authorizing elected officers, directors, or committee members of a credit union to be reimbursed for certain expenses; amending s. 657.043, F.S.; conforming provisions to changes made by the act; amending s. 658.235, F.S.; revising the timeframe for certain requirements by the directors of a proposed bank or trust company; amending s. 658.25, F.S.; revising the timeframe within which a bank or trust company corporation is required to open and conduct specified business; providing effective dates.



309838

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Grall) recommended the following:

Senate Amendment to Amendment (733752) (with title amendment)

Delete lines 15 - 26
and insert:

holds such an account, it must pay the highest interest rate or dividend generally available from the institution to its comparable business or consumer accounts or nonmaturing deposit accounts, provided that the trust account meets or exceeds the same minimum balance or other account requirements. The trust



309838

account interest rate must be at least 0.25 percent if the
Federal Funds Effective Rate is less than 4 percent. The trust
account interest rate must be at least 0.5 percent if the
Federal Funds Effective Rate is 4 percent or greater.

(a) The financial institution must submit a rate validation
sheet and affidavit to the Chief Financial Officer by the 10th
day of each quarter attesting that it will pay the same

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

And the title is amended as follows:

Delete line 102

and insert:

rate be a specified percentage; requiring a

By the Committee on Banking and Insurance; and Senator Grall

597-02491-25

20251612c1

1 A bill to be entitled
 2 An act relating to financial institutions; amending s.
 3 655.047, F.S.; requiring state financial institutions
 4 to pay a semiannual assessment for specified time
 5 periods; requiring that the semiannual assessment be
 6 received by the Office of Financial Regulation in a
 7 specified manner and by specified dates; amending s.
 8 655.414, F.S.; authorizing the office to issue a
 9 specified certificate under certain circumstances;
 10 amending s. 657.002, F.S.; revising the definition of
 11 the term "equity"; amending s. 657.028, F.S.;
 12 authorizing elected officers, directors, or committee
 13 members of a credit union to be reimbursed for certain
 14 expenses; amending s. 657.043, F.S.; conforming
 15 provisions to changes made by the act; amending s.
 16 658.235, F.S.; revising the timeframe for certain
 17 requirements by the directors of a proposed bank or
 18 trust company; amending s. 658.25, F.S.; revising the
 19 timeframe within which a bank or trust company
 20 corporation is required to open and conduct specified
 21 business; providing an effective date.

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

24
 25 Section 1. Section 655.047, Florida Statutes, is amended to
 26 read:

27 655.047 Assessments; financial institutions.—

28 (1) Each state financial institution shall pay to the
 29 office a semiannual assessment for the 6-month periods beginning

597-02491-25

20251612c1

30 January 1 and July 1. Assessments must be based on the total
 31 assets as shown on the statement of condition of the financial
 32 institution on the last business day in December and the last
 33 business day in June of each year.

34 (2) ~~If mailed,~~ The semiannual assessment must be received
 35 by the office by mail, wire transfer, automated clearinghouse,
 36 or other electronic means approved by the office on or before
 37 March January 31 and September 30 July 31 of each year following
 38 the semiannual assessment period. ~~If transmitted through a wire~~
 39 ~~transfer, an automated clearinghouse, or other electronic means~~
 40 ~~approved by the office, the semiannual assessment must be~~
 41 ~~transmitted to the office on or before January 31 and July 31 of~~
 42 ~~each year.~~ The office may levy a late payment penalty of up to
 43 \$100 per day or part thereof that a semiannual assessment
 44 payment is overdue, unless it is excused for good cause.
 45 However, for intentional late payment of a semiannual
 46 assessment, the office shall levy an administrative fine of up
 47 to \$1,000 a day for each day the semiannual assessment is
 48 overdue.

49 (3) ~~The assessments required by this section cover the 6-~~
 50 ~~month period following the first day of the month in which they~~
 51 ~~are due.~~ The office may prorate the amount of the semiannual
 52 assessment; however, no portion of a semiannual assessment is
 53 refundable.

54 Section 2. Subsection (5) of section 655.414, Florida
 55 Statutes, is amended to read:

56 655.414 Acquisition of assets; assumption of liabilities.—

57 With prior approval of the office, and upon such conditions as
 58 the commission prescribes by rule, a financial institution may

597-02491-25

20251612c1

acquire 50 percent or more of the assets of, liabilities of, or a combination of assets and liabilities of any other financial institution in accordance with the procedures and subject to the following conditions and limitations:

(5) ADOPTED PLAN; APPROVAL CERTIFICATION CERTIFICATE; ABANDONMENT; CERTIFICATE OF ACQUISITION, ASSUMPTION, OR SALE.—

(a) If the plan is adopted by the members or stockholders of the transferring financial institution, the president or vice president and the cashier, manager, or corporate secretary of such institution shall submit the adopted plan to the office, together with a certified copy of the resolution of the members or stockholders approving it.

(b) Upon receipt of the certified copies and evidence that the participating financial institutions have complied with all applicable state and federal law and rules, the office shall certify, in writing, to the participants that the plan has been approved.

(c) Notwithstanding approval of the members or stockholders or certification by the office, the board of directors of the transferring financial institution may abandon the ~~such a~~ transaction without further action or approval by the members or stockholders, subject to the rights of third parties under any contracts relating thereto.

(d) After the acquiring financial institution completes the plan and submits a request with any evidence required by the office to confirm the transaction's completion, the office may issue a certificate to the acquiring financial institution confirming that the acquisition, assumption, or sale transaction has been completed.

597-02491-25

20251612c1

Section 3. Subsection (6) of section 657.002, Florida Statutes, is amended to read:

657.002 Definitions.—As used in this chapter:

(6) "Equity" means undivided earnings, ~~regular reserves,~~ and other reserves.

Section 4. Subsection (2) of section 657.028, Florida Statutes, is amended to read

657.028 Activities of directors, officers, committee members, employees, and agents.—

(2) An elected officer, director, or committee member, other than the chief executive officer, may not be compensated for her or his service to the credit union but an elected officer, director, or committee member may be reimbursed for necessary expenses incidental to performing official business for the credit union as such.

Section 5. Subsections (2) and (4) of section 657.043, Florida Statutes, are amended to read:

657.043 Reserves.—

~~(2) REGULAR RESERVE. The regular reserve shall belong to the credit union and shall be used to meet losses. The regular reserve may not be decreased without the prior written approval of the office or as provided by rule of the commission.~~

(3)(4) SPECIAL RESERVES.—~~In addition to such regular reserve,~~ Special reserves shall be established:

(a) To protect members against losses resulting from credit extended or from risk assets when required by rule, or when found by the office, in any special case, to be necessary for that purpose; or

(b) As authorized by the board of directors.

597-02491-25

20251612c1

117 Section 6. Subsection (1) of section 658.235, Florida
118 Statutes, is amended to read:

119 658.235 Subscriptions for stock; approval of major
120 shareholders.—

121 (1) ~~Within 6 months after commencement of corporate~~
122 ~~existence, and~~ At least 30 days before ~~prior to~~ opening, the
123 directors shall have completed the stock offering and shall file
124 with the office a final list of subscribers to all of the
125 capital stock of the proposed bank or trust company showing the
126 name and residence of each subscriber and the amount of stock of
127 every class subscribed for by each.

128 Section 7. Subsection (1) of section 658.25, Florida
129 Statutes, is amended to read:

130 658.25 Opening for business.—

131 (1) A bank or trust company corporation shall open and
132 conduct a general commercial bank or trust business within 18
133 months after the issuance of a final order of approval by the
134 office ~~no later than 12 months after the commencement of its~~
135 ~~corporate existence.~~

136 Section 8. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

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

4/17/25

Meeting Date

Fiscal Policy

Committee

1612

Bill Number or Topic

733752

Amendment Barcode (if applicable)

Name

JEFF SHARKEY

Phone

850 224 1600

Address

100 E Collyer Ave

Email

jeffsharkey@gmail.com

Street

TH

City

State

Zip

32301

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:

CLIMATE FIRST BANK

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

Financial Institutions
1612

04-17-2025

Meeting Date

FISCAL POLICY

Committee

Deliver both copies of this form to
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Bill Number or Topic

733752

Amendment Barcode (if applicable)

Name

DAVID DOTTEROW

Phone

407-761-5972

Address

415 LAKE SEMINARY CIRCLE

Street

Email

DDOTTEROW@WAB.BANK

MAITLAND

City

FL

State

32751

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/17/25

Meeting Date

Fiscal Policy

Committee

Name Anthony DiMarco

Address 1001 Thomasville Rd

Street

Tallahassee

City

FL

State

32309

Zip

1612

Bill Number or Topic

733752

Amendment Barcode (if applicable)

Phone (250) 224-2245

Email adimarco@floridabankers.com

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Bankers Assoc.

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

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

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S-001 (08/10/2021)

The Florida Senate
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4/17/25
Meeting Date
Fiscal Policy
Committee

1612- Financial Institutions
Bill Number or Topic
733752
Amendment Barcode (if applicable)

Name Scott Jenkins Phone 850 661 0829

Address 201 E. Park Ave. Ste 200 B Email scott@dacpl.com

Street
T41 FC 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Banks for a Sustainable IOTA Program

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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4/17/25

Meeting Date

Fiscal Policy

Committee

1612

Bill Number or Topic

~~733752~~ 809838

Amendment Barcode (if applicable)

Name Amanda Fraser

Phone 850 - 556 - 1401

Address

Street

Tallahassee FL

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Civil Legal
Aid Association

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

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

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S-001 (08/10/2021)

04-17-2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

1620

Bill Number or Topic

Fiscal Policy

Committee

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

Amendment Barcode (if applicable)

Name CASEY WELCH

Phone 941-932-3327

Address 4202 E. Fowler Ave.

Email Caseywelch@USF.EDU

Street

Tampa

City

FL

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: USF

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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4/17/25

Meeting Date

Finad Poling

Committee

Ash Mason

Name

Phone

Address

Email

Street

Tally

City

FL

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:

Office of Financial Regulation

☐ 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)

1612

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate
APPEARANCE RECORD

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4/17/25

Meeting Date

1612
interest in trust act

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Scott Manion

Phone

850-385-9007

Address

2119 De la Blud

Email

scott@smf.org

Street

Palmdale FL 32303

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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4/17/25
Meeting Date

1612
Bill Number or Topic

Fiscal Policy
Committee

Name Anthony DiMarco

Amendment Barcode (if applicable)
Phone (850) 224-2265

Address 1001 Thomerville Rd
Street
Tallahassee FL 32309
City State Zip

Email adimarco@floridabankers.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Bankers Assoc.

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1620

INTRODUCER: Fiscal Policy Committee; Children, Families, and Elder Affairs Committee; and Senator Rouson

SUBJECT: Mental Health and Substance Use Disorders

DATE: April 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kennedy</u>	<u>Tuszynski</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	<u>Favorable</u>
3.	<u>Kennedy</u>	<u>Siples</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1620 strengthens Florida's Mental Health Act by codifying recommendations made by Florida's Commission on Mental Health and Substance Use Disorder. The bill makes the following specific changes to Florida's Mental Health Act:

- Defines person-first language to mean language used in a professional medical setting must emphasize the patient as a person rather than his or her disability or illness and requires use and promotion of person-first language as the standard in professional behavioral health settings.
- Requires the continued promotion of best practices in crisis intervention and trauma-informed care.
- Requires that individualized treatment plans for adults and juveniles be reevaluated at least every six months.
- Requires the use and statewide integration of the Daily Living Activities-20 functional assessment tool.
- Requires the DCF to conduct biennial reviews and the AHCA to prioritize licensing for short-term residential treatment facilities in underserved counties and high-need areas.

The bill also establishes the Center for Substance Abuse and Mental Health Research at the University of South Florida's Louis de la Parte Florida Mental Health Institute to conduct statewide behavioral health research, promote evidence-based practices, and improve workforce development.

The bill has an indeterminate but likely significant negative fiscal impact on the government and private sector. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

The present situation is presented in Section III under the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Background

Florida Mental Health Act

In 1971, the Legislature adopted the Florida Mental Health Act, known as the Baker Act.¹ The Baker Act details Florida's mental health commitment laws and includes legal procedures for mental health examination and treatment, including voluntary and involuntary examinations.² The Baker Act also protects the rights of all individuals examined or treated for mental illness in Florida.³

The Department of Children and Families (DCF) is responsible for the operation and administration of the Baker Act as part of a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. SAMH programs include a range of prevention, acute interventions (e.g., crisis stabilization), residential treatment, transitional housing, outpatient treatment, and recovery support services.

Florida's Commission on Mental Health and Substance Abuse

In 2021, the Legislature created the Commission on Mental Health and Substance Abuse (Commission) in response to recommendations of the 20th Statewide Grand Jury.⁴ The DCF is required to provide administrative staff and support services for the Commission.⁵ The purposes of the Commission include:

- Examining the current methods of providing mental health and substance abuse services in the state;
- Improving the effectiveness of current practices, procedures, programs, and initiatives in providing such services;
- Identifying any barriers or deficiencies in the delivery of such services; and

¹ Ch. 71-131, L.O.F.; The Baker Act is contained in ch. 394, F.S.

² Sections 394.451-394.47891, F.S.

³ Section 394.459, F.S.

⁴ Chapter 2021-170, L.O.F.; *See* Supreme Court of Florida, *Second Interim Report of the Twentieth Statewide Grand Jury*, Case No. SC19-240, available at: <https://www.myfloridalegal.com/files/pdf/page/E848FB422443B604852584CE000A6AB0/20SGJ+Second+Interim+Report.pdf> (last visited 3/20/25).

⁵ Section 394.9086(1), F.S.

- Recommending changes to existing laws, rules, and policies necessary to implement the Commission's recommendations.⁶

The duties of the Commission include:

- Review and evaluate the management and functioning of existing publicly supported mental health and substance abuse systems in the DCF, AHCA, and all other relevant state departments;
- Consider the unique needs of people who are dually diagnosed;
- Address access to, financing of, and scope of responsibility in the delivery of emergency behavioral health care services;
- Address the quality and effectiveness of current service delivery systems and professional staffing and clinical structure of services, roles, and responsibilities of public and private providers;
- Address priority population groups for publicly funded services, identify the comprehensive delivery systems, needs assessment and planning activities, and local government responsibilities for funding services;
- Identify gaps in the provision of mental health and substance abuse services;
- Provide recommendations on how managing entities may promote service continuity;
- Make recommendations about the mission and objectives of state-supported mental health and substance abuse services and the planning, management, staffing, financing, contracting, coordination, and accountability of mechanisms best suited for the recommended mission and objectives; and
- Evaluate and make recommendations regarding the establishment of a permanent, agency-level entity to manage mental health, behavioral health, substance abuse, and related services statewide.⁷

The Commission was required to submit an initial report by January 1, 2023, and annually thereafter. A final report is due by September 1, 2026, to the Governor, President of the Senate, and Speaker of the House of Representatives on the Commission's findings and recommendations on how to best provide and facilitate mental health and substance abuse services.⁸

The Commission's 2025 Annual Interim Report has 30 recommendations that address a wide range of topics, to include the planning, management, staffing, and coordination of state-supported mental health and substance use disorder services.⁹

⁶ Section 394.9086(2), F.S.

⁷ Section 394.9086(4)(a), F.S.

⁸ Section 394.9086(5), F.S.

⁹ Commission on Mental Health and Substance Use Disorder, *Annual Interim Report*, January 1, 2025, p. 23, available at: <https://www.myflfamilies.com/sites/default/files/2024-12/2025%20Commission%20on%20Mental%20Health%20and%20Substance%20Use%20Disorder%20Interim%20Report.pdf> (last visited 3/20/25).

Person-First Language in Medical Care

Present Situation

Person-first language (PFL) is a communication approach that emphasizes the individual before their condition, promoting respect and reducing stigma. This approach is widely adopted in the United States across various sectors, including healthcare, education, and government agencies. According to PFL, when referring to a person with a disability, refer to the person first, by using phrases such as, "a person who ...", "a person with ...", or "a person who has ..."¹⁰ The Centers for Disease Control and Prevention (CDC) advocates for PFL to foster dignity and respect when discussing disabilities.¹¹ Similarly, the National Institutes of Health (NIH) recommends using PFL to avoid defining individuals by their disabilities, suggesting terms like "person with cancer" instead of "cancer patient."¹² The evolution of disability language reflects a growing emphasis on self-identification, autonomy, and respect for diverse perspectives within the disability community.

The Commission recommends the regular sharing of best practices, the use of de-stigmatizing person-first language, and trauma-responsive care to improve patient experience and engagement in treatment.¹³

Effect of Proposed Changes

Section 5 amends s. 394.659, F.S., to require the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center at the Louis de la Parte Florida Mental Health Institute to promote and disseminate evidence-based and best practices among grantees. These practices include, but are not limited to, the use of person-first language and trauma-responsive care approaches. The bill defines "person-first language" to mean language used which emphasizes the individual as a person rather than the individual's disability, illness, or condition. By integrating person-centered communication and trauma-informed strategies, the goal is to foster more humane, respectful, and effective interventions across the criminal justice and behavioral health systems.

Section 7 amends s. 394.9082, F.S., to require managing entities, as part of their required duties, to promote person-first language and trauma-informed care among providers, peer organizations, and families. This includes training and sharing best practices. "Person-first language" is defined to mean language used which emphasizes the individual as a person rather than the individual's disability, illness, or condition, to support more respectful and recovery-oriented care.

¹⁰ U.S. Centers for Disease Control and Prevention, *Communicating with and About People with Disabilities*, available at <https://www.cdc.gov/disability-and-health/articles-documents/communicating-with-and-about-people-with-disabilities.html> (last visited 3/20/2025).

¹¹ *Id.*

¹² National Institutes of Health, *Person-first and Destigmatizing Language*, available at <https://www.nih.gov/nih-style-guide/person-first-destigmatizing-language> (last visited 3/20/2025).

¹³ *Supra*, Note 9, p. 43.

Assessments and the Daily Living Activities-20 Functional Assessment Tool

Present Situation

The Daily Living Activities-20 (DLA-20) is a functional assessment tool designed to evaluate daily living areas affected by mental illness or disability.¹⁴ It measures 20 domains of daily activities, providing a 30-day snapshot of an individual's strengths and needs related to whole health.¹⁵ The DLA-20 is suitable for individuals aged 6 and up, regardless of diagnosis, disability, or cultural background.¹⁶ Used in 43 states, including 14 statewide, it serves over a million clients through 500 providers and 35,000 clinicians.¹⁷ The DLA-20 is a dependable and effective tool for evaluating an individual's ability to perform daily living activities, offering healthcare providers meaningful insights to tailor treatment plans. By streamlining the assessment process, it helps measure quality of life, monitor progress, and support improved care for individuals receiving behavioral health services.¹⁸

The Commission recommends the increase in the number of functional assessments performed and the encouragement of statewide implementation of the DLA-20 functional assessment tool.¹⁹

Effect of Proposed Changes

Section 2 amends s. 394.459, F.S., to require individualized treatment plans for patients in treatment facilities to be updated every 30 days, or every 60 days if the patient has been retained in a treatment facility longer than 24 months.

Section 1 amends s. 394.457, F.S., to require any provider directly under contract with the DCF to use, at a minimum, the most recent version of the DLA-20 functional assessment tool for any patient requiring a functional assessment, unless the DCF specifies a different tool by rule.

Section 4 amends s. 394.495, F.S., to require that all assessment services within the child and adolescent mental health system of care utilize the most recent version of the DLA-20 functional assessment tool, unless the DCF specifies a different tool by rule.

Additionally, the bill directs the DCF, in consultation with the Department of Education (DOE), to conduct a biennial review of access to school-based behavioral health services through telehealth, with special attention to rural and underserved areas. This review must include an assessment of current service gaps, the extent and effectiveness of telehealth use, barriers to service expansion, and any new models to improve access. Findings must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by

¹⁴ MTM Consulting Service, *DLA-20 Outcomes Measurement and Monitoring*, available at <https://www.mtmservices.org/dla> (last visited March 20, 2025).

¹⁵ MTM Services, *DLA-20 Fact Sheet*, available at <https://static1.squarespace.com/static/59c005cd8a02c7dae8cd5e80/t/5e680c77273bb43fae3ac99c/1583877239917/DLA20+Factsheet+-+Updated+March+2020.pdf> (last visited March 20, 2025).

¹⁶ MTM Consulting Service, *DLA-20 Outcomes Measurement and Monitoring*, available at <https://www.mtmservices.org/dla> (last visited March 20, 2025).

¹⁷ *Id.*

¹⁸ National Council for Mental Wellbeing, *DLA-20 Functional Assessment Guide*, available at <https://www.thenationalcouncil.org/product/dla-20-functional-assessment-guide/> (last visited March 20, 2025).

¹⁹ *Supra*, Note 9, pp. 26-27.

January 1 of each even-numbered year beginning in 2026. This provision expires on June 30, 2030, unless reenacted by the Legislature.

Section 7 amends s. 394.9082, F.S., to mandate managing entities to require all providers under contract to use the most recent version of the DLA-20 functional assessment tool, unless a different tool is specified by rule.

Section 9 amends s. 1006.041, F.S., to require use of the DLA-20 assessment tool in school mental health programs and requires the Department of Education to consult with the DCF before adopting rules regarding the use of a different tool.

The Louis de la Parte Florida Mental Health Institute

Present Situation

Section 1004.44, F.S., establishes the Louis de la Parte Florida Mental Health Institute (FMHI) within the University of South Florida. The purpose of the FMHI is to strengthen mental health services throughout the state by providing technical assistance and support to mental health agencies and professionals. Such assistance and services include:

- Technical training and specialized education.
- Development, implementation, and evaluation of mental health services programs.
- Evaluation of availability and effectiveness of existing mental health services.
- Analysis of factors that influence the incidence and prevalence of mental and emotional disorders.
- Dissemination of information about innovations in mental health services.
- Consultation on all aspects of program development and implementation.
- Provisions for direct client services, provided for a limited period of time either in the institute facility or in other facilities within the state, and limited to purposes of research or training.

Florida Center for Behavioral Health Workforce

The FCBHW was established within the Louis de la Parte FMHI at the University of South Florida (USF) to address the critical shortage of mental health professionals in the state.²⁰ The FCBHW's mission encompasses conducting original research, performing policy analysis, and developing best practices to support a skilled and resilient behavioral health workforce. By identifying workforce gaps and enhancing educational pathways, the center aims to ensure that Floridians have access to high-quality behavioral health services.²¹

The Commission recommends the bolstering of the behavioral health sector through workforce development and retention efforts.²²

²⁰ Section 1004.44(6)(a).

²¹ *Id.*

²² *Supra*, Note 9, p. 37.

Effect of Proposed Changes

Section 8 amends s. 1004.44, F.S., to enhance the role of the Louis de la Parte Florida Mental Health Institute at the University of South Florida (Institute) by expanding its technical assistance and support mission and its capacity for statewide behavioral health research.

The bill requires the Institute to submit a report analyzing substance abuse and mental health services provided through publicly funded programs, including Medicare. The report is due June 30, 2026 to the Governor, President of the Senate, and Speaker of the house and must:

- Identify services covered by publicly funded programs;
- Assess quality of care and cost management; and
- Identify services for which additional providers are needed.

Florida Center for Behavioral Health Workforce

The bill requires the Florida Center for Behavioral Health Workforce, as a minimum duty, to request any depersonalized information held by the Boards of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling and for those Boards to provide such requested information, regarding clinical social work, marriage and family therapy, and mental health counselors in this state or information reported to the board by employers of those counselors.

Center for Substance Abuse and Mental Health Research

The bill also creates the Center for Substance Abuse and Mental Health Research within the institute to conduct rigorous and relevant research to develop knowledge and drive evidence-based innovations in behavioral health care and reduce the gap between needs and availability of effective treatment and other interventions. The goals of the Center are to advance scientific understanding, improve treatment outcomes, and reduce societal impact of substance abuse and mental health conditions. To achieve these goals, the Center must:

- Analyze publicly funded services and identify gaps in insurance coverage, monitor quality of care and cost management, and enhance provider networks.
- Conduct scientific research on the interaction between substance abuse and mental illness, including co-occurring conditions, the negative outcomes of those conditions co-occurring, and the range, distribution, and concentration of such outcomes.
- Analyze gaps in service access, quality of care, and provider distribution, and develop strategies to prevent the development of co-occurring disorders particularly in rural and underserved areas.
- Evaluate and test low-cost, scalable prevention and intervention strategies using telehealth and mobile health technologies.
- Promote and develop integrated care models and training for health professionals aligned with evolving community needs.
- Generate evidence-based data to inform public policy and promote services.

The bill requires the Center to submit an annual report, by July 1 of each year to the Governor and Legislature detailing its findings, progress, and recommendations to improve behavioral health care statewide.

Long-acting Injectables

Present Situation

Long-acting injectables (LAIs) are injectable medications used for individuals living with mental illness. They are typically the same medications as their oral counterparts but formulated to release slowly into the bloodstream over an extended period.²³ This extended release allows for less frequent dosing, ranging from every two weeks to every six months, depending on the specific medication.²⁴ LAIs are primarily used to treat psychosis, including hallucinations or delusions, in individuals with schizophrenia. Some LAIs may also serve as mood stabilizers for those with bipolar disorder.²⁵ By providing a steady level of medication in the blood, LAIs help individuals adhere to their medication plans, potentially reducing hospitalization and improving relationships with family and friends.

The Commission recommends the increased use of long-acting injectables prior to discharge from state mental health treatment facilities and community mental health providers, leading to better symptom control.²⁶

Effect of Proposed Changes

Section 3 amends s. 394.468, F.S., to strengthen discharge planning protocols in receiving or treatment facilities. This includes information on how to obtain prescription medications, including, but not limited to, administration of long-acting injectables. The discharge plan must also address any barriers faced by the patient to accessing long-acting injectables after discharge.

The bill requires the administration of long-acting injectables before discharge if that medication is available and clinically appropriate.

Short-term Residential Treatment

Present Situation

Short-term residential treatment (SRT) programs in Florida were established to provide structured, live-in, non-hospital settings with 24-hour supervision for individuals experiencing mental health crises.²⁷ These programs serve as a bridge between acute care settings, such as

²³ National Alliance on Mental Illness, *What You Need to Know About Long-Acting Injectables (LAIs)*, available at https://www.nami.org/NAMI/media/NAMI-Media/Research/Long-Acting-Injectables_2022.pdf (last visited March 20, 2025).

²⁴ National Alliance on Mental Illness, *Long-Acting Injectables (LAIs)*, available at <https://www.nami.org/about-mental-illness/treatments/mental-health-medications/long-acting-injectables-lais/> (last visited March 20, 2025).

²⁵ *Id.*

²⁶ Commission on Mental Health and Substance Use Disorder, *Annual Interim Report*, January 1, 2025, p. 23, available at: <https://www.myflfamilies.com/sites/default/files/2024-12/2025%20Commission%20on%20Mental%20Health%20and%20Substance%20Use%20Disorder%20Interim%20Report.pdf> (last visited 3/20/25).

²⁷ Department of Children and Families, *The System of Services and Support – Treatment*, available at <https://www.myflfamilies.com/services/samh/treatment-services/AMH/system-of-services-and-support> (last visited March 20, 2025).

Crisis Stabilization Units (CSUs),²⁸ and longer-term residential treatment facilities.²⁹ The goal is to offer intensive therapeutic interventions in a less restrictive environment, facilitating stabilization and preparation for community reintegration.³⁰ In practice, SRT programs in Florida operate by admitting adults who require extended, yet less intensive, active psychiatric treatment than what is provided in CSUs.³¹ These facilities maintain a nurse on duty at all times and deliver a range of services, including individual and group therapy, medication management, and life skills training. The typical length of stay varies based on individual needs but is generally longer than that of CSUs, allowing for comprehensive stabilization and recovery planning.³²

The Commission recommends increased capacity for short-term residential treatment facilities for both adults and children.³³

Effect of Proposed Changes

Section 6 amends s. 394.875, F.S., to require the DCF, in consultation with the AHCA, to conduct biennial reviews identifying the need for new or expanded short-term residential (SRT) treatment facilities. Depending on findings and the need for SRT system expansion, the department must either submit a legislative budget request or reallocate existing department resources to support.

Other

Sections 10, 11, and 12 reenact current law to implement the substantive effects of the bill.

Section 13 of the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

²⁸ Section 394.67(5), F.S.; “Crisis Stabilization Unit” means a program that provides an alternative to inpatient hospitalization and that provides brief, intensive services 24 hours a day, 7 days a week, for mentally ill individuals who are in an acutely disturbed state.

²⁹ Section 394.67(23), F.S.; “Residential Treatment Facility” means a facility providing residential care and treatment to individuals exhibiting symptoms of mental illness who are in need of a 24-hour-per-day, 7-day-a-week structured living environment, respite care, or long-term community placement.

³⁰ Agency for Health Care Administration, *Crisis Stabilization Units*, available at <https://ahca.myflorida.com/health-quality-assurance/bureau-of-health-facility-regulation/hospital-outpatient-services-unit/crisis-stabilization-units> (last visited March 20, 2025).

³¹ *Id.*

³² Department of Children and Families, *The System of Services and Support – Treatment*, available at <https://www.myflfamilies.com/services/samh/treatment-services/AMH/system-of-services-and-support> (last visited March 20, 2025).

³³ *Supra*, Note 9, p. 28.

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:

Daily Living Activities-20 Functional Assessment Tool

Indeterminant, likely negative fiscal impact. The bill requires the use and tracking of the Daily Living Activities-20 Functional Assessment Tool. Integrating this tool into operations may require providers to receive system updates, technical support, and staff training.

C. Government Sector Impact:

Florida Mental Health Institute

Indeterminant, likely significant negative fiscal impact on state government expenditures, based on the expanded responsibilities for the Louis de la Parte Florida Mental Health Institute (FMHI) and the creation and implementation of the new Center for Substance Abuse and Mental Health Research within FMHI.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.457, 394.459, 394.468, 394.495, 394.659, 394.875, 394.9082, 1004.44, and 1006.041.

IX. Additional Information:

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

CS/CS by Fiscal Policy on April 17, 2025:

The committee substitute aligns the Senate bill more closely with the House bill and makes the following changes:

- Requires DCF-contracted providers and Managing Entity subcontractors to use the DLA-20 functional assessment tool unless otherwise specified.
- Updates minimum standards for mobile crisis response services.
- Requires individualized treatment plans to be created within 5 days of admission and reviewed with the patient and updated every 30 days (60 for long-term patients).
- Expands state mental health treatment facility discharge planning to include providing long-acting injectable medications, if available, and addressing barriers to access of necessary medications, to include long-acting injectables.
- Mandates biennial review of school-based telehealth behavioral health access conducted by the DCF and the DOE, to sunset in 2030.
- Expands Mental Health Technical Assistance Center duties by promoting person-first language, trauma-informed care, and dissemination of best practices.
- Requires the DCF and the AHCA to conduct biennial review of short-term residential treatment needs and submit budget requests to or act using existing department resources to create new or expand existing SRTs.
- Expands managing entity duties to promote person-first language and trauma-informed care.
- Expands role of the Florida Mental Health Institute by requiring a statewide report to be submitted on publicly funded behavioral health services by June 30, 2026.
- Strengthens the Florida Center for Behavioral Health Workforce to conduct biennial workforce analysis and support training, retention, and educational pipelines.
- Provides an effective date of July 1, 2025.

CS by Children, Families, and Elder Affairs on March 25, 2025:

The CS makes the following changes:

- Clarifies that the Agency for Healthcare Administration (ACHA) is the agency responsible for prioritizing the licensure of short-term residential treatment programs;
- Removes duplicative language that put unnecessary added duties on the Louis de la Parte Florida Mental Health Institute;
- Makes a technical language change from “biennial” to “every other year” for clarity; and
- Removes the current language requiring specific action by the facilities to provide medications at discharge and instead:

- Requires the Department of Children and Families (DCF) to perform a review and evaluation of current discharge procedures, to include specific data related to medication adherence and readmission rates of discharged patients.
- Requires the DCF, in collaboration with AHCA, submit a report on the evaluation to include findings, policy recommendations, and cost estimates to increase:
 - Medication adherence post-discharge;
 - Access to prescribed behavioral health medications at discharge; and
 - The use of long-acting injectables as a discharge medication.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) and paragraph (c) of subsection
(5) of section 394.457, Florida Statutes, are amended, and
paragraph (d) is added to subsection (5) of that section, to
read:

394.457 Operation and administration.—

(3) POWER TO CONTRACT.—The department may contract to



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11 provide, and be provided with, services and facilities in order
12 to carry out its responsibilities under this part with the
13 following agencies: public and private hospitals; receiving and
14 treatment facilities; clinics; laboratories; departments,
15 divisions, and other units of state government; the state
16 colleges and universities; the community colleges; private
17 colleges and universities; counties, municipalities, and any
18 other governmental unit, including facilities of the United
19 States Government; and any other public or private entity which
20 provides or needs facilities or services. The department shall
21 require any provider directly under contract with the department
22 to use, at a minimum, the most recent version of the Daily
23 Living Activities-20 (DLA-20) functional assessment tool for any
24 patients requiring functional assessment, unless the department
25 specifies in rule the use of a different assessment tool. Baker
26 Act funds for community inpatient, crisis stabilization, short-
27 term residential treatment, and screening services must be
28 allocated to each county pursuant to the department's funding
29 allocation methodology. Notwithstanding s. 287.057(3)(e),
30 contracts for community-based Baker Act services for inpatient,
31 crisis stabilization, short-term residential treatment, and
32 screening provided under this part, other than those with other
33 units of government, to be provided for the department must be
34 awarded using competitive sealed bids if the county commission
35 of the county receiving the services makes a request to the
36 department's district office by January 15 of the contracting
37 year. The district may not enter into a competitively bid
38 contract under this provision if such action will result in
39 increases of state or local expenditures for Baker Act services



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within the district. Contracts for these Baker Act services using competitive sealed bids are effective for 3 years. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

(5) RULES.—

(c) The department shall adopt rules establishing minimum standards for services provided by a mental health overlay program or a mobile crisis response service. Minimum standards for a mobile crisis response service must:

1. Include the requirements of the child, adolescent, and young adult mobile response teams established under s. 394.495(7) and ensure coverage of all counties by these specified teams; ~~and~~

2. Specify any training or other requirements applicable to a mobile crisis response service available to persons age 65 and over to enable the service to meet the specialized needs of such persons; and

3.2. Create a structure for general mobile response teams which focuses on crisis diversion and the reduction of involuntary commitment under this chapter. The structure must require, but need not be limited to, the following:

- a. Triage and rapid crisis intervention within 60 minutes;
- b. Provision of and referral to evidence-based services that are responsive to the needs of the individual and the individual's family;
- c. Screening, assessment, early identification, and care coordination; and



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d. Confirmation that the individual who received the mobile crisis response was connected to a service provider and prescribed medications, if needed.

Section 2. Paragraph (e) of subsection (2) of section 394.459, Florida Statutes, is amended to read:

394.459 Rights of patients.—

(2) RIGHT TO TREATMENT.—

(e) Not more than 5 days after admission to a facility, each patient must ~~shall~~ have and receive an individualized treatment plan in writing which the patient has had an opportunity to assist in preparing and to review before ~~prior to~~ its implementation. The plan must ~~shall~~ include a space for the patient's comments. Facilities shall update the treatment plan, including, but not limited to, the physician summary, at least every 30 days during the time a patient is in a receiving or treatment facility, except a patient retained for longer than 24 months shall have updates to his or her treatment plan at least every 60 days.

Section 3. Subsection (2) of section 394.468, Florida Statutes, is amended to read:

394.468 Admission and discharge procedures.—

(2) Discharge planning and procedures for any patient's release from a receiving facility or treatment facility must include and document the patient's needs, and actions to address such needs, for, at a minimum:

(a) Followup ~~Follow-up~~ behavioral health appointments;

(b) Information on how to obtain prescribed medications, including, but not limited to, administration of long-acting injectable medications. The discharge plan must address any



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barriers faced by the patient to accessing long-acting
injectable medications after discharge if such medication is
part of the patient's plan; and

(c) Information pertaining to:

1. Available living arrangements;
2. Transportation; ~~and~~

(d) Referral to:

1. Care coordination services. The patient must be referred for care coordination services if the patient meets the criteria as a member of a priority population as determined by the department under s. 394.9082(3)(c) and is in need of such services.

2. Recovery support opportunities under s. 394.4573(2)(1), including, but not limited to, connection to a peer specialist; and

(e) Administration of long-acting injectable medication before discharge if such medication is available to treat the patient's diagnosed behavioral health condition and is clinically appropriate for the patient.

Section 4. Subsections (2) and (5) of section 394.495, Florida Statutes, are amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(2) The array of services must include assessment services that provide a professional interpretation of the nature of the problems of the child or adolescent and his or her family; family issues that may impact the problems; additional factors that contribute to the problems; and the assets, strengths, and resources of the child or adolescent and his or her family. The



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assessment services to be provided must ~~shall~~ be determined by the clinical needs of each child or adolescent. Assessment tools used must, at a minimum, include the use of the most recent version of the Daily Living Activities-20 (DLA-20) functional assessment tool, unless the department specifies in rule the use of a different assessment tool. Assessment services include, but are not limited to, evaluation and screening in the following areas:

(a) Physical and mental health for purposes of identifying medical and psychiatric problems.

(b) Psychological functioning, as determined through a battery of psychological tests.

(c) Intelligence and academic achievement.

(d) Social and behavioral functioning.

(e) Family functioning.

The assessment for academic achievement is the financial responsibility of the school district. The department shall cooperate with other state agencies and the school district to avoid duplicating assessment services.

(5) In order to enhance collaboration between agencies and to facilitate the provision of services by the child and adolescent mental health treatment and support system and the school district:

(a) The local child and adolescent mental health system of care shall include the local educational multiagency network for severely emotionally disturbed students specified in s. 1006.04.

(b) The department, in consultation with the Department of Education, shall biennially review school-based behavioral



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health access in the state through telehealth, with an emphasis on underserved and rural communities. The review shall, at a minimum, assess gaps in the provision of school-based behavioral health services, the extent of use of telehealth for school-based behavioral health services, barriers to use and expansion of such telehealth services, and recommendations to address barriers and any implementation requirements. The review shall also identify any new models for increasing school-based behavioral health access. The Department of Children and Families shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives its findings by January 1, beginning in 2026. This subsection expires June 30, 2030, unless reenacted by the Legislature.

Section 5. Paragraph (d) of subsection (1) of section 394.659, Florida Statutes, is amended to read:

394.659 Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center.—

(1) There is created a Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center at the Louis de la Parte Florida Mental Health Institute at the University of South Florida, which shall:

(d) Disseminate and share evidence-based practices and best practices among grantees, including, but not limited to, the use of person-first language and trauma-responsive care, to improve patient experiences and outcomes of individuals with behavioral health conditions and encourage cooperative engagement with such individuals. For purposes of this paragraph, the term "person-first language" means language used which emphasizes the individual as a person rather than the individual's disability,



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illness, or condition.

Section 6. Subsection (11) is added to section 394.875, Florida Statutes, and paragraph (c) of subsection (1) and paragraph (a) of subsection (8) of that section are republished, to read:

394.875 Crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required.—

(1)

(c) The purpose of a residential treatment center for children and adolescents is to provide mental health assessment and treatment services pursuant to ss. 394.491, 394.495, and 394.496 to children and adolescents who meet the target population criteria specified in s. 394.493(1)(a), (b), or (c).

(8)(a) The department, in consultation with the agency, must adopt rules governing a residential treatment center for children and adolescents which specify licensure standards for: admission; length of stay; program and staffing; discharge and discharge planning; treatment planning; seclusion, restraints, and time-out; rights of patients under s. 394.459; use of psychotropic medications; and standards for the operation of such centers.

(11) The department, in consultation with the agency, shall biennially conduct a review to identify the need for new short-term residential treatment facilities and additional beds in existing short-term residential treatment facilities. If additional funding is necessary to address such need, the department shall submit a legislative budget request for such funding. If the department can address the need within existing



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resources, the department shall take action to do so.

Section 7. Paragraphs (v) and (w) are added to subsection (5) of section 394.9082, Florida Statutes, to read:

394.9082 Behavioral health managing entities.—

(5) MANAGING ENTITY DUTIES.—A managing entity shall:

(v) Promote the use of person-first language and trauma-informed responsive care among providers, peer organizations, and family members, including, but not limited to, through training and sharing best practices. For purposes of this paragraph, the term “person-first language” means language used which emphasizes the patient as a person rather than that patient’s disability, illness, or condition.

(w) Require use of the most recent version of the Daily Living Activities-20 (DLA-20) functional assessment tool by all providers under contract with the managing entity, unless the department specifies in rule the use of a different assessment tool.

Section 8. Paragraph (h) is added to subsection (1) of section 1004.44, paragraph (a) of subsection (6) of that section is amended, and subsection (8) is added to that section, to read:

1004.44 Louis de la Parte Florida Mental Health Institute.—
There is established the Louis de la Parte Florida Mental Health Institute within the University of South Florida.

(1) The purpose of the institute is to strengthen mental health services throughout the state by providing technical assistance and support services to mental health agencies and mental health professionals. Such assistance and services shall include:



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(h) Submission of a report analyzing substance abuse and mental health services provided in the state through publicly funded programs, including Medicare. The review shall, at a minimum, identify services covered by such programs, assess quality of care and cost management, and identify services for which additional providers are needed in the state. The institute shall submit the report to the Governor, President of the Senate, and Speaker of the House of Representatives by June 30, 2026.

(6)(a) There is established within the institute the Florida Center for Behavioral Health Workforce. The purpose of the center is to support an adequate, highly skilled, resilient, and innovative workforce that meets the current and future human resources needs of the state's behavioral health system in order to provide high-quality care, services, and supports to Floridians with, or at risk of developing, behavioral health conditions through original research, policy analysis, evaluation, and development and dissemination of best practices. The goals of the center are, at a minimum, to research the state's current behavioral health workforce and future needs; expand the number of clinicians, professionals, and other workers involved in the behavioral health workforce; and enhance the skill level and innovativeness of the workforce. The center shall, at a minimum, do all of the following:

1. Describe and analyze the current workforce and project possible future workforce demand, especially in critical roles, and develop strategies for addressing any gaps. The center's efforts may include, but need not be limited to, producing a statistically valid biennial analysis of the supply and demand



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of the behavioral health workforce.

2. Expand pathways to behavioral health professions through enhanced educational opportunities and improved faculty development and retention. The center's efforts may include, but need not be limited to:

a. Identifying best practices in the academic preparation and continuing education of behavioral health professionals.

b. Facilitating and coordinating the development of academic-practice partnerships that support behavioral health faculty employment and advancement.

c. Developing and implementing innovative projects to support the recruitment, development, and retention of behavioral health educators, faculty, and clinical preceptors.

d. Developing distance learning infrastructure for behavioral health education and the evidence-based use of technology, simulation, and distance learning techniques.

3. Promote behavioral health professions. The center's efforts may include, but need not be limited to:

a. Conducting original research on the factors affecting recruitment, retention, and advancement of the behavioral health workforce, such as designing and implementing a longitudinal study of the state's behavioral health workforce.

b. Developing and implementing innovative projects to support the recruitment, development, and retention of behavioral health workers, including, but not limited to, projects to provide additional stipends, compensation, and financial support for clinical supervisors, workers, interns, and students currently working in the behavioral health field.

4. Request from the Board of Clinical Social Work, Marriage



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and Family Therapy, and Mental Health Counseling, and the board must provide to the center upon its request, any information held by the board regarding the clinical social work, marriage and family therapy, and mental health counselors licensed in this state or information reported to the board by employers of such counselors, other than personal identifying information.

(8) (a) There is created within the institute the Center for Substance Abuse and Mental Health Research. The purpose of the center is to conduct rigorous and relevant research intended to develop knowledge and practice in prevention and intervention for substance abuse and mental health issues, to serve the people and economy in this state in reducing the gap between population needs and the availability of effective treatments and other interventions to improve the capacity of the state to have healthy, resilient communities prevailing over substance abuse, addiction, and mental health challenges.

(b) The goals of the center are, at a minimum, to advance the scientific understanding of the relationship between substance abuse and mental health issues, to improve treatment outcomes, and to reduce the societal impact and burden of substance abuse and mental health conditions. The center shall, at a minimum, do all of the following:

1. Analyze publicly funded substance abuse and mental health services to identify gaps in insurance coverage, monitor quality of care and cost management, and enhance provider networks by identifying gaps in service provision by type and geographic location.

2. Research and study the complex relationship between substance abuse and mental health disorders, including analyzing



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how substances may contribute to the onset of mental health conditions, how those conditions can lead to substance abuse, and how both can interact to create and worsen negative outcomes, such as violence, infectious disease, suicide, and overdose. The center must also study the range, distribution, and concentration of such negative outcomes.

3. Develop and test strategies to prevent the development of both substance use and mental health disorders, including early risk factor identification and interventions designed for at-risk populations, specifically in rural settings, where resources may be limited and integrated care is essential.

4. Conduct research on alternative, low-cost strategies for prevention and early intervention.

5. Conduct outcomes and implementation research on optimizing application of technology for efficient and effective dissemination of evidence-based treatment across this state, with specific attention to rural and other low-resource areas, using telehealth, mobile device remote monitoring, delivery of patient-specific prompts via technology platforms for self-management, and other aspects of care.

6. Investigate and improve treatment options for individuals suffering from co-occurring substance use and mental health disorders, including developing integrated treatment programs that address both issues simultaneously.

7. Generate evidence-based data to inform public policy and promote substance use disorder services and mental health disorder services.

8. Develop community-based sharing agreements, local infrastructure, and methodologies to encourage data-informed



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decisionmaking to encourage economic efficiency and targeted service delivery.

9. Develop and provide training for health care professionals, social workers, counselors, and researchers on the latest findings related to substance abuse and mental health, fostering a workforce capable of providing effective care.

10. Articulate methods to align and adapt training approaches for delivering evidence-based practices to locally identified needs, including implementing evidence-based training and tools at community health centers to improve identification of mental health and substance use disorders and create plans for referral and continuity of care.

11. Collaborate with community organizations to offer resources and education about substance use and mental health to reduce stigma and raise awareness.

(c) By July 1 of each year, the center shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing details of its activities during the preceding calendar year in pursuit of its goals and in the execution of its duties under paragraph (b).

Section 9. Subsection (2) of section 1006.041, Florida Statutes, is amended to read:

1006.041 Mental health assistance program.—Each school district must implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral health issues with appropriate services.



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(2) A plan required under subsection (1) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. Assessment procedures must, at a minimum, include the use of the most recent version of the Daily Living Activities-20 (DLA-20) functional assessment tool, unless the department specifies in rule the use of a different assessment tool. The department shall consult with the Department of Children and Families before adopting rules regarding use of a different assessment tool. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plan must include all of the following components:

(a) Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. The providers shall include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan must also identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.

(b) Contracts or interagency agreements with one or more



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local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth as defined in s. 456.47(1).

(c) Policies and procedures, including contracts with service providers, which will ensure that:

1. Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and students at risk for mental health disorders are assessed within 15 days after referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

2. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.



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3. Individuals living in a household with a student receiving services under this subsection are provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in such individuals' behavioral health would contribute to the improved well-being of the student.

(d) Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; depression; anxiety disorders; suicidal tendencies; or substance use disorders.

(e) Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders; to improve the provision of early intervention services; and to assist students in dealing with trauma and violence.

(f) Procedures to assist a mental health services provider or a behavioral health provider as described in paragraph (a) or paragraph (b), respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as defined in s. 393.063.

(g) Policies of the school district which must require that in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination



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pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or through telehealth. The mental health professional may be available to the school district either by a contract or interagency agreement with the managing entity, one or more local community-based behavioral health providers, or the local mobile response team, or be a direct or contracted school district employee.

Section 10. For the purpose of incorporating the amendment made by this act to section 394.468, Florida Statutes, in a reference thereto, paragraph (g) of subsection (2) of section 394.463, Florida Statutes, is reenacted to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(g) The examination period must be for up to 72 hours and begins when a patient arrives at the receiving facility. For a minor, the examination shall be initiated within 12 hours after the patient's arrival at the facility. Within the examination period, one of the following actions must be taken, based on the individual needs of the patient:

1. The patient shall be released, unless he or she is charged with a crime, in which case the patient shall be returned to the custody of a law enforcement officer;

2. The patient shall be released, subject to subparagraph 1., for voluntary outpatient treatment;

3. The patient, unless he or she is charged with a crime, shall be asked to give express and informed consent to placement as a voluntary patient and, if such consent is given, the



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patient shall be admitted as a voluntary patient; or

4. A petition for involuntary services shall be filed in the circuit court or with the county court, as applicable. When inpatient treatment is deemed necessary, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available. The petition shall be filed by one of the petitioners specified in s. 394.467, and the court shall dismiss an untimely filed petition. If a patient's 72-hour examination period ends on a weekend or holiday, including the hours before the ordinary business hours on the morning of the next working day, and the receiving facility:

a. Intends to file a petition for involuntary services, such patient may be held at the facility through the next working day thereafter and the petition must be filed no later than such date. If the facility fails to file the petition by the ordinary close of business on the next working day, the patient shall be released from the receiving facility following approval pursuant to paragraph (f).

b. Does not intend to file a petition for involuntary services, the receiving facility may postpone release of a patient until the next working day thereafter only if a qualified professional documents that adequate discharge planning and procedures in accordance with s. 394.468, and approval pursuant to paragraph (f), are not possible until the next working day.

Section 11. For the purpose of incorporating the amendment made by this act to section 394.495, Florida Statutes, in references thereto, paragraph (c) of subsection (2) and



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subsection (6) of section 394.4955, Florida Statutes, are
reenacted to read:

394.4955 Coordinated system of care; child and adolescent
mental health treatment and support.—

(2)

(c) To the extent permitted by available resources, the
coordinated system of care shall include the array of services
listed in s. 394.495.

(6) The managing entity shall identify gaps in the arrays
of services for children and adolescents listed in s. 394.495
available under each plan and include relevant information in
its annual needs assessment required by s. 394.9082.

Section 12. For the purpose of incorporating the amendment
made by this act to section 1004.44, Florida Statutes, in a
reference thereto, subsection (7) of section 1001.212, Florida
Statutes, is reenacted to read:

1001.212 Office of Safe Schools.—There is created in the
Department of Education the Office of Safe Schools. The office
is fully accountable to the Commissioner of Education. The
office shall serve as a central repository for best practices,
training standards, and compliance oversight in all matters
regarding school safety and security, including prevention
efforts, intervention efforts, and emergency preparedness
planning. The office shall:

(7) Provide data to support the evaluation of mental health
services pursuant to s. 1004.44. Such data must include, for
each school, the number of involuntary examinations as defined
in s. 394.455 which are initiated at the school, on school
transportation, or at a school-sponsored activity and the number



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of children for whom an examination is initiated.

Section 13. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to mental health and substance use disorders; amending s. 394.457, F.S.; requiring the Department of Children and Families to require certain providers to use a specified assessment tool; revising the minimum standards for a mobile crisis response service; amending s. 394.459, F.S.; requiring facilities to update treatment plans within specified timeframes; amending s. 394.468, F.S.; revising requirements for discharge planning regarding medications; amending s. 394.495, F.S.; requiring use of a specified assessment tool; providing an exception; requiring the Department of Children and Families, in consultation with the Department of Education, to conduct a review biennially of school-based behavioral health access through telehealth; providing requirements for review; requiring the Department of Children and Families to submit to the Governor and the Legislature its findings by a specified date; providing for expiration of the review; amending s. 394.659, F.S.; requiring the Criminal Justice, Mental Health, and Substance Abuse



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Technical Assistance Center at the Louis de la Parte
Florida Mental Health Institute at the University of
South Florida to disseminate among grantees certain
evidence-based practices and best practices; defining
the term "person-first language"; amending s. 394.875,
F.S.; requiring the Department of Children and
Families, in consultation with the Agency for Health
Care Administration, to conduct a review biennially to
identify needs regarding short-term residential
treatment facilities and beds; specifying actions the
department must take under certain conditions;
amending s. 394.9082, F.S.; requiring managing
entities to promote use of person-first language and
trauma-informed care and require use of a specified
assessment tool; amending s. 1004.44, F.S.; revising
the assistance and services the Louis de la Parte
Florida Mental Health Institute is required to
provide; revising the requirements of the Florida
Center for Behavioral Health Workforce to promote
behavioral health professions; creating the Center for
Substance Abuse and Mental Health Research within the
institute; specifying the purpose of the center;
specifying the goals of the center; specifying the
responsibilities of the center; requiring the center
to submit a report by a specified date each year to
the Governor and the Legislature; specifying the
contents of the report; amending s. 1006.041, F.S.;
revising the plan components for mental health
assistance programs; reenacting s. 394.463(2)(g),



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620 F.S., relating to involuntary examination, to
621 incorporate the amendment made to s. 394.468, F.S., in
622 a reference thereto; reenacting s. 394.4955(2)(c) and
623 (6), F.S., relating to coordinated system of care and
624 child and adolescent mental health treatment and
625 support, to incorporate the amendment made to s.
626 394.495, F.S., in references thereto; reenacting s.
627 1001.212(7), F.S., relating to the Office of Safe
628 Schools, to incorporate the amendment made to s.
629 1004.44, F.S., in a reference thereto; providing an
630 effective date.

By the Committee on Children, Families, and Elder Affairs; and
Senator Rouson

586-02858-25

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1 A bill to be entitled
2 An act relating to mental health and substance use
3 disorders; amending s. 394.455, F.S.; defining the
4 term "person-first language"; amending s. 394.457,
5 F.S.; revising the minimum standards for a mobile
6 crisis response service; amending s. 394.459, F.S.;
7 requiring that an individualized treatment plan be
8 reevaluated within a specified timeframe to ensure the
9 recommended care remains necessary for a patient;
10 amending s. 394.468, F.S.; requiring the Department of
11 Children and Families to review and evaluate the
12 discharge procedures and policies for all receiving
13 facilities; specifying the criteria of such
14 evaluations; requiring the department, in
15 collaboration with the Agency for Health Care
16 Administration, to report its findings to the Governor
17 and the Legislature by a specified date; specifying
18 what must be included in such report; amending s.
19 394.495, F.S.; requiring the department to reevaluate
20 assessment services at specified intervals to ensure a
21 patient's clinical needs are being met; revising such
22 assessment services' evaluations and screening areas;
23 amending s. 394.659, F.S.; requiring the Criminal
24 Justice, Mental Health, and Substance Abuse Technical
25 Assistance Center at the Louis de la Parte Florida
26 Mental Health Institute at the University of South
27 Florida to disseminate certain evidence-based
28 practices and best practices among grantees; amending
29 s. 394.875, F.S.; requiring the Department of Children

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30 and Families, in consultation with the Agency for
31 Health Care Administration, to conduct a review every
32 other year to identify certain counties that require
33 additional resources for short-term residential
34 treatment facilities; requiring the agency to
35 prioritize specified facilities in issuing licenses;
36 amending s. 394.9086, F.S.; revising the duties of the
37 Commission on Mental Health and Substance Use
38 Disorder; amending s. 1004.44, F.S.; revising the
39 requirements of the Florida Center for Behavioral
40 Health Workforce to promote behavioral health
41 professions; creating the Center for Substance Abuse
42 and Mental Health Research within the institute;
43 specifying the purpose of the center; specifying the
44 goals of the center; specifying the responsibilities
45 of the center; requiring the center to submit a report
46 by a specified date each year to the Governor and the
47 Legislature; specifying the contents of the report;
48 amending s. 1006.041, F.S.; revising the plan
49 components for mental health assistance programs;
50 requiring the Department of Children and Families, in
51 consultation with the Department of Education, to
52 conduct a review every other year to identify
53 effective models of school-based behavioral health
54 access; requiring the Department of Children and
55 Families to submit its findings to the Governor and
56 the Legislature by a specified date every other year;
57 amending s. 394.9085, F.S.; conforming a cross-
58 reference; reenacting s. 394.463(2)(g), F.S., relating

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to involuntary examination, to incorporate the amendment made to s. 394.468, F.S., in a reference thereto; reenacting s. 394.4955(2)(c) and (6), F.S., relating to coordinated system of care and child and adolescent mental health treatment and support, to incorporate the amendment made to s. 394.495, F.S., in references thereto; reenacting s. 1001.212(7), F.S., relating to the Office of Safe Schools, to incorporate the amendment made to s. 1004.44, F.S., in a reference thereto; providing an effective date.

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

Section 1. Present subsections (33) through (50) of section 394.455, Florida Statutes, are redesignated as subsections (34) through (51), respectively, and a new subsection (33) is added to that section, to read:

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

(33) “Person-first language” means language used in a professional medical setting which emphasizes the patient as a person rather than his or her disability or illness.

Section 2. Paragraph (c) of subsection (5) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(5) RULES.—

(c) The department shall adopt rules establishing minimum standards for services provided by a mental health overlay program or a mobile crisis response service. Minimum standards for a mobile crisis response service must:

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1. Include the requirements of the child, adolescent, and young adult mobile response teams established under s. 394.495(7) and ensure coverage of all counties by these specified teams; ~~and~~

2. Ensure access to mobile response services for persons 65 years of age or older; and

3. Create a structure for general mobile response teams which focuses on crisis diversion and the reduction of involuntary commitment under this chapter. The structure must require, but need not be limited to, the following:

a. Triage and rapid crisis intervention within 60 minutes;

b. Provision of and referral to evidence-based services that are responsive to the needs of the individual and the individual’s family;

c. Screening, assessment, early identification, and care coordination; ~~and~~

d. Sharing of best practices with medical professionals, including the use of person-first language and trauma-responsive care, to improve patient experiences and outcomes and encourage cooperative engagement from patients seeking treatment; and

e. Confirmation that the individual who received the mobile crisis response was connected to a service provider and prescribed medications, if needed.

Section 3. Paragraph (e) of subsection (2) of section 394.459, Florida Statutes, is amended to read:

394.459 Rights of patients.—

(2) RIGHT TO TREATMENT.—

(e) Not more than 5 days after admission to a facility, each patient must ~~shall~~ have and receive an individualized

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117 treatment plan in writing which the patient has had an
 118 opportunity to assist in preparing and to review ~~before~~ prior to
 119 its implementation. The plan ~~must~~ shall include a space for the
 120 patient's comments. An individualized treatment plan must be
 121 reevaluated no less than every 6 months to ensure the treatment
 122 plan's recommended care remains necessary for the patient.

123 Section 4. Subsection (4) is added to section 394.468,
 124 Florida Statutes, to read:

125 394.468 Admission and discharge procedures.—

126 (4) The department shall review the discharge procedure for
 127 all receiving facilities and evaluate current policy,
 128 strategies, and actions taken to meet the need for access to
 129 prescribed behavioral health medications at discharge. The
 130 evaluation shall include data related to medication adherence
 131 and readmission rates of discharged patients. The department
 132 shall, in collaboration with the Agency for Health Care
 133 Administration, report its findings from the evaluation and
 134 provide actionable policy recommendations and cost estimates to
 135 increase medication adherence of patients after discharge,
 136 increase access to prescribed behavioral health medications for
 137 uninsured and underinsured patients at discharge, and increase
 138 the use of long-acting injectables as a discharge medication.
 139 The report must be submitted to the Governor, the President of
 140 the Senate, and the Speaker of the House of Representatives by
 141 December 31, 2025.

142 Section 5. Subsection (2) of section 394.495, Florida
 143 Statutes, is amended to read:

144 394.495 Child and adolescent mental health system of care;
 145 programs and services.—

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146 (2) The array of services must include assessment services
 147 that provide a professional interpretation of the nature of the
 148 problems of the child or adolescent and his or her family;
 149 family issues that may impact the problems; additional factors
 150 that contribute to the problems; and the assets, strengths, and
 151 resources of the child or adolescent and his or her family. The
 152 assessment services to be provided ~~must~~ shall be determined by
 153 the clinical needs of each child or adolescent. The department
 154 shall reevaluate the services no less than every 6 months to
 155 ensure the child's clinical needs are being met. Assessment
 156 services include, but are not limited to, evaluation and
 157 screening in the following areas:

158 (a) Physical and mental health for purposes of identifying
 159 medical and psychiatric problems.

160 (b) Psychological functioning, as determined through a
 161 battery of psychological tests.

162 (c) Intelligence and academic achievement.

163 (d) Social and behavioral functioning.

164 (e) Family functioning.

165 (f) Functional daily living through the implementation of
 166 the Daily Living Activities-20 functional assessment tool as
 167 described in s. 1006.041(2)(b).

168 The assessment for academic achievement is the financial
 169 responsibility of the school district. The department shall
 170 cooperate with other state agencies and the school district to
 171 avoid duplicating assessment services.

172 Section 6. Paragraph (d) of subsection (1) of section
 173 394.659, Florida Statutes, is amended to read:
 174

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394.659 Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center.—

(1) There is created a Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center at the Louis de la Parte Florida Mental Health Institute at the University of South Florida, which shall:

(d) Disseminate and share evidence-based practices and best practices among grantees, including, but not limited to, the use of person-first language and trauma-responsive care, to improve patient experiences and outcomes and encourage cooperative engagement for patients seeking treatment.

Section 7. Subsection (11) is added to section 394.875, Florida Statutes, and paragraph (c) of subsection (1) and paragraph (a) of subsection (8) of that section are republished, to read:

394.875 Crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required.—

(1)

(c) The purpose of a residential treatment center for children and adolescents is to provide mental health assessment and treatment services pursuant to ss. 394.491, 394.495, and 394.496 to children and adolescents who meet the target population criteria specified in s. 394.493(1)(a), (b), or (c).

(8)(a) The department, in consultation with the agency, must adopt rules governing a residential treatment center for children and adolescents which specify licensure standards for: admission; length of stay; program and staffing; discharge and discharge planning; treatment planning; seclusion, restraints,

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and time-out; rights of patients under s. 394.459; use of psychotropic medications; and standards for the operation of such centers.

(11) The department, in consultation with the agency, shall conduct a review every other year to identify counties that require additional resources for short-term residential treatment facilities. The agency shall give priority in issuing licenses to short-term residential treatment facilities located in counties identified by the review.

Section 8. Paragraph (a) of subsection (4) of section 394.9086, Florida Statutes, is amended to read:

394.9086 Commission on Mental Health and Substance Use Disorder.—

(4) DUTIES.—

(a) The duties of the Commission on Mental Health and Substance Use Disorder include the following:

1. Conducting a review and evaluation of the management and functioning of the existing publicly supported mental health and substance use disorder systems and services in the department, the Agency for Health Care Administration, and all other departments which administer mental health and substance use disorder services. Such review ~~must~~ shall include, at a minimum, a review of current goals and objectives, current planning, services strategies, coordination management, purchasing, contracting, financing, local government funding responsibility, and accountability mechanisms.

2. Considering the unique needs of persons who are dually diagnosed.

3. Addressing access to, financing of, and scope of

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responsibility in the delivery of emergency behavioral health care services.

4. Addressing the quality and effectiveness of current mental health and substance use disorder services delivery systems, and professional staffing and clinical structure of services, roles, and responsibilities of public and private providers, such as community mental health centers; community substance use disorder agencies; hospitals, including emergency services departments; law enforcement agencies; and the judicial system.

5. Addressing priority population groups for publicly funded mental health and substance use disorder services; ~~7~~ identifying the comprehensive mental health and substance use disorder services delivery systems; ~~7~~ mental health and substance use disorder needs assessment and planning activities, including, but not limited to, the use of the Daily Living Activities-20 functional assessment tool as described in s. 1006.041(2)(b); and local government funding responsibilities for mental health and substance use disorder services.

6. Reviewing the implementation of chapter 2020-107, Laws of Florida.

7. Identifying any gaps in the provision of mental health and substance use disorder services.

8. Providing recommendations on how behavioral health managing entities may fulfill their purpose of promoting service continuity and work with community stakeholders throughout this state in furtherance of supporting the 988 Suicide and Crisis Lifeline system and other crisis response services.

9. Conducting an overview of the current infrastructure of

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the 988 Suicide and Crisis Lifeline system.

10. Analyzing the current capacity of crisis response services available throughout this state, including services provided by mobile response teams and centralized receiving facilities. The analysis must include information on the geographic area and the total population served by each mobile response team along with the average response time to each call made to a mobile response team; the number of calls that a mobile response team was unable to respond to due to staff limitations, travel distance, or other factors; and the veteran status and age groups of individuals served by mobile response teams.

11. Evaluating and making recommendations to improve linkages between the 988 Suicide and Crisis Lifeline infrastructure and crisis response services within this state.

12. Identifying available mental health block grant funds that can be used to support the 988 Suicide and Crisis Lifeline and crisis response infrastructure within this state, including any available funding through opioid settlements or through the American Rescue Plan Act of 2021, Pub. L. No. 117-2; the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136; or other federal legislation.

13. In consultation with the Agency for Health Care Administration, identifying sources of funding available through the Medicaid program specifically for crisis response services, including funding that may be available by seeking approval of a Section 1115 waiver submitted to the Centers for Medicare and Medicaid Services.

14. Making recommendations regarding the mission and

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objectives of state-supported mental health and substance use disorder services and the planning, management, staffing, financing, contracting, coordination, and accountability mechanisms which will best foster the recommended mission and objectives.

15. Evaluating and making recommendations regarding the establishment of a permanent, agency-level entity to manage mental health, substance use disorder, and related services statewide. At a minimum, the evaluation must consider and describe the:

a. Specific duties and organizational structure proposed for the entity;

b. Resource needs of the entity and possible sources of funding;

c. Estimated impact on access to and quality of services;

d. Impact on individuals with behavioral health needs and their families, both those currently served through the affected systems providing behavioral health services and those in need of services; and

e. Relation to, integration with, and impact on providers, managing entities, communities, state agencies, and systems which provide mental health and substance use disorder services in this state. Such recommendations must ensure that the ability of such other agencies and systems to carry out their missions and responsibilities is not impaired.

16. Evaluating and making recommendations regarding skills-based training that teaches participants about mental health and substance use disorder issues, including, but not limited to, Mental Health First Aid models.

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Section 9. Paragraph (a) of subsection (6) of section 1004.44, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

1004.44 Louis de la Parte Florida Mental Health Institute.— There is established the Louis de la Parte Florida Mental Health Institute within the University of South Florida.

(6) (a) There is established within the institute the Florida Center for Behavioral Health Workforce. The purpose of the center is to support an adequate, highly skilled, resilient, and innovative workforce that meets the current and future human resources needs of the state's behavioral health system in order to provide high-quality care, services, and supports to Floridians with, or at risk of developing, behavioral health conditions through original research, policy analysis, evaluation, and development and dissemination of best practices. The goals of the center are, at a minimum, to research the state's current behavioral health workforce and future needs; expand the number of clinicians, professionals, and other workers involved in the behavioral health workforce; and enhance the skill level and innovativeness of the workforce. The center shall, at a minimum, do all of the following:

1. Describe and analyze the current workforce and project possible future workforce demand, especially in critical roles, and develop strategies for addressing any gaps. The center's efforts may include, but need not be limited to, producing a statistically valid biennial analysis of the supply and demand of the behavioral health workforce.

2. Expand pathways to behavioral health professions through enhanced educational opportunities and improved faculty

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development and retention. The center's efforts may include, but need not be limited to:

a. Identifying best practices in the academic preparation and continuing education of behavioral health professionals.

b. Facilitating and coordinating the development of academic-practice partnerships that support behavioral health faculty employment and advancement.

c. Developing and implementing innovative projects to support the recruitment, development, and retention of behavioral health educators, faculty, and clinical preceptors.

d. Developing distance learning infrastructure for behavioral health education and the evidence-based use of technology, simulation, and distance learning techniques.

3. Promote behavioral health professions. The center's efforts may include, but need not be limited to:

a. Conducting original research on the factors affecting recruitment, retention, and advancement of the behavioral health workforce, such as designing and implementing a longitudinal study of the state's behavioral health workforce.

b. Developing and implementing innovative projects to support the recruitment, development, and retention of behavioral health workers.

4. Analyze compensation and benefit data every other year to identify factors that have led to the shortage of behavioral health workers in this state and make recommendations for funding programs to support the growth and retention of the behavioral health workforce, such as stipends or other financial support for clinical supervisors, workers, interns, and students currently working in the field of behavioral health.

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5. Request from the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, and the board must provide to the center upon its request, any information held by the board regarding the clinical social work, marriage and family therapy, and mental health counselors licensed in this state or information reported to the board by employers of such counselors, other than personal identifying information.

6. Develop and routinely analyze a behavioral health workforce survey to increase insight into service provision and access, inform priorities that support retention, strategically address critical gaps, and inform workforce-related policy decisions. In conjunction with the Department of Health, the center shall conduct the survey at the time of initial licensure and license renewal for psychologists licensed under chapter 490 and social workers, marriage and family therapists, and mental health counselors licensed under chapter 491. The survey must solicit information including, but not limited to:

a. The frequency and geographic location of practice.

b. Participation in interjurisdictional practice and percentage of Florida and non-Florida residents served.

c. Practice setting and populations served, including availability for critically needed services.

d. Percentage of time spent in direct patient care.

e. Compensation and benefits.

f. Anticipated change to license or practice status.

(8)(a) There is created within the institute the Center for Substance Abuse and Mental Health Research. The purpose of the center is to conduct rigorous and relevant research intended to develop knowledge and practice in prevention and intervention

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for substance abuse and mental health issues, to serve the people and economy in this state in reducing the gap between population needs and the availability of effective treatments and other interventions to improve the capacity of the state to have healthy, resilient communities prevailing over substance abuse, addiction, and mental health challenges.

(b) The goals of the center are, at a minimum, to advance the scientific understanding of the relationship between substance abuse and mental health issues, to improve treatment outcomes, and to reduce the societal impact and burden of substance abuse and mental health conditions. The center shall, at a minimum, do all of the following:

1. Analyze publicly funded substance abuse and mental health services to identify gaps in insurance coverage, monitor quality of care and cost management, and enhance provider networks by identifying gaps in service provision by type and geographic location.

2. Research and study the complex relationship between substance abuse and mental health disorders, including analyzing how substances may contribute to the onset of mental health conditions, how those conditions can lead to substance abuse, and how both can interact to create and worsen negative outcomes, such as violence, infectious disease, suicide, and overdose. The center must also study the range, distribution, and concentration of such negative outcomes.

3. Develop and test strategies to prevent the development of both substance use and mental health disorders, including early risk factor identification and interventions designed for at-risk populations, specifically in rural settings, where

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resources may be limited and integrated care is essential.

4. Conduct research on alternative, low-cost strategies for prevention and early intervention.

5. Conduct outcomes and implementation research on optimizing application of technology for efficient and effective dissemination of evidence-based treatment across this state, with specific attention to rural and other low-resource areas, using telehealth, mobile device remote monitoring, delivery of patient-specific prompts via technology platforms for self-management, and other aspects of care.

6. Investigate and improve treatment options for individuals suffering from co-occurring substance use and mental health disorders, including developing integrated treatment programs that address both issues simultaneously.

7. Generate evidence-based data to inform public policy and promote substance use disorder services and mental health disorder services.

8. Develop community-based sharing agreements, local infrastructure, and methodologies to encourage data-informed decisionmaking to encourage economic efficiency and targeted service delivery.

9. Develop and provide training for health care professionals, social workers, counselors, and researchers on the latest findings related to substance abuse and mental health, fostering a workforce capable of providing effective care.

10. Articulate methods to align and adapt training approaches for delivering evidence-based practices to locally identified needs, including implementing evidence-based training

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and tools at community health centers to improve identification of mental health and substance use disorders and create plans for referral and continuity of care.

11. Collaborate with community organizations to offer resources and education about substance use and mental health to reduce stigma and raise awareness.

(c) By July 1 of each year, the center shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing details of its activities during the preceding calendar year in pursuit of its goals and in the execution of its duties under paragraph (b).

Section 10. Paragraph (b) of subsection (2) of section 1006.041, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1006.041 Mental health assistance program.—Each school district must implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral health issues with appropriate services.

(2) A plan required under subsection (1) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plan must

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include all of the following components:

(b) Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth as defined in s. 456.47(1). In addition to the services in this paragraph, the department shall implement the Daily Living Activities-20 (DLA-20) functional assessment tool to further assist providers in creating recommended treatment plans. The department shall review the DLA-20 functional assessment tool every other year to implement the most updated version. The department is authorized to replace the DLA-20 functional assessment tool if it determines that a better alternative is available.

(5) The Department of Children and Families, in consultation with the Department of Education, shall conduct a review every other year to identify effective models of school-based behavioral health access, with an emphasis on underserved and rural communities. Such models must include, but are not limited to, telehealth services. The Department of Children and Families shall submit its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 every other year, beginning in

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523 2026.

524 Section 11. Subsection (6) of section 394.9085, Florida
525 Statutes, is amended to read:

526 394.9085 Behavioral provider liability.—

527 (6) For purposes of this section, the terms
528 “detoxification,” “addictions receiving facility,” and
529 “receiving facility” have the same meanings as those provided in
530 ss. 397.311(27)(a)4., 397.311(27)(a)1., and 394.455 ~~394.455(40)~~,
531 respectively.

532 Section 12. For the purpose of incorporating the amendment
533 made by this act to section 394.468, Florida Statutes, in a
534 reference thereto, paragraph (g) of subsection (2) of section
535 394.463, Florida Statutes, is reenacted to read:

536 394.463 Involuntary examination.—

537 (2) INVOLUNTARY EXAMINATION.—

538 (g) The examination period must be for up to 72 hours and
539 begins when a patient arrives at the receiving facility. For a
540 minor, the examination shall be initiated within 12 hours after
541 the patient’s arrival at the facility. Within the examination
542 period, one of the following actions must be taken, based on the
543 individual needs of the patient:

544 1. The patient shall be released, unless he or she is
545 charged with a crime, in which case the patient shall be
546 returned to the custody of a law enforcement officer;

547 2. The patient shall be released, subject to subparagraph
548 1., for voluntary outpatient treatment;

549 3. The patient, unless he or she is charged with a crime,
550 shall be asked to give express and informed consent to placement
551 as a voluntary patient and, if such consent is given, the

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552 patient shall be admitted as a voluntary patient; or

553 4. A petition for involuntary services shall be filed in
554 the circuit court or with the county court, as applicable. When
555 inpatient treatment is deemed necessary, the least restrictive
556 treatment consistent with the optimum improvement of the
557 patient’s condition shall be made available. The petition shall
558 be filed by one of the petitioners specified in s. 394.467, and
559 the court shall dismiss an untimely filed petition. If a
560 patient’s 72-hour examination period ends on a weekend or
561 holiday, including the hours before the ordinary business hours
562 on the morning of the next working day, and the receiving
563 facility:

564 a. Intends to file a petition for involuntary services,
565 such patient may be held at the facility through the next
566 working day thereafter and the petition must be filed no later
567 than such date. If the facility fails to file the petition by
568 the ordinary close of business on the next working day, the
569 patient shall be released from the receiving facility following
570 approval pursuant to paragraph (f).

571 b. Does not intend to file a petition for involuntary
572 services, the receiving facility may postpone release of a
573 patient until the next working day thereafter only if a
574 qualified professional documents that adequate discharge
575 planning and procedures in accordance with s. 394.468, and
576 approval pursuant to paragraph (f), are not possible until the
577 next working day.

578 Section 13. For the purpose of incorporating the amendment
579 made by this act to section 394.495, Florida Statutes, in
580 references thereto, paragraph (c) of subsection (2) and

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581 subsection (6) of section 394.4955, Florida Statutes, are
 582 reenacted to read:
 583 394.4955 Coordinated system of care; child and adolescent
 584 mental health treatment and support.-
 585 (2)
 586 (c) To the extent permitted by available resources, the
 587 coordinated system of care shall include the array of services
 588 listed in s. 394.495.
 589 (6) The managing entity shall identify gaps in the arrays
 590 of services for children and adolescents listed in s. 394.495
 591 available under each plan and include relevant information in
 592 its annual needs assessment required by s. 394.9082.
 593 Section 14. For the purpose of incorporating the amendment
 594 made by this act to section 1004.44, Florida Statutes, in a
 595 reference thereto, subsection (7) of section 1001.212, Florida
 596 Statutes, is reenacted to read:
 597 1001.212 Office of Safe Schools.-There is created in the
 598 Department of Education the Office of Safe Schools. The office
 599 is fully accountable to the Commissioner of Education. The
 600 office shall serve as a central repository for best practices,
 601 training standards, and compliance oversight in all matters
 602 regarding school safety and security, including prevention
 603 efforts, intervention efforts, and emergency preparedness
 604 planning. The office shall:
 605 (7) Provide data to support the evaluation of mental health
 606 services pursuant to s. 1004.44. Such data must include, for
 607 each school, the number of involuntary examinations as defined
 608 in s. 394.455 which are initiated at the school, on school
 609 transportation, or at a school-sponsored activity and the number

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610 of children for whom an examination is initiated.
 611 Section 15. 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 Committee on Fiscal Policy

BILL: CS/SB 1654

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Martin

SUBJECT: Registration of Sexual Predators and Sexual Offenders

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Favorable
2.	Kolich	Harkness	ACJ	Fav/CS
3.	Vaughan	Siples	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1654 amends ss. 775.21 and 943.0435, F.S., relating to sexual predators and sexual offenders, respectively, to:

- Include an in-state travel residence as a type of temporary residence;
- Provide that an in-state travel residence be reported within 48 hours of establishment of the residence;
- Require that specified employment information be registered through the sheriff's office.
- Specify that registrants must register the creation of a new business, including self-employment online;
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.¹

¹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

The bill amends s. 775.21, F.S., by clarifying the definition of “permanent residence”² to mean a person’s home or where a person primarily lives.

The bill amends s. 775.21, F.S., to specify that a sexual predator who is under the supervision of the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) must report changes to vehicle ownership within 48 hours after such change to the sheriff’s office instead of reporting these changes online or to the DOC or the DJJ and to specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision with the DOC at least four times per calendar year.

The bill amends 943.0435, F.S., to specify that if a sexual offender’s place of residence is a vessel, the sexual offender must provide the information to the FDLE through the sheriff’s office and to specify that county and local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.

The bill has an insignificant negative fiscal impact to the FDLE. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida’s sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the DOC, the DHSMV, and law enforcement officials.³ Florida’s sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁴ The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.⁵

Florida’s Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁶ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different

² Section 775.21(2)(k), F.S.

³Florida Department of Law Enforcement, Sexual Offender and Predator System, available at <https://offender.fdle.state.fl.us/offender/sops/home.jsf> (last visited on April 3, 2025).

⁴ Sections 775.21 and 943.0435, F.S.

⁵ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁶ Sections 775.21 and 943.0435, F.S.

chapters and numerous statutes⁷ and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the DOC, the DJJ, the DHSMV, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;⁸
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.⁹

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.¹⁰

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.¹¹ Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, live-aboard vessel or houseboat, all changes in vehicles owned and travel. The FDLE, through its agency website, provides a

⁷ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

⁸ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

⁹ Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

¹⁰ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

¹¹ All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

searchable database that includes some of this information.¹² Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

FDLE's Online System

The FDLE is required to establish an online system through which sexual predators and sexual offenders may securely access, submit, and update all electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.¹³

A sexual predator or sexual offender must register all change of name information, electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the FDLE through the FDLE's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DOC, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DOC before using such electronic mail addresses or Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DJJ, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DJJ before using such electronic mail addresses or Internet identifiers.¹⁴

A sexual predator or sexual offender must register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education in the same manner previously described.¹⁵

Currently, the law specifies that a sexual predator and sexual offender may report all changes to vehicles owned through the FDLE's online system.

The United States District Court for the Northern District of Florida, Tallahassee division, issued a March 2024 order which struck down a limited portion of Florida's sexual offender registration law that requires a sexual offender to report in person to the Department of Highway Safety and Motor Vehicles (DHSMV) any change of "permanent residence" or "temporary residence," as

¹² The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on April 3, 2025).

¹³ Sections 775.21(6)(a)1.a. and 943.0435(4)(e)3., F.S.

¹⁴ Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

¹⁵ Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

defined in s. 775.21(2)(k) and (n), F.S., that does not require the DHSMV to issue a replacement driver license or state identification card with the offender's new address.¹⁶

Under this order, a sexual offender is only required to report in-person to the DHSMV for a change in "permanent residence" or "temporary residence" that is either a change of address of the kind that all holders of driver licenses or identification cards must report, a change of the registrant's home, or a change of the place where the registrant habitually lives. Residence changes under s. 943.0435(4)(a), F.S., that are not listed above, such as "in-state travel," are required only to be reported to the sheriff's office, and a sexual offender is not required to confirm to the sheriff's office that they have met the previous requirement to report to DHSMV. The report to the sheriff's office need not be in person. Additionally, the order requires the FDLE to make available a method by which sexual offenders may report online or through similarly accessible means any change of "permanent residence" or "temporary residence," as required by s. 943.0435(4)(a), F.S., that is not a change of address that would require DHSMV to issue a replacement driver license or state identification card for that address.¹⁷

Currently, all temporary address changes, including in-state travel, are reported in person to DHSMV and, if unable to report to DHSMV, also to the sheriff's office.¹⁸¹⁹

The FDLE has implemented a mechanism in which sexual offenders can report in-state travel online, but this is currently not allowed under Florida's registration laws, s. 943.0435, F.S. (sexual offenders) and s. 775.21, F.S. (sexual predators).²⁰

Current registration laws require the reporting of employment information, but only the address is required. There is currently no set requirement for address verifications.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 775.21, F.S., relating to the Florida Sexual Predators Act, to clarify and amend residence definitions. Specifically, the bill clarifies that definition of the term "permanent residence"²² to mean a person's home or where a person primarily lives. The bill also amends the definition of "temporary residence,"²³ to create an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.

The section also amends registration requirements in s. 775.21, F.S., to:

- Require that in-state travel residences must be reported either online or in person with the sheriff's office;

¹⁶ United States District Court for the Northern District of Florida, Case No. 4:21cv85-RH-MJF (March 2024).

¹⁷ *Id.*

¹⁸ Section 775.21(6), F.S.

¹⁹ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators* (on file with the Senate Criminal Justice Committee)

²⁰ Florida Department of Law Enforcement, *Notice to Registrants*, available at <https://www.fdle.state.fl.us/SOPS/2024-Notice-to-Registrants-%e2%80%93-English> (last visited April 3, 2025).

²¹ Sections 775.21(8)(a)1., and 943.0435(2)2., F.S.

²² Section 775.21(2)(k), F.S.

²³ Section 775.21(2)(n), F.S.

- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ;
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number and require that registrants must register the creation of a new business, including self-employment;
- Remove language regarding proof of reporting changes to the DHSMV and the sheriff's office for all residence changes;
- Specify that a sexual predator who is under the supervision of the DOC or the DJJ must report changes to vehicles ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ;
- Specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision at least four times per calendar year to ensure the accuracy of the reported information, conforming to the FDLE's current recommendations to local law enforcement for address verifications; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁴

Section 2 amends s. 943.0435, F.S., relating to registration requirements for sexual offenders. The section amends registration provisions to:

- Require an offender to report an in-state travel residence within 48 hours after establishing the residence;
- Require that in-state travel residences must be reported either online or in person with the sheriff's office;
- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ;
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number and require that registrants must register the creation of a new business, including self-employment;
- Specify that if the sexual offender's place of residence is a vessel as outlined in statute the sexual offender provide the information to the FDLE through the sheriff's office;
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office;
- Specify that county or local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁵

²⁴ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

²⁵ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

Section 3 provides that the bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE estimates that it will cost \$12,350 to complete the programmatic changes necessary to address the bill's provisions.²⁶ The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill; however, the bill does not create any new criminal penalties.

VI. Technical Deficiencies:

None.

²⁶ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.21 and 943.0435.

IX. Additional Information:

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

CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute provides technical changes and eliminates language requiring a sexual predator who is in the custody or control of the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) to report changes to vehicle ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ.

- B. **Amendments:**

None.

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Martin

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A bill to be entitled

An act relating to registration of sexual predators and sexual offenders; amending s. 775.21, F.S.; revising and providing definitions; revising reporting requirements for sexual predators; revising requirements for an online reporting system; revising verification requirements; providing criminal penalties; amending s. 943.0435, F.S.; revising reporting requirements for sexual offenders; revising verification requirements; providing criminal penalties; providing an effective date.

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

Section 1. Paragraphs (k), (n), and (o) of subsection (2), paragraphs (a), (f), and (g) of subsection (6), subsection (8), and paragraph (a) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

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

(k) "Permanent residence" means a place where the person abides, lodges, or resides for 3 or more consecutive days that is the person's home or other place where the person primarily lives. For the purpose of calculating a permanent residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(n) 1. "Temporary residence" means a place where the person abides, lodges, or resides, including, but not limited to,

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vacation, business, or personal travel destinations in or out of this state, for ~~a period of~~ 3 or more days in the aggregate during any calendar year ~~that and which~~ is not the person's permanent ~~or transient residence. address or,~~ For a person whose permanent residence is not in this state, the term also includes a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

2. The term includes an "in-state travel residence," which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

For the purpose of calculating a temporary residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(o) "Transient residence" means a county where the person lives, remains, or is located for the purpose of abiding, lodging, or residing for ~~a period of~~ 3 or more days in the aggregate during a calendar year ~~that and which~~ is not the person's permanent or temporary residence address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a transient residence under this paragraph, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(6) REGISTRATION.—

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(a) A sexual predator shall register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; photograph; address of permanent or legal residence and address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; date and place of each conviction; fingerprints; palm prints; and a brief description of the crime or crimes committed by the sexual predator offender. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

a. Any change that occurs after the sexual predator

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registers in person at the sheriff's office as provided in this subparagraph in any of the following information related to the sexual predator must be reported as provided in paragraphs (g), (i), and (j): permanent, temporary, or transient residence; name; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home and cellular telephone numbers; employment information; and status at an institution of higher education.

b. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

c. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each

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institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual predator's presence and any change in the sexual predator's enrollment, volunteer, or employment status.

d. A sexual predator shall report to the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes. A sexual predator who is under the supervision of the Department of Corrections, or under the supervision of the Department of Juvenile Justice shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall report ~~register~~ in person at a driver license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration unless a driver license or an identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s.

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944.607. At the driver license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the department in maintaining current records of sexual predators. A post office box may not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway

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175 Safety and Motor Vehicles for issuing or renewing a driver
 176 license or an identification card as required by this section.
 177 The driver license or identification card issued to the sexual
 178 predator must comply with s. 322.141(3).

179 3. Provide, upon request, any additional information
 180 necessary to confirm the identity of the sexual predator,
 181 including a set of fingerprints.

182 (g)1.a. Each time a sexual predator's driver license or
 183 identification card is subject to renewal, and, without regard
 184 to the status of the sexual predator's driver license or
 185 identification card, within 48 hours after any change of the
 186 sexual predator's residence or change in the sexual predator's
 187 name by reason of marriage or other legal process, the sexual
 188 predator shall report in person to a driver license office and
 189 is subject to the requirements specified in paragraph (f). The
 190 Department of Highway Safety and Motor Vehicles shall forward to
 191 the department and to the Department of Corrections all
 192 photographs and information provided by sexual predators.
 193 Notwithstanding the restrictions set forth in s. 322.142, the
 194 Department of Highway Safety and Motor Vehicles may release a
 195 reproduction of a color-photograph or digital-image license to
 196 the Department of Law Enforcement for purposes of public
 197 notification of sexual predators as provided in this section. A
 198 sexual predator who is unable to secure or update a driver
 199 license or an identification card with the Department of Highway
 200 Safety and Motor Vehicles as provided in paragraph (f) and this
 201 paragraph shall ~~also~~ report any change in the sexual predator's
 202 permanent, temporary, or transient residence or change in the
 203 sexual predator's name by reason of marriage or other legal

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204 process within 48 hours after the change in person to the
 205 sheriff's office in the county where the sexual predator resides
 206 or is located ~~and provide confirmation that he or she reported~~
 207 ~~such information to the Department of Highway Safety and Motor~~
 208 ~~Vehicles.~~ The reporting requirements under this sub-subparagraph
 209 ~~subparagraph~~ do not negate the requirement for a sexual predator
 210 to obtain a Florida driver license or identification card as
 211 required by this section. This sub-subparagraph does not apply
 212 to an in-state travel residence.

213 b. A sexual predator shall report an in-state travel
 214 residence within 48 hours after establishing the residence. The
 215 report shall be made through the department's online system; in
 216 person at the sheriff's office in the county in which the sexual
 217 predator is located; in person at the Department of Corrections
 218 if the sexual predator is in the custody or control of, or under
 219 the supervision of the Department of Corrections; or in person
 220 at the Department of Juvenile Justice if the sexual predator is
 221 in the custody or control of, or under the supervision of the
 222 Department of Juvenile Justice.

223 2.a. A sexual predator who vacates a permanent, temporary,
 224 or transient residence and fails to establish or maintain
 225 another permanent, temporary, or transient residence shall,
 226 within 48 hours after vacating the permanent, temporary, or
 227 transient residence, report in person to the sheriff's office of
 228 the county in which he or she is located. The sexual predator
 229 shall specify the date upon which he or she intends to or did
 230 vacate such residence. The sexual predator shall provide or
 231 update all of the registration information required under
 232 paragraph (a). The sexual predator shall provide an address for

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the residence or other place where he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

b. A sexual predator shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual predator must provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall report transient residence information in a manner prescribed by the department and provide notice to transient registrants to report transient residence information as required in this sub-subparagraph. Reporting to the sheriff's office as required by this sub-subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this sub-subparagraph. The sheriff's office shall electronically submit to and update with the department all such information within 2 business days after the sexual predator provides it to the sheriff's office.

3. A sexual predator who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the sexual predator indicated he or she would or did vacate such residence, report in person to the sheriff's office to which he or she reported pursuant to subparagraph 2. for the

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purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. A sexual predator who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The failure of a sexual predator who maintains a transient residence to report in person to the sheriff's office every 30 days as required by sub-subparagraph 2.b. is punishable as provided in subsection (10).

5.a. A sexual predator shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice

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291 before using such electronic mail addresses or Internet
 292 identifiers.

293 b. A sexual predator shall register ~~all changes to vehicles~~
 294 ~~owned~~, all changes to home telephone numbers and cellular
 295 telephone numbers, including added and deleted numbers, all
 296 changes to employment information, including the creation of a
 297 new business if self-employed, and all changes in status related
 298 to enrollment, volunteering, or employment at institutions of
 299 higher education, through the department's online system; in
 300 person at the sheriff's office; in person at the Department of
 301 Corrections if the sexual predator is in the custody or control,
 302 or under the supervision, of the Department of Corrections; or
 303 in person at the Department of Juvenile Justice if the sexual
 304 predator is in the custody or control, or under the supervision,
 305 of the Department of Juvenile Justice. All changes required to
 306 be reported in this sub-subparagraph shall be reported within 48
 307 hours after the change.

308 c. The department shall establish an online system through
 309 which sexual predators may securely access, submit, and update
 310 all changes in status to in-state travel residences; all
 311 vehicles owned; electronic mail addresses; Internet identifiers
 312 and each Internet identifier's corresponding website homepage or
 313 application software name; home telephone numbers and cellular
 314 telephone numbers; employment information; and institution of
 315 higher education information.

316 (8) VERIFICATION.—The department and the Department of
 317 Corrections shall implement a system for verifying the addresses
 318 of sexual predators. The system must be consistent with the
 319 federal Adam Walsh Child Protection and Safety Act of 2006 and

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320 any other federal standards applicable to such verification or
 321 required to be met as a condition for the receipt of federal
 322 funds by the state. The Department of Corrections shall verify
 323 the addresses of sexual predators who are not incarcerated but
 324 who reside in the community under the supervision of the
 325 Department of Corrections and shall report to the department any
 326 failure by a sexual predator to comply with registration
 327 requirements. County and local law enforcement agencies, in
 328 conjunction with the department, shall verify the addresses of
 329 sexual predators who are not under the care, custody, control,
 330 or supervision of the Department of Corrections at least four
 331 times per calendar year, and may verify the addresses of sexual
 332 predators who are under the care, custody, control, or
 333 supervision of the Department of Corrections. Local law
 334 enforcement agencies shall report to the department any failure
 335 by a sexual predator to comply with registration requirements.

336 (a) A sexual predator shall report in person each year
 337 during the month of the sexual predator's birthday and during
 338 every third month thereafter to the sheriff's office in the
 339 county in which he or she resides or is otherwise located to
 340 reregister. The sheriff's office may determine the appropriate
 341 times and days for reporting by the sexual predator, which must
 342 be consistent with the reporting requirements of this paragraph.
 343 Reregistration must include any changes to the following
 344 information:

345 1. Name; social security number; age; race; sex; date of
 346 birth; height; weight; tattoos or other identifying marks; hair
 347 and eye color; address of any permanent residence and address of
 348 any current temporary residence, within this state or out of

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349 state, including a rural route address and a post office box; if
 350 he or she has no permanent or temporary address, any transient
 351 residence within this state including the address, location or
 352 description of the transient residences, and dates of any
 353 current or known future temporary residence within this state or
 354 out of state; all electronic mail addresses; all Internet
 355 identifiers and each Internet identifier's corresponding website
 356 homepage or application software name; all home telephone
 357 numbers and cellular telephone numbers; ~~date and place of any~~
 358 employment information, including occupation, business name,
 359 employment address, and telephone number; the make, model,
 360 color, vehicle identification number (VIN), and license tag
 361 number of all vehicles owned; fingerprints; palm prints; and
 362 photograph. A post office box may not be provided in lieu of a
 363 physical residential address. The sexual predator shall also
 364 produce his or her passport, if he or she has a passport, and,
 365 if he or she is an alien, shall produce or provide information
 366 about documents establishing his or her immigration status. The
 367 sexual predator shall also provide information about any
 368 professional licenses he or she has.

369 2. If the sexual predator is enrolled or employed, whether
 370 for compensation or as a volunteer, at an institution of higher
 371 education in this state, the sexual predator shall also provide
 372 to the department the name, address, and county of each
 373 institution, including each campus attended, and the sexual
 374 predator's enrollment, volunteer, or employment status.

375 3. If the sexual predator's place of residence is a motor
 376 vehicle, trailer, mobile home, or manufactured home, as those
 377 terms are defined in chapter 320, the sexual predator shall also

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378 provide the vehicle identification number (VIN); the license tag
 379 number; the registration number; and a description, including
 380 color scheme, of the motor vehicle, trailer, mobile home, or
 381 manufactured home. If the sexual predator's place of residence
 382 is a vessel, live-aboard vessel, or houseboat, as those terms
 383 are defined in chapter 327, the sexual predator shall also
 384 provide the hull identification number; the manufacturer's
 385 serial number; the name of the vessel, live-aboard vessel, or
 386 houseboat; the registration number of the vessel, live-aboard
 387 vessel, or houseboat; and a description, including color scheme,
 388 of the vessel, live-aboard vessel, or houseboat.

389 (b) The sheriff's office shall electronically submit to and
 390 update with the department, in a manner prescribed by the
 391 department, all such information within 2 business days after
 392 the sexual predator provides it to the sheriff's office.

393 (10) PENALTIES.—

394 (a) Except as otherwise specifically provided, a sexual
 395 predator who fails to register; who fails, after registration,
 396 to maintain, acquire, or renew a driver license or an
 397 identification card; who fails to provide required location
 398 information or change-of-name information; who fails to provide
 399 electronic mail addresses, Internet identifiers, and each
 400 Internet identifier's corresponding website homepage or
 401 application software name; who fails to provide all home
 402 telephone numbers and cellular telephone numbers; who fails to
 403 report any changes to employment information, including the
 404 addition of new employment, termination of existing employment,
 405 and changes to the occupation, business name, employment
 406 address, and telephone number of previously reported employment;

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407 who fails to report any ~~or~~ changes in status at an institution
 408 of higher education; who fails to report any changes to vehicles
 409 owned, including the addition of new vehicles and changes to the
 410 make, model, color, vehicle identification number (VIN), and
 411 license tag numbers of previously reported vehicles; who fails
 412 to make a required report in connection with vacating a
 413 permanent residence; who fails to reregister as required; who
 414 fails to respond to any address verification correspondence from
 415 the department or from county or local law enforcement agencies
 416 within 3 weeks after the date of the correspondence; who
 417 knowingly provides false registration information by act or
 418 omission; or who otherwise fails, by act or omission, to comply
 419 with the requirements of this section commits a felony of the
 420 third degree, punishable as provided in s. 775.082, s. 775.083,
 421 or s. 775.084. Each instance of a failure to register or report
 422 changes to the required information specified in this paragraph
 423 constitutes a separate offense.

424 Section 2. Paragraph (b) of subsection (2), paragraph (b)
 425 of subsection (3), paragraphs (a) and (e) of subsection (4),
 426 subsection (6), paragraph (a) of subsection (9), and paragraph
 427 (c) of subsection (14) of section 943.0435, Florida Statutes,
 428 are amended to read:

429 943.0435 Sexual offenders required to register with the
 430 department; penalty.—

431 (2) Upon initial registration, a sexual offender shall:

432 (b) Provide his or her name; date of birth; social security
 433 number; race; sex; height; weight; tattoos or other identifying
 434 marks; hair and eye color; fingerprints; palm prints;
 435 photograph; employment information, including occupation,

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436 business name, employment address, and telephone number; address
 437 of permanent or legal residence and ~~or~~ address of any current
 438 temporary residence, within this state or out of state,
 439 including a rural route address and a post office box; if he or
 440 she has no permanent or temporary address, any transient
 441 residence within this state; address, location or description,
 442 and dates of any current or known future temporary residence
 443 within this state or out of state; the make, model, color,
 444 vehicle identification number (VIN), and license tag number of
 445 all vehicles owned; home telephone numbers and cellular
 446 telephone numbers; electronic mail addresses; Internet
 447 identifiers and each Internet identifier's corresponding website
 448 homepage or application software name; date and place of each
 449 conviction; and a brief description of the crime or crimes
 450 committed by the sexual offender. A post office box may not be
 451 provided in lieu of a physical residential address. The sexual
 452 offender shall also produce his or her passport, if he or she
 453 has a passport, and, if he or she is an alien, shall produce or
 454 provide information about documents establishing his or her
 455 immigration status. The sexual offender shall also provide
 456 information about any professional licenses he or she has.

457 1. If the sexual offender's place of residence is a motor
 458 vehicle, trailer, mobile home, or manufactured home, as those
 459 terms are defined in chapter 320, the sexual offender shall also
 460 provide to the department through the sheriff's office written
 461 notice of the vehicle identification number (VIN); the license
 462 tag number; the registration number; and a description,
 463 including color scheme, of the motor vehicle, trailer, mobile
 464 home, or manufactured home. If the sexual offender's place of

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residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual offender shall also provide to the department through the sheriff's office written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

3. A sexual offender shall report with the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints, and fingerprints to the department, along with the information

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the sexual offender is required to provide pursuant to this section. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual offender shall:

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must comply ~~be in compliance~~ with s. 322.141(3).

(4)(a)1. Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the sexual offender's permanent, temporary, or transient residence or change in the sexual offender's name by reason of marriage or other legal process, the sexual offender shall report in person to a driver license office, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law

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Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall ~~also~~ report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the offender resides or is located and ~~provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles.~~ The reporting requirements under this sub-subparagraph ~~paragraph~~ do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section. This sub-subparagraph does not apply to an in-state travel residence.

2. A sexual offender shall report an in-state travel residence within 48 hours after establishing the residence. The report shall be made through the department's online system; in person at the sheriff's office in the county in which the sexual offender is located; in person at the Department of Corrections if the sexual offender is in the custody or control of, or under the supervision of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control of, or under the supervision of the Department of Juvenile Justice.

(e)1. A sexual offender shall register all electronic mail addresses and Internet identifiers, and each Internet

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identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register ~~all changes to vehicles owned,~~ all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, including the creation of a new business if self-employed, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual

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offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update all changes in status to in-state travel residences; vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections at least one time per calendar year, and may verify the addresses of sexual offenders who are under the care, custody, control, or supervision of the Department of Corrections. The system for verifying addresses of sexual offenders must be, in a manner ~~that is~~ consistent with the ~~provisions of the~~ federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(9) (a) Except as otherwise specifically provided, a sexual offender who fails to register; who fails, after registration,

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to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to provide electronic mail addresses, Internet identifiers, and each Internet identifier's corresponding website homepage or application software name; who fails to provide all home telephone numbers and cellular telephone numbers; who fails to report any changes to employment information, including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address, and telephone number of previously reported employment; who fails to report any ~~or~~ changes in status at an institution of higher education; who fails to report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of a failure to register or report changes to the required information specified in this paragraph constitutes a separate offense.

(14)

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639 (c) The sheriff's office may determine the appropriate
 640 times and days for reporting by the sexual offender, which must
 641 be consistent with the reporting requirements of this
 642 subsection. Reregistration must include any changes to the
 643 following information:

644 1. Name; social security number; age; race; sex; date of
 645 birth; height; weight; tattoos or other identifying marks; hair
 646 and eye color; address of any permanent residence and address of
 647 any current temporary residence, within this state or out of
 648 state, including a rural route address and a post office box; if
 649 he or she has no permanent or temporary address, any transient
 650 residence within this state; address, location or description,
 651 and dates of any current or known future temporary residence
 652 within this state or out of state; all electronic mail addresses
 653 or Internet identifiers and each Internet identifier's
 654 corresponding website homepage or application software name; all
 655 home telephone numbers and cellular telephone numbers;
 656 employment information, including occupation, business name,
 657 employment address, and telephone number; the make, model,
 658 color, vehicle identification number (VIN), and license tag
 659 number of all vehicles owned; fingerprints; palm prints; and
 660 photograph. A post office box may not be provided in lieu of a
 661 physical residential address. The sexual offender shall also
 662 produce his or her passport, if he or she has a passport, and,
 663 if he or she is an alien, shall produce or provide information
 664 about documents establishing his or her immigration status. The
 665 sexual offender shall also provide information about any
 666 professional licenses he or she has.

667 2. If the sexual offender is enrolled or employed, whether

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668 for compensation or as a volunteer, at an institution of higher
 669 education in this state, the sexual offender shall also provide
 670 to the department the name, address, and county of each
 671 institution, including each campus attended, and the sexual
 672 offender's enrollment, volunteer, or employment status.

673 3. If the sexual offender's place of residence is a motor
 674 vehicle, trailer, mobile home, or manufactured home, as those
 675 terms are defined in chapter 320, the sexual offender shall also
 676 provide the vehicle identification number (VIN); the license tag
 677 number; the registration number; and a description, including
 678 color scheme, of the motor vehicle, trailer, mobile home, or
 679 manufactured home. If the sexual offender's place of residence
 680 is a vessel, live-aboard vessel, or houseboat, as those terms
 681 are defined in chapter 327, the sexual offender shall also
 682 provide the hull identification number; the manufacturer's
 683 serial number; the name of the vessel, live-aboard vessel, or
 684 houseboat; the registration number of the vessel, live-aboard
 685 vessel, or houseboat; and a description, including color scheme,
 686 of the vessel, live-aboard vessel, or houseboat.

687 Section 3. This act shall take effect October 1, 2025.

The Florida Senate

APPEARANCE RECORD

4/17/25
Meeting Date

1654
Bill Number or Topic

FISCAL Policy
Committee

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

Name WILLIAM B SMITH Phone 305-333-4344

Address 300 E BAYVIEW ST. Email WSMITH@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:

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

April 17, 2025

SB 1654

Meeting Date

Bill Number or Topic

Fiscal Policy

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **850-251-6392**

Address **2331 Phillips Road**

Email **bobbiesmith@fdle.state.fl.us**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Florida Department of Law
Enforcement**

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 1672

INTRODUCER: Senator Truenow

SUBJECT: Labor Pool Act

DATE: April 21, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Favorable
2.	McMillan	Siples	FP	Pre-meeting
3.			RC	

I. Summary:

SB 1672 repeals Florida's Labor Pool Act.

The bill takes effect July 1, 2025.

II. Present Situation:

Labor Pool Act

Part II of ch. 448, F.S., also known as the Labor Pool Act (Act),¹ provides for the health, safety, and well-being of day laborers throughout the state and outlines uniform standards of conduct and practice for labor pools. The Act defines "labor pool" as a business entity that operates a labor hall² by one or more of the following methods:³

- Contracting with third-party users to supply day laborers on a temporary basis;
- Hiring, employing, recruiting, or contracting with workers to fulfill contracts for temporary labor; or
- Fulfilling any contracts for day labor in accordance with the Labor Pool Act, even if the entity also conducts other business.

¹ Ch. 95-332, Laws of Fla.

² Section 448.22(3), F.S., defines a "labor hall" as a central location maintained by a labor pool where day laborers assemble and are dispatched to work for a third-party user.

³ Section 448.22(1), F.S. The act also specifically excludes certain businesses from its provisions: businesses registered as farm labor contractors; employee leasing companies; temporary help services that solely provide white collar employees, secretarial employees, clerical employees, or skilled laborers; labor union hiring halls; or labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use. *See* s. 448.23, F.S.

Exceptions

The Labor Pool Act does not apply to the following types of businesses:⁴

- Business entities duly registered as farm labor contractors pursuant to part III of ch. 450, F.S.;
- Employee leasing companies,⁵ as defined in s. 468.520, F.S.;
- Temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, or skilled laborers;
- Labor union hiring halls; or
- Labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use.

Prohibitions

The Act prohibits labor pools from:⁶

- Charging a day laborer:⁷
 - For safety equipment, clothing, accessories, or any other items required by the nature of the work;
 - More than a reasonable amount to transport a worker to or from the designated worksite; or
 - For directly or indirectly cashing a worker's check.
- Requesting or requiring that any day laborer sign any document waiving statutory protections.
- Charging more than the actual cost of providing lunch, if the labor pool provides lunch at the worksite.⁸
- Restricting a day laborer's right to accept a permanent position with a third-party user to whom the laborer is referred for temporary work, or to restrict the right of a third-party user to offer employment to an employee of the labor pool.⁹

Requirements

The Act requires labor pools to:

- If operating a labor hall, provide the following facilities for a worker waiting at the hall for a job assignment:¹⁰
 - Restroom facilities;
 - Drinking water; and
 - Sufficient seating.
- Select one of the following methods to pay a day laborer for work performed:¹¹
 - Cash;

⁴ Section 448.23, F.S.

⁵ "Employee Leasing Company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing.

⁶ Section 448.24(1), F.S.

⁷ "Day labor" means temporary labor or employment that is occasional or irregular for which the worker is employed for not longer than the time period required to complete the temporary assignment for which the individual worker was hired, although an individual may be eligible for additional temporary assignments when available. *See* s. 448.22(2), F.S.

⁸ Section 448.24(4), F.S.

⁹ Section 448.24(6), F.S.

¹⁰ Section 448.24(5), F.S.

¹¹ Section 448.24(2), F.S.

- Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;
- Payroll debit card; or
- Electronic fund transfer.
- Notify a day laborer of the payment method that the labor pool intends to use and the day laborer's options to elect a different payment method.¹²
- If selecting to pay a day laborer by payroll debit card:¹³
 - Offer the day laborer the option to elect payment by electronic fund transfer; and
 - Provide the day laborer with a list, including the address, of a nearby business that does not charge a fee to withdraw the debit card's contents.
- Compensate day laborers at or above the minimum wage.¹⁴
- Comply with the Workers' Compensation Law in ch. 440, F.S.¹⁵
- Insure any motor vehicle owned or operated by the labor pool and used for worker transportation.¹⁶
- Furnish each worker with a written itemized statement showing in detail each wage deduction.
- Give each worker an annual earnings statement summary.¹⁷

Remedies

Under the Act, any worker affected by a violation of the provisions relating to labor pool duties and obligations may file a lawsuit against the labor pool. In any such lawsuit, the worker is required to give the labor pool a reasonable opportunity to cure the alleged violation within 60 days. Workers are authorized to recover actual and consequential damages, or \$1,000, whichever is greater, for each violation, and costs. The legal remedy:

- Must be filed within 1 year after the date the notice of an alleged violation is served; and
- Is exclusive and prohibits the worker from pursuing any other available legal remedy.¹⁸

The Fair Labor Standards Act and Minimum Wage

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.¹⁹ In 1938, the FLSA established a minimum wage of \$.25 an hour. The current federal minimum wage rate is \$7.25 an hour, which went into effect July 24, 2009. The FLSA applies to employment within any state in the U.S., the District of Columbia, or any territory or possession of the U.S.²⁰

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 448.25, F.S.

¹⁹ 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.

²⁰ Congressional Research Service, CRS Report R42713, *The Fair Labor Standards Act (FLSA): An Overview*, available at <https://crsreports.congress.gov/product/pdf/R/R42713>, (last visited Mar. 28, 2025). (The main FLSA provisions and accompanying Department of Labor (DOL) regulations constitute what is commonly known as federal wage and hour laws and federal child labor law.).

The FLSA covers most private and public sector employees. However, certain employers and employees are exempt from coverage, including individuals with disabilities, youth workers, tipped workers, and executive, administrative, and professional workers. The FLSA covers businesses if the business has annual sales of at least \$500,000.²¹ It also covers certain individual employees if such employee is engaged in interstate commerce.

The FLSA provides that if states enact worker protections, including minimum wage rates, that are more protective of employees than what is provided by the FLSA, the state law applies.²² Consequently, no state law may weaken the worker protections in the FLSA. However, state laws that impose greater worker protections will supersede those in the FLSA.²³

Thirty states plus Washington DC, Guam, Puerto Rico, and the Virgin Islands provide a minimum wage greater than the federal minimum wage. Thirteen states provide a minimum wage that is equal to the federal minimum wage. Five states have not adopted a minimum wage and two states have a minimum wage that is below the federal minimum wage.²⁴ For those seven states, the federal minimum wage applies, but only to those workers covered by the FLSA.

On November 3, 2020, citizens voted to amend the Florida Constitution to gradually increase the state minimum wage each year, starting at \$10.00 per hour and rising until it reaches \$15.00 per hour on September 30, 2026.²⁵ Currently, the Florida minimum wage is \$13.00 per hour.²⁶ Pursuant to the amendment, on September 30, 2027, and each following year on that date, Florida's Department of Commerce must increase the minimum wage using a specified inflation calculation.²⁷

The US Department of Labor, Wage and Hour Division provides the following information regarding the application of the minimum wage, overtime pay and recordkeeping requirements of the FLSA to low-wage employees earning wages by the day, commonly known as day laborers:

- **Minimum Wage:** FLSA covered employers must pay day laborers at least the applicable minimum wage for all hours worked regardless of whether the worker is paid by the hour, the day, or at a piece rate. The minimum wage for covered nonexempt employees is \$7.25 an hour effective July 24, 2009. (Certain State rates may be higher.)
- **Hours Worked:** Employers must pay day laborers for all work performed whether or not the employer approves the work in advance. In general, "hours worked" includes all time an

²¹ The size of an enterprise is measured by its "annual sales or business done." Annual sales or business done includes all business activities that can be measured in dollars. Thus, retailers are covered by the FLSA if their annual sales are at least \$500,000. Owners of rental properties are covered if they collect at least \$500,000 annually in rent. 29 C.F.R. §§779.258-779.259.

²² 29 U.S.C. §218.

²³ Congressional Research Service, CRS Report R42713, The Fair Labor Standards Act (FLSA): An Overview, Updated March 8, 2023, available at <https://crsreports.congress.gov/product/pdf/R/R42713>, (last visited Mar. 28, 2025).

²⁴ U.S. Department of Labor, *Consolidated Minimum Wage Table*, available at <https://www.dol.gov/agencies/whd/mw-consolidated> (last visited Mar. 28, 2025).

²⁵ See Fla. Const. art. X, § 24.

²⁶ U.S. DEPT. OF LABOR, *State Minimum Wage Laws*, available at <https://www.dol.gov/agencies/whd/minimum-wage/state> (last visited Mar. 28, 2025).

²⁷ Fla. Const. art. X, § 24.

employee must be on duty, or at the place of work. Normally, time spent in training, traveling from site to site during the day and doing repair work must be paid.

- **Overtime:** Normally, employers must pay time and one-half of the worker's regular rate of pay after 40 hours of work in a 7-day workweek.
- **Recordkeeping:** Records must be kept by employers of all wages paid and of all hours worked, regardless of where the work is performed. Workers should keep a record of their employer's name, address, phone number, the hours they worked, and any payments received.²⁸

III. Effect of Proposed Changes:

The bill repeals Florida's Labor Pool Act, which governs the day labor industry in Florida.

The bill makes conforming changes in ss. 443.101 and 448.111, F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁸ United States Department of Labor Wage and Hour Division, *Digital Reference Guide to the Fair Labor Standards Act*, available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/Digital_Reference_Guide_FLSA.pdf (last visited Mar. 28, 2025).

B. Private Sector Impact:

There may be a reduction in litigation expenses for labor pools due to the removal of the prohibitions and remedies for violations under the Labor Pool Act.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 443.101, 448.111.

This bill repeals the following sections of the Florida Statutes: 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, 448.26.

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

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

None.

B. Amendments:

None.

By Senator Truenow

13-01806-25

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A bill to be entitled

An act relating to the Labor Pool Act; repealing ss. 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, F.S., relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively; amending ss. 443.101 and 448.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, Florida Statutes, are repealed.

Section 2. Subsection (10) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(10) Subject to the requirements of this subsection, if the claim is made based on the loss of employment as a leased employee for an employee leasing company or as a temporary employee for a temporary help firm.

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

1. "Temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement the client's workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects, ~~and includes a labor pool as defined in s. 448.22.~~ The term also includes a firm created by

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an entity licensed under s. 125.012(6), which hires employees assigned by a union for the purpose of supplementing or supporting the workforce of the temporary help firm's clients. The term does not include employee leasing companies regulated under part XI of chapter 468.

2. "Temporary employee" means an employee assigned to work for the clients of a temporary help firm. ~~The term also includes a day laborer performing day labor, as defined in s. 448.22, who is employed by a labor pool as defined in s. 448.22.~~

3. "Leased employee" means an employee assigned to work for the clients of an employee leasing company regulated under part XI of chapter 468.

(b) A temporary or leased employee is deemed to have voluntarily quit employment and is disqualified for benefits under subparagraph (1)(a)1. if, upon conclusion of his or her latest assignment, the temporary or leased employee, without good cause, failed to contact the temporary help or employee-leasing firm for reassignment, if the employer advised the temporary or leased employee at the time of hire and that the leased employee is notified also at the time of separation that he or she must report for reassignment upon conclusion of each assignment, regardless of the duration of the assignment, and that reemployment assistance benefits may be denied for failure to report. ~~For purposes of this section, the time of hire for a day laborer is upon his or her acceptance of the first assignment following completion of an employment application with the labor pool. The labor pool as defined in s. 448.22(1) must provide notice to the temporary employee upon conclusion of the latest assignment that work is available the next business~~

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 59 ~~day and that the temporary employee must report for reassignment~~
 60 ~~the next business day. The notice must be given by means of a~~
 61 ~~notice printed on the paycheck, written notice included in the~~
 62 ~~pay envelope, or other written notification at the conclusion of~~
 63 ~~the current assignment.~~

64 Section 3. Subsection (2) of section 448.111, Florida
 65 Statutes, is amended to read:

66 448.111 Evidentiary standards for actions of a business
 67 during an emergency.—

68 (2) Notwithstanding any other law, the following actions of
 69 a business, if taken during a public health emergency declared
 70 by the State Health Officer under s. 381.00315 or a state of
 71 emergency declared by the Governor under s. 252.36, may not be
 72 used as evidence in a civil cause of action brought under s.
 73 440.10, s. 440.192, s. 440.38, s. 440.381, s. 448.103, s.
 74 448.110, ~~s. 448.25~~, chapter 532, or s. 717.115, or in a civil
 75 cause of action, as provided for under general law, to recover
 76 lost wages, salary, employment benefits, or other compensation,
 77 because an individual has not been properly classified as an
 78 employee:

79 (a) Providing financial assistance to previously engaged
 80 individuals who are unable to work because of health and safety
 81 concerns.

82 (b) Directly providing benefits that are related to the
 83 health and safety of engaged individuals, including medical or
 84 cleaning supplies, personal protective equipment, health checks,
 85 or medical testing.

86 (c) Providing training or information related to the health
 87 and safety of engaged individuals or the public.

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 88 (d) Taking any action, including action required or
 89 suggested by any federal, state, or local law, ordinance, order,
 90 or directive which is intended to protect public health and
 91 safety.

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

The Florida Senate

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4-17-25
Meeting Date

1672
Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name Barbara DeVane

Phone _____

Address _____

Email _____

Street
Tallahassee
City State Zip
32308

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 NOW

☐ 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)

The Florida Senate

APPEARANCE RECORD

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4/17/25
Meeting Date

A.T.V
Committee

SB 1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Henry Griffin Phone 904 307-7991

Address 2576 Brockview Pointe Email hegriffin56@gmail.com
Street

Jay FLA 32073
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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The Florida Senate

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4/17/25
Meeting Date

SB 1672
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Shannese Jennings

Phone

904-753-9272

Address

Street

Jacksonville FL 32256

City

State

Zip

Email

ShanneseJennings@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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4/17/25

Meeting Date

Rules

Committee

SB 1672

Bill Number or Topic

Rules

Amendment Barcode (if applicable)

Name Kammeron Brown

Phone

Address 1008 Redbud Ave

Street

Email

Tallahassee

City

FL

State

32303

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

4/17/25

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

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SB1672

Bill Number or Topic

Rules

Amendment Barcode (if applicable)

Name

Justin Peacock

Phone

Address

20569 County Rd N 68

Email

Street

Robertsdale

City

AL

State

36567

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1672

Meeting Date

Fiscal Policy

Deliver both copies of this form to
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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Belkis Rosado

Phone

863-251-7968

Address

7035 Broad Way

Email

Street

Davenport

71

33837

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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April 17th 2025

Meeting Date

SB1672

Bill Number or Topic

FISCAL Policy

Committee

Amendment Barcode (if applicable)

Name Britt Rutherford

Phone

Address 6940 Krenson Oaks St

Email

Street

33810

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/17/25

Meeting Date

Fiscal Policy

Committee

1672

Bill Number or Topic

Amendment Barcode (if applicable)

Name Diane North

Phone 954-849-9959

Address 3773 WOODBRIAR DR
Street

Email alstapwu@aol.com

ORANGE PARK FL 32073
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

4/17
Meeting Date

F,CCC1
Committee

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

9B 1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Rick Templin

Phone 850-224-6926

Address 135 S. Monroe
Street

Email _____

Tallahassee FL 32305
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida AFB-C10

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

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S-001 (08/10/2021)

April 17, 2025

Meeting Date

Fiscal Policy

Committee

Name **Jonathan Webber**

Address **400 Washington Ave**

Street

Montgomery

City

FL

State

36104

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 1672 - Labor Pool

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **954-593-4449**

Email **jonathan.webber@splcenter.org**

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

SPLC

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/17/25

Meeting Date

Fiscal Policy

Committee

SB 1672

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jackson Oberlink 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:

Florida
Rising

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/17/25
Meeting Date

Physical Policy
Committee

1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Siaara Pinder

Phone 7863665199

Address 12 NW 61st St
Street

Email psiaara@gmail.com

Miami FL 33127
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:

Beyond the bars

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)

The Florida Senate
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4/17/25
Meeting Date
Fiscal Policy
Committee

SB 1672
Bill Number or Topic

Amendment Barcode (if applicable)

Name Angela Pinder Phone _____
Address 12 NW 61st St Email _____
Miami 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:

Beyond the Bars

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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April 17, 2025

Meeting Date

Fiscal Policy

Committee

SB1672

Bill Number or Topic

Amendment Barcode (if applicable)

Name Alfredo Patino Phone 305-376-1629

Address 1951 NW 7th Ave Email al.patino.ap@gmail.com
Street

Miami FL 33136
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

Beyond the Bars

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S-001 (08/10/2021)

The Florida Senate

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04/17/25

Meeting Date

1672

Bill Number or Topic

Fiscal policy

Committee

Amendment Barcode (if applicable)

Name

Devonte Gibbs

Phone

305-450-3274

Address

459 NW 19th

Email

devonte.gibbs44@gmail.com

Street

Miami

City

FL

State

33136

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:

Beyond The Bars

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The Florida Senate

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SB ~~1623~~ 1672

Bill Number or Topic

April 17, 2025

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Maya Ragsdale

Phone

734-660-8023

Address

1951 NW 7th Ave

Email

maya@beyondthebars.org

Street

Miami

FL

33136

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

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

Beyond the Bars

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The Florida Senate
APPEARANCE RECORD

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4/17/25

Meeting Date

Fiscal Policy

Committee

1672

Bill Number or Topic

Amendment Barcode (if applicable)

Name Letitia Harmon

Phone

Address

Street

Jacksonville, FL

City

State

32256

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing: Florida
Rising

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

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The Florida Senate

APPEARANCE RECORD

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April 17, 2025

Meeting Date

SB 1672

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Latisha Jones

Phone

813 495-9768

Address

4055 Willow Dr

Email

revltisha@yahoo.com

Street

Mulberry FL 33860

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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S-001 (08/10/2021)

4/17/25
Fiscal Policy
↓

The Florida Senate
APPEARANCE RECORD

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1672

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

529 E Call St

Email

fcfc@yaho.com

Street

Tallahassee, FL 32301

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

FL Center for
Fiscal & Economic
Policy



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

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1674

INTRODUCER: Community Affairs Committee and Senator Calatayud and others

SUBJECT: Unrated Bonds

DATE: April 16, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1674 prohibits a local government's investment policy from requiring a minimum bond rating for investments in rated or unrated bonds issued by the Israeli government.

The bill takes effect on July 1, 2025.

II. Present Situation:

Local Government Investment Policies

Known as the “Investment of Local Government Surplus Funds Act,”¹ part IV of chapter 218, F.S., (ss. 218.40-218.415, F.S.) provides the framework by which local governments may maximize “net interest earnings on invested surplus funds of local units of government, based on the principles of investor protection, mandated transparency, and proper governance, with the goal of reducing the need for imposing additional taxes.”²

Each unit of local government³ in the state may invest any surplus funds either according to a written investment policy adopted by the governing body or principal officer of the local

¹ Section 218.40, F.S.

² Section 218.401, F.S.

³ A “unit of local government” is defined under the act as any governmental entity within the state that is not part of state government and includes, but is not limited to, the following and the officers of: any county, municipality, school district,

government, or they may choose to invest according to alternative guidelines that authorize a more limited range of investment types.⁴

If a local government has not adopted a written investment policy, its ability to invest surplus funds in their control or possession is limited to:

- The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969.
- Money market funds registered with the Securities and Exchange Commission with the highest credit quality rating from a nationally recognized rating agency.
- Interest-bearing time deposits, such as certificates of deposit, or savings accounts in qualified public depositories.
- Direct obligations of the United States Treasury.⁵

If the unit of local government has chosen to invest pursuant to a written investment policy, the investment policy applies to funds under the control of the unit of local government in excess of those required to meet current expenses, but does not apply to any pension funds of the local government, including any firefighter or municipal police pensions, or to any funds related to debt issuance where there are other policies or indentures governing such funds.⁶

The local government's written investment policy must be structured to place the highest priority on the safety of principal and liquidity of funds, with maximizing investment returns as a secondary consideration.⁷ The investment portfolio must be structured so that the local government has sufficient liquidity to pay obligations as they come due.⁸ The policy must describe investment objectives, specify performance measures appropriate for the nature and size of the funds held by the local government, and describe the level of prudence and ethical standards followed by the local government in investing.⁹ The policy must also include guidelines for investments, limits on security issues, issuers, and maturities the funds will be deposited in, and provide for appropriate diversification.¹⁰

A local government's written investment policy must include a list of investments authorized by the governing body of the unit of local government selected from a list of investments provided in statute.¹¹ Any investments not listed in the investment policy are expressly prohibited.¹²

Section 218.415(16), F.S. lists the following authorized investments:

- The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969.¹³

special district, clerk of the circuit court, sheriff, property appraiser, tax collector, supervisor of elections, authority, board, public corporations, or any other political subdivision of the state. S. 218.403(11), F.S.

⁴ Section 218.415, F.S.

⁵ Section 218.415(17), F.S.

⁶ Section 218.415(1), F.S.

⁷ Section 218.415, F.S.

⁸ Section 218.415(6), F.S.

⁹ Sections 218.415(2)-(4), F.S.

¹⁰ Sections 218.415(7)-(8), F.S.

¹¹ Section 218.415(5), F.S.

¹² Section 218.415(5), F.S.

¹³ The Local Government Surplus Funds Trust Fund, also known as Florida PRIME, is administered by the State Board of Administration and currently holds a balance of over \$34 billion dollars on behalf of 819 participating local governments.

- Money market funds registered with the Securities and Exchange Commission with the highest credit quality rating from a nationally recognized rating agency.
- Interest-bearing time deposits, such as certificates of deposit, or savings accounts in qualified public depositories.
- Direct obligations of the United States Treasury.
- Federal agencies and instrumentalities.
- Rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel.
- Securities or other interests in any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940 that is limited to investing in obligations of the United States Government and to repurchase agreements fully collateralized by such United States Government obligations.
- Other investments authorized by law or by ordinance for a county or a municipality.
- Other investments authorized by law or by resolution for a school district or a special district.

If the local government's investment policy authorizes investments in derivative products or in reverse repurchase agreements or other forms of leverage, the policy must require the officials responsible for making investment decisions to have sufficient understanding and expertise in the use of such products.¹⁴ Reverse repurchase agreements or other forms of leverage may only be used where the proceeds are intended to provide liquidity to the local government.¹⁵

Each local government's investment policy must provide for a system of internal controls and operational procedures to prevent the loss of funds by fraud, employee error, misrepresentation by third parties, or imprudent actions by employees.¹⁶ The system of internal controls must provide for the review of such controls by independent auditors as part of any financial audit required of the local government.¹⁷ The policy must also provide for reporting on at least an annual basis that includes the local government's investment portfolio, the book value of the assets in the portfolio, any income earned by the portfolio, and the market value as of the date of the report.¹⁸

State Board of Administration, *Florida PRIME Monthly Summary Report*, (Jan. 31, 2025), available at https://prime.sbafla.com/media/0131slpj/monthly_summary_report_01_31_25.pdf (last visited Mar. 26, 2025). Additionally, there are currently two intragovernmental investment pools operating in the state, the Florida Local Government Investment Trust, jointly created by the Florida Association of Counties and the Florida Court Clerks & Comptrollers, and the Florida Municipal Investment Trust. See Florida Trust, *About the Florida Trust*, <https://www.floridatrustononline.com/about/> (last visited Mar. 26, 2025) and Florida League of Cities, *Florida Municipal Investment Trust (FMIVT)*, [https://www.floridaleagueofcities.com/services/investments-\(fmivt\)](https://www.floridaleagueofcities.com/services/investments-(fmivt)) (last visited Mar. 26, 2025).

¹⁴ A “derivative” is defined by the act as any financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or index or asset values. S. 218.415(5), F.S. A “reverse repurchase agreement” is a transaction in which an investor owns a security that a bank or other party purchases from the investor such to an agreement to sell the security back to the investor on a specified date at an agreed-upon interest rate. Government Finance Officers Association, *Ensuring the Safety of Reverse Repurchase Agreements*, <https://www.gfoa.org/materials/ensuring-the-safety-of-reverse-repurchase-agreements> (last visited Mar. 26, 2025).

¹⁵ Section 218.415(5), F.S.

¹⁶ Section 218.415(13), F.S.

¹⁷ *Id.* Certified public accountants conduct annual financial audits of units of local government pursuant to s. 218.39, F.S. must report as part of the audit whether the local government is complying with the requirements for local government investment policies. S. 218.415(22), F.S.

¹⁸ Section 218.415(15), F.S.

Bond Ratings

Bond ratings are measures developed by credit rating agencies to inform investors of the creditworthiness of a bond issuer.¹⁹ Ratings agencies conduct research into the financial health of bond issuers and assign ratings based on their findings.²⁰ Ratings are reported using a hierarchical system that allows investors to compare the risks associated with the bonds of different issuers.²¹ While various gradations exist, bonds are often thought of as being either “investment-grade” (bonds with a rating of BBB- (on the Standard & Poor's and Fitch scale) or Baa3 (on Moody's) or better) or “speculative” (sometimes called “high-yield” or “junk” bonds).²² An unrated bond is a bond that has not received a rating from a rating agency.²³ While perceived by some as representing greater investment risk, bonds may be unrated for reasons unrelated to creditworthiness.²⁴

Israeli bonds

Section 215.44, F.S., directs the State Board of Administration to invest funds in the System Trust Fund established in the State Treasury for the purpose of holding and investing the contributions paid by members and employers and paying the benefits to which members or their beneficiaries may be entitled under the Florida Retirement System. Section 215.47(2), F.S., provides that not more than 25 percent of any fund available for investment can be invested in specified areas, and that a portion of those funds available for investment can be invested in rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel. The authority for local governments with written investment policies to invest in rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel was put into law in 2007.²⁵

Israeli bonds have been a popular investment choice for some counties. In March of 2024, the Palm Beach County Board of County Commissioners voted unanimously to amend its investment policy to increase the cap for the amount of the portfolio that could be invested in Israeli bonds from 10 percent to 15 percent, allowing the county to invest approximately \$700 million in total in Israeli bonds.²⁶ The Palm Beach County investment policy provides that the Clerk may purchase investments in bonds, notes, or instruments backed by the full faith and credit of the government of Israel if Standard & Poor's and Moody's have rated Israel's foreign debt at the time of purchase as “A” or higher.²⁷ Broward County announced in October of 2023,

¹⁹ Fidelity, *Bond Ratings*, <https://www.fidelity.com/learning-center/investment-products/fixed-income-bonds/bond-ratings> (last visited Mar. 26, 2025).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Intrepid Capital, *Demystifying Non-Rated Bonds*, <https://blog.intrepidcapitalfunds.com/advisor-insights/demystifying-non-rated-bonds> (last visited Mar. 26, 2025).

²⁴ *Id.*

²⁵ Chapter 2007-28, Laws of Fla.

²⁶ Clerk of the Circuit Court & Comptroller of Palm Beach County, *World's Largest Investor in Israel Bonds*, (Mar. 26, 2024) <https://www.mypalmbeachclerk.com/Home/Components/News/News/712/16> (last visited Mar. 27, 2025).

²⁷ Palm Beach County Board of County Commissioners, Resolution No. R-2024-0334, s. VI.A.11., available at <https://www.mypalmbeachclerk.com/home/showpublisheddocument/286/638530276351930000> (last visited Mar. 27, 2025).

that it holds \$5 million in Israeli bonds,²⁸ and Miami-Dade County announced its total investment in Israeli bonds at that time to be \$76 million.²⁹ While the investment policy of Broward County includes minimum bond ratings for some types of investments, it does not specify a minimum bond rating for Israeli bonds.³⁰ Miami-Dade's investment policy requires that bonds backed by the Israeli government have an "A" rating or above or equivalent rating by at least two accredited ratings agencies.³¹

In September of 2024, Moody's Ratings downgraded bonds backed by the Israeli government from A2 to Baa1.³² Moody's stated that "The key driver for the downgrade is our view that geopolitical risk has intensified significantly further, to very high levels, with material negative consequences for Israel's creditworthiness in both the near and longer term."³³

III. Effect of Proposed Changes:

The bill amends s. 218.415, F.S., to prohibit a local government's investment policy from requiring a minimum bond rating for investments in rated or unrated bonds issued by the Israeli government.

The effective date of the bill is July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁸ Broward County Office of Public Communications, Israeli Bonds Part of Broward County's Investment Portfolio (Oct. 13, 2023), <https://webapps6.broward.org/newsrelease/View.aspx?intMessageId=14488> (last visited Mar. 27, 2025).

²⁹ Miami-Dade County Office of the Mayor, Mayor Daniella Levine Cava announces Miami-Dade County will boost investment in Israel, (Oct. 17, 2023) https://www.miamidade.gov/global/release.page?Mduid_release=rel1697579815448444 (last visited Mar. 27, 2025).

³⁰ Broward County Board of County Commissioners, Resolution No. 2007-314 s. 22.84.o., available at https://library.municode.com/fl/broward_county/codes/administrative_code?nodeId=CH22OTOPPOFIADSE_PTXIIINPOB_RCO (last visited Mar. 27, 2025).

³¹ Miami-Dade County, *Investment Policy*, 6 (2020) available at <https://www.miamidade.gov/finance/library/policy.pdf> (last visited Mar. 27, 2025).

³² Moody's, *Moody's Ratings Downgrades Israel's Ratings to Baa1, Maintains Negative Outlook*, (Sept. 27, 2024), <https://ratings.moodys.com/ratings-news/429502> (last visited Mar. 27, 2025).

³³ *Id.*

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:

Because s. 218.415, F.S., authorizes, but does not require, local governments to invest in any particular investment products, this bill will not have a direct fiscal effect on government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 218.415 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Community Affairs on March 31, 2025:

The committee substitute makes a clarifying change to ensure the prohibition on minimum bond ratings applies specifically to Israeli bonds.

B. Amendments:

None.

By the Committee on Community Affairs; and Senators Calatayud,
Fine, and Polsky

578-03102-25

20251674c1

A bill to be entitled

An act relating to unrated bonds; amending s. 218.415,
F.S.; prohibiting local governments from requiring
minimum bond ratings for certain investments;
providing an effective date.

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

Section 1. Subsection (5) of section 218.415, Florida
Statutes, is amended to read:

218.415 Local government investment policies.—Investment
activity by a unit of local government must be consistent with a
written investment plan adopted by the governing body, or in the
absence of the existence of a governing body, the respective
principal officer of the unit of local government and maintained
by the unit of local government or, in the alternative, such
activity must be conducted in accordance with subsection (17).
Any such unit of local government shall have an investment
policy for any public funds in excess of the amounts needed to
meet current expenses as provided in subsections (1)-(16), or
shall meet the alternative investment guidelines contained in
subsection (17). Such policies shall be structured to place the
highest priority on the safety of principal and liquidity of
funds. The optimization of investment returns shall be secondary
to the requirements for safety and liquidity. Each unit of local
government shall adopt policies that are commensurate with the
nature and size of the public funds within its custody.

(5) LISTING OF AUTHORIZED INVESTMENTS.—The investment
policy shall list investments authorized by the governing body

Page 1 of 2

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

578-03102-25

20251674c1

of the unit of local government, subject to the provisions of
subsection (16). The investment policy authorized by the
governing body of the unit of local government may not require a
minimum bond rating for investments authorized pursuant to
paragraph (16)(f). Investments not listed in the investment
policy are prohibited. If the policy authorizes investments in
derivative products, the policy must require that the unit of
local government's officials responsible for making investment
decisions or chief financial officer have developed sufficient
understanding of the derivative products and have the expertise
to manage them. For purposes of this subsection, a "derivative"
is defined as a financial instrument the value of which depends
on, or is derived from, the value of one or more underlying
assets or index or asset values. If the policy authorizes
investments in reverse repurchase agreements or other forms of
leverage, the policy must limit the investments to transactions
in which the proceeds are intended to provide liquidity and for
which the unit of local government has sufficient resources and
expertise.

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

Page 2 of 2

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

The Florida Senate

APPEARANCE RECORD

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

4/17/25

Meeting Date

Fiscal Policy

Committee

1674

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Mat Forrest**

Phone **8505770444**

Address **201 E. Park Ave.**
Street

Email **Mat@ballardpartners.com**

Tallahassee
City

FL
State

32301
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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**Joe Abruzzo, Palm Beach County
Clerk of Courts**

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1800

INTRODUCER: Appropriations Committee on Health and Human Services; Health Policy Committee;
and Senator Calatayud

SUBJECT: Parkinson's Disease

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Morgan</u>	<u>Brown</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Gerbrandt</u>	<u>McKnight</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Morgan</u>	<u>Siples</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1800 creates s. 1004.4352, F.S., to establish the Parkinson's Disease Research Board (Board), as well as the Consortium for Parkinson's Disease Research (Consortium) within the University of South Florida. The Board is established to direct the operations of the Consortium, and the Consortium exists to conduct rigorous scientific research and disseminate such research.

The bill requires the Board to adopt a plan for Parkinson's disease research annually and to award funds to members of the Consortium to perform research consistent with the plan. The Board must issue a report to the Governor and the Legislature on research projects, research findings, community outreach initiatives, and future plans for the Consortium by October 15 of each year.

The bill is subject to legislative appropriation. If an appropriation is provided funds must be allocated as prescribed in the bill. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Parkinson's Disease

Parkinson's disease is a movement disorder of the nervous system¹ that worsens over time. Although Parkinson's disease cannot be cured, medications may help control and improve symptoms.²

Parkinson's disease is very common overall, ranking second among age-related degenerative brain diseases. It is also the most common motor (movement-related) brain disease. Experts estimate that it affects at least 1 percent of people over the age of 60 worldwide.³

Parkinson's disease is not fatal, but the symptoms and effects are often contributing factors to death. The average life expectancy for Parkinson's disease in 1967 was a little under 10 years. Since then, the average life expectancy has increased by about 55 percent, rising to more than 14.5 years. That, combined with the fact that Parkinson's diagnosis is much more likely after age 60, means this condition does not often affect the life expectancy by more than a few years.⁴

Parkinson's Disease Symptoms & Complications

Parkinson's disease symptoms can be different for everyone. Early symptoms may be mild and may go unnoticed. Symptoms often begin on one side of the body, then affect both sides as the disease progresses. Symptoms are usually worse on one side than the other.⁵

Parkinson's disease symptoms may include:⁶

- Tremors – Rhythmic shaking that usually begins in the hands or fingers. Sometimes a tremor begins in the foot or jaw, or an individual may rub their thumb and forefinger back and forth, also known as a pill-rolling tremor. The hand may tremble when at rest or when under stress. Some individuals notice less shaking when doing some sort of task or moving around.
- Bradykinesia (slow movement) – Parkinson's disease may slow movement, making simple tasks more difficult. It can be challenging to get out of a chair, shower, or get dressed. The disease may cause less facial expression and make it difficult to blink.
- Rigid muscles – Parkinson's disease can cause stiff muscles in any part of the body. Muscles may feel tense and painful, and arm movements may become short and jerky.
- Poor posture and balance – Parkinson's disease may cause posture to become stooped, and an individual may experience falls or problems with balance.

¹ The nervous system is a network of nerve cells that controls many parts of the body, including movement. See Mayo Clinic, *Parkinson's Disease*, available at <https://www.mayoclinic.org/diseases-conditions/parkinsons-disease/symptoms-causes/syc-20376055#:~:text=Parkinson's%20disease%20is%20a%20movement,a%20foot%20or%20the%20jaw>. (last visited Mar. 30, 2025).

² Mayo Clinic, *Parkinson's Disease*, available at <https://www.mayoclinic.org/diseases-conditions/parkinsons-disease/symptoms-causes/syc-20376055#:~:text=Parkinson's%20disease%20is%20a%20movement,a%20foot%20or%20the%20jaw>. (last visited Mar. 30, 2025).

³ Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

⁴ *Id.*

⁵ *Supra* note 2.

⁶ *Id.*

- Loss of automatic movements – Parkinson’s disease may lessen an individual’s ability to make certain movements that typically are accomplished without thinking, including blinking, smiling, or swinging arms while walking.
- Speech changes – The disease may result in soft or quick speech, slurring, or hesitation prior to speaking. Speech may become flat or monotone, without typical speech patterns.
- Writing changes – Trouble writing and writing that appears cramped and small are a sign of the disease.
- Nonmotor symptoms – These may include depression; anxiety; constipation; sleep problems, including acting out dreams; the need to urinate often; trouble smelling; problems thinking and with memory; feeling very tired; blood pressure changes; and pain or cramps in muscles and joints.

Individuals with Parkinson’s disease may have treatable complications, including:⁷

- Trouble thinking clearly – Parkinson’s disease can affect memory, language, and reasoning skills. The disease can also lead to dementia or other conditions that affect thinking. These complications usually occur later in the disease’s progression, and typically medications have only a modest benefit in managing symptoms.
- Emotional changes and depression – Some people feel irritable and concerned early in the course of Parkinson’s disease, experiencing depression and anxiety. Medications and other treatments can assist with these changes.
- Trouble swallowing and chewing – Late-stage Parkinson’s disease affects the muscles in the mouth causing trouble swallowing and chewing, which can lead to a nutrient deficiency. The collection of food or saliva in the mouth can also pose a choking hazard or cause drooling.
- Sleep problems and sleep disorders – Individuals with Parkinson’s disease may wake often during the night, have nightmares, and fall asleep during the day.
- Rapid eye movement sleep behavior disorder – This involves acting out dreams, and medications and other therapies may help improve sleep.

Causes of Parkinson’s Disease

Parkinson’s disease causes a specific area of the brain, the basal ganglia,⁸ to deteriorate. As this area deteriorates, the ability to control the areas regulated by this portion of the brain decreases. Researchers have uncovered that Parkinson’s disease causes a major shift in brain chemistry.⁹

⁷ Mayo Clinic, *Parkinson’s Disease*, available at <https://www.mayoclinic.org/diseases-conditions/parkinsons-disease/symptoms-causes/syc-20376055#:~:text=Parkinson’s%20disease%20is%20a%20movement,a%20foot%20or%20the%20jaw>. (last visited Mar. 30, 2025).

⁸ The basal ganglia are a cluster of nuclei found deep to the neocortex of the brain. It has a multitude of functions associated with reward and cognition but is primarily involved in motor control. In particular, the basal ganglia are considered to be a gate-keeping mechanism for the initiation of motor movement, effectively choosing which actions to allow and which actions to inhibit. See National Institutes of Health, National Library of Medicine, National Center for Biotechnology Information, *Neuroanatomy, Basal Ganglia*, available at <https://www.ncbi.nlm.nih.gov/books/NBK537141/#:~:text=The%20basal%20ganglia%20is%20a,primarily%20involved%20in%20motor%20control>. (last visited Mar. 30, 2025).

⁹ Cleveland Clinic, *Parkinson’s Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

Under normal circumstances, the brain uses chemicals known as neurotransmitters to control how brain cells (neurons) communicate with each other. With Parkinson's disease, an individual does not have enough dopamine, one of the most important neurotransmitters.¹⁰

When the brain sends activation signals telling the muscles to move, it fine-tunes the movements using cells that require dopamine. A lack of dopamine causes slowed movements and tremors, symptoms of Parkinson's disease.¹¹

As Parkinson's disease progresses, the symptoms expand and intensify. Later stages of the disease often affect brain functions, causing dementia-like symptoms and depression.¹²

The cause of Parkinson's disease is unknown, but several factors seem to play a role, including:¹³

- Genes – Specific genetic changes are linked to Parkinson's disease, but these are rare unless many family members have been diagnosed with the disease.
- Environmental factors – Exposure to certain toxins or other environmental factors may increase the risk of later Parkinson's disease.

Many changes occur in the brains of individuals with Parkinson's disease. Researchers are studying the changes which include:¹⁴

- The presence of Lewy bodies – Clumps of proteins in the brain, called Lewy bodies, are associated with Parkinson's disease and researchers believe these proteins hold an important clue to the cause of the disease.
- Alpha-synuclein found within Lewy bodies – Alpha-synuclein is a protein found in all Lewy bodies. It occurs in a clumped form that cells cannot break down. This is currently an important focus among Parkinson's disease researchers. Alpha-synuclein has been found in the spinal fluid of individuals who later have Parkinson's disease.
- Altered mitochondria – Mitochondria are powerhouse compartments inside cells that create most of the body's energy. Changes to mitochondria can cause cell damage and are often observed in the brains of individuals with Parkinson's disease.

Parkinson's Disease Risk Factors

Risk factors for Parkinson's disease include:¹⁵

- Age – The risk of Parkinson's disease increases with age. Usually, it starts around age 50 or older. The average age of onset is around age 70. Parkinson's disease can occur in younger adults, but it is rare. When individuals younger than age 50 are diagnosed with the disease, it is known as early-onset Parkinson's disease.

¹⁰ Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

¹¹ *Id.*

¹² *Id.*

¹³ Mayo Clinic, *Parkinson's Disease*, available at <https://www.mayoclinic.org/diseases-conditions/parkinsons-disease/symptoms-causes/syc-20376055#:~:text=Parkinson's%20disease%20is%20a%20movement,a%20foot%20or%20the%20jaw>. (last visited Mar. 30, 2025).

¹⁴ *Id.*

¹⁵ *Id.*

- Genetics – The risk of developing Parkinson’s Disease increases if one or more first-degree relatives, such as parents or siblings, have been diagnosed with the disease. However, familial Parkinson’s disease is only attributed to about 10 percent of all cases.¹⁶
- Sex – Men are more likely to develop Parkinson’s disease than women.
- Exposure to toxins – Ongoing exposure to herbicides and pesticides may slightly increase the risk of developing Parkinson’s disease.

Parkinson’s Disease Prevention

Since the cause of Parkinson’s disease is unknown, there are no proven ways to prevent it. However, research shows that some factors may help protect against it, including:¹⁷

- Exercise – Aerobic exercise has been linked to a lower risk of Parkinson’s disease.
- Caffeine – Some studies show a link between drinking caffeinated beverages, such as coffee and green tea, may lower the risk of developing Parkinson’s disease.
- Medicines – Some medications, such as ibuprofen and statins,¹⁸ have been linked to a lower risk of the disease.

Parkinson’s Disease Diagnosis and Tests

A biomarker is a biological molecule found in blood, other body fluids, or tissues that are a sign of a normal or abnormal process, or of a condition or disease. A biomarker may be used to see how well the body responds to a treatment for a disease or condition.¹⁹

Biomarker testing is a method to look for genes, proteins, and other substances (biomarkers or tumor markers) that can provide information about cancer and other conditions. Biomarkers are substances in the body that can give researchers and doctors information about a person’s health. For example, high cholesterol is a biomarker of heart disease. Currently, the use of biomarkers is in the beginning stages to help diagnose Parkinson’s disease.²⁰

Diagnosing Parkinson’s disease is mostly a clinical process, meaning it relies heavily on a health care provider examining the symptoms, asking questions, and reviewing medical history. Some diagnostic and lab tests are possible, but these are usually needed to rule out other conditions or certain causes; however, most lab tests are not necessary unless the patient is unresponsive to treatment for Parkinson’s disease, which can indicate another condition.²¹

¹⁶ Cleveland Clinic, *Parkinson’s Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

¹⁷ *Id.*

¹⁸ Statins are drugs that can lower cholesterol. See Mayo Clinic, *Statins: Are these cholesterol-lowering drugs right for you?*, available at <https://www.mayoclinic.org/diseases-conditions/high-blood-cholesterol/in-depth/statins/art-20045772#:~:text=Statins%20are%20drugs%20that%20can,of%20heart%20disease%20and%20stroke>. (last visited Mar. 30, 2025).

¹⁹ National Institutes of Health, National Cancer Institute, *Biomarker Testing for Cancer Treatment*, available at <https://www.cancer.gov/about-cancer/treatment/types/biomarker-testing-cancer-treatment> (last visited Mar. 30, 2025).

²⁰ Parkinson’s Foundation, *Parkinson’s Biomarkers*, available at <https://www.parkinson.org/understanding-parkinsons/getting-diagnosed/biomarkers> (last visited Mar. 30, 2025).

²¹ Cleveland Clinic, *Parkinson’s Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

When health care providers suspect Parkinson's disease or need to rule out other conditions, various imaging and diagnostic tests are possible, including:²²

- Blood tests;
- Computed tomography (CT) scans;²³
- Genetic testing;
- Magnetic resonance imaging (MRI);²⁴ and
- Positron emission tomography (PET) scans.²⁵

Researchers have found ways to test for possible indicators of Parkinson's disease. Both of these tests involve the alpha-synuclein protein; however, these tests only serve to provide information that can help a provider in making a diagnosis.²⁶

- Spinal tap – Looks for misfolded alpha-synuclein proteins in cerebrospinal fluid, which is the fluid that surrounds the brain and spinal cord. This test involves a spinal tap (lumbar puncture), where a health care provider inserts a needle into the spinal canal to collect cerebrospinal fluid for testing.
- Skin biopsy – Another possible test involving a biopsy of surface nerve tissue. A biopsy includes collecting a small sample of the skin, including the nerves in the skin. The samples come from a spot on the back and two spots on the leg. Analyzing the samples can help determine if the alpha-synuclein protein has a certain kind of malfunction that could increase the risk of developing Parkinson's disease.

Parkinson's Disease Management and Treatment

For now, Parkinson's disease is not curable, but there are multiple ways to manage its symptoms. The treatments can also vary from person to person, depending on the specific symptoms and how well certain treatments work. Medications are the primary way to treat this condition.²⁷

²² Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

²³ A CT scan is a type of imaging that uses X-ray techniques to create detailed images of the body. It then uses a computer to create cross-sectional images, also called slices, of the bones, blood vessels, and soft tissues inside the body. CT scan images show more detail than plain X-rays do. See Mayo Clinic, *CT Scan*, available at <https://www.mayoclinic.org/tests-procedures/ct-scan/about/pac-20393675> (last visited Mar. 30, 2025).

²⁴ An MRI is a noninvasive medical imaging test that produces detailed images of almost every internal structure in the human body, including the organs, bones, muscles, and blood vessels. MRI scanners create images of the body using a large magnet and radio waves. No ionizing radiation is produced during an MRI exam, unlike X-rays. These images give a physician important information in diagnosing a medical condition and planning a course of treatment. See Johns Hopkins Medicine, *Magnetic Resonance Imaging (MRI)*, available at <https://www.hopkinsmedicine.org/health/treatment-tests-and-therapies/magnetic-resonance-imaging-mri#:~:text=Magnetic%20resonance%20imaging%2C%20or%20MRI,large%20magnet%20and%20radio%20waves>. (last visited Mar. 30, 2025).

²⁵ A PET scan is an imaging test that can help reveal the metabolic or biochemical function of tissues and organs. The PET scan uses a radioactive drug called a tracer to show both typical and atypical metabolic activity. A PET scan can often detect the atypical metabolism of the tracer in diseases before the disease shows up on other imaging tests, such as a CT and an MRI. See Mayo Clinic, *Positron emission tomography scan*, available at <https://www.mayoclinic.org/tests-procedures/pet-scan/about/pac-20385078> (last visited Mar. 30, 2025).

²⁶ Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

²⁷ Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

A secondary treatment option is surgery to implant a device that will deliver a mild electrical current to part of the brain (deep brain stimulation).²⁸ There are also experimental options, such as stem cell-based treatments, however, availability often varies, and many are not an option for individuals with Parkinson's disease.²⁹

Medications that do one or more of the following are used to treat Parkinson's disease:³⁰

- Adding dopamine – Medications like levodopa³¹ can increase the available levels of dopamine in the brain. This medication is almost always effective, and when it does not work, that is usually a sign of some other form of parkinsonism³² rather than Parkinson's disease. Long-term use of levodopa eventually leads to side effects that make it less effective.
- Stimulating dopamine – Dopamine agonists are medications that have a dopamine-like effect. Dopamine is a neurotransmitter, causing cells to act in a certain way when a dopamine molecule latches onto them. Dopamine agonists can latch on and cause cells to behave the same way. These are more common in younger patients to delay starting levodopa.
- Dopamine metabolism blockers – The body has natural processes to break down neurotransmitters like dopamine. Medications that block the body from breaking down dopamine allow more dopamine to remain available to the brain. These medications are especially useful early on and can also help when combined with levodopa in later stages of Parkinson's disease.
- Levodopa metabolism inhibitors – These medications slow down how the body processes levodopa, helping it last longer. These medications may need careful use as they can have toxic effects and damage the liver. They are most often used to help as levodopa becomes less effective.
- Adenosine blockers – Medications that block how certain cells use adenosine (a molecule used in various forms throughout the body) can have a supportive effect when used alongside levodopa.

²⁸ In years past, surgery was an option to intentionally damage and scar a part of the brain that was malfunctioning because of Parkinson's disease. Today, that same effect is possible using deep-brain stimulation, which uses an implanted device to deliver a mild electrical current to those same areas. The major advantage is that deep-brain stimulation is reversible, while intentional scarring damage is not. This treatment approach is almost always an option in later stages of Parkinson's disease when levodopa therapy becomes less effective, and in people who have a tremor that does not seem to respond to the usual medications. See Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

²⁹ Stem cell transplants add new dopamine-using neurons into the brain to take over for damaged ones. Neuron-repair treatments try to repair damaged neurons and encourage new neurons to form. Gene therapies and gene-targeted treatments target specific mutations that cause Parkinson's disease. Some also boost the effectiveness of levodopa or other treatments. See Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

³⁰ *Supra* note 27.

³¹ Levodopa is the precursor to dopamine. Most commonly, clinicians use levodopa as a dopamine replacement agent for the treatment of Parkinson's disease. It is most effectively used to control bradykinetic symptoms apparent in Parkinson's disease. Levodopa is typically prescribed to a patient with Parkinson's disease once symptoms become more difficult to control with other anti-parkinsonism drugs. See National Institutes of Health, National Library of Medicine, National Center for Biotechnology Information, *Levodopa (L-Dopa)*, available at <https://www.ncbi.nlm.nih.gov/books/NBK482140/#:~:text=Levodopa%20is%20the%20precursor%20to,symptoms%20apparent%20in%20Parkinson%20disease>. (last visited Mar. 30, 2025).

³² "Parkinsonism" is an umbrella term that describes Parkinson's disease and conditions with similar symptoms. It can refer not only to Parkinson's disease but also to other conditions like multiple system atrophy or corticobasal degeneration. See Cleveland Clinic, *Parkinson's Disease*, available at <https://my.clevelandclinic.org/health/diseases/8525-parkinsons-disease-an-overview#symptoms-and-causes> (last visited Mar. 30, 2025).

- Other medications are used to treat specific symptoms of Parkinson’s disease.

Current Status of Parkinson’s Disease Research in Florida

The Parkinson’s Foundation designates the nation’s top medical centers with specialized teams focused on Parkinson’s disease clinical research and care as “Centers of Excellence.”³³ Florida is home to three Parkinson’s disease Centers of Excellence, including the USF’s Parkinson’s Disease & Movement Disorders Center,³⁴ the University of Florida’s Movement Disorders and Neurorestoration Program,^{35,36,37} and the University of Miami’s Miller School of Medicine.^{38,39,40,41} Comparatively, California is home to five Centers of Excellence, New York is home to four, and Texas is home to one.⁴²

III. Effect of Proposed Changes:

Section 1 creates s. 1004.4352, F.S., to provide that the section may be cited as the “Parkinson’s Disease Research Act.”

³³ Parkinson’s Foundation, *Global Care Network*, available at <https://www.parkinson.org/living-with-parkinsons/finding-care/global-care-network> (last visited Apr. 3, 2025).

³⁴ The USF’s Parkinson’s Disease & Movement Disorders Center is the only center in Florida primarily focused on Parkinson’s disease research and treatment. The center currently offers multiple clinical trials to improve symptoms of early untreated Parkinson’s disease, test innovative treatments, and study the disease’s causes and progression. See USF Health, *Parkinson’s Disease & Movement Disorders Center*, available at <https://health.usf.edu/care/neurology/services-specialties/parkinsons> (last visited Apr. 3, 2025).

³⁵ The University of Florida’s (UF’s) Movement Disorders and Neurorestoration Program operates within the UF’s Norman Fixel Institute for Neurological Diseases and studies a variety of neurological disorders, including amyotrophic lateral sclerosis (ALS), dementia, Alzheimer’s disease, and Parkinson’s disease. See UFHealth, *About*, available at <https://movementdisorders.ufhealth.org/about/> (last visited Apr. 3, 2025).

³⁶ Currently, the Program offers only two clinical trials for Parkinson’s disease research. See UFHealth, *Clinical trials*, available at <https://ufhealth.org/conditions-and-treatments/parkinson-disease/clinical-trials> (last visited Apr. 3, 2025).

³⁷ The Program’s Parkinson’s disease research focuses on cognitive behavior and emotion, speech production, breathing and swallowing dysfunction, and development of deep brain stimulation. See UFHealth, *Clinical Research*, available at <https://movementdisorders.ufhealth.org/research/clinical-research/> (last visited Apr. 3, 2025).

³⁸ The University of Miami’s Miller School of Medicine does not have a program specifically designated for researching Parkinson’s disease. However, the Miller School of Medicine’s John P. Hussman Institute for Human Genomics researches Parkinson’s disease’s genetic causes, along with other genetic disorders such as Autism and Alzheimer’s disease. See Miller School of Medicine, *Parkinson Disease*, available at <https://med.miami.edu/centers-and-institutes/hihg/research-programs/parkinson-disease> (last visited Apr. 3, 2025).

³⁹ The Institute does not study Parkinson’s disease beyond its genetic causes. The Miller School of Medicine also partners with the American Parkinson Disease Association’s (APDA) to host the APDA’s Information and Referral Center. See Miller School of Medicine, *New Center Expands Services to Parkinson’s Disease Community, Targeting Underserved Spanish-Speaking Population*, available at <https://news.med.miami.edu/new-center-expands-services-to-parkinsons-disease-community-targeting-underserved-spanish-speaking-population/#:~:text=The%20Miller%20School%20is%20a%20Parkinson%E2%80%99s%20Foundation%20Center,treatment%20and%20research%20while%20providing%20the%20best%20care> (last visited Apr. 3, 2025).

⁴⁰ The Center operates a telephone helpline, provides resources on symptoms and therapies, and connects patients with physicians and specialists. See American Parkinson Disease Association, *APDA’s Grassroots Network: APDA Information & Referral Centers*, available at <https://www.apdaparkinson.org/article/our-network-of-information-and-referral-centers/> (last visited Apr. 3, 2025).

⁴¹ Parkinson’s Foundation, *Florida Chapter*, available at <https://www.parkinson.org/florida/florida-chapter#florida-chapter> (last visited Apr. 3, 2025).

⁴² Parkinson’s Foundation, *Global Care Network*, available at <https://www.parkinson.org/living-with-parkinsons/finding-care/global-care-network> (last visited Apr. 3, 2025).

The bill establishes the following legislative findings:

- Parkinson's disease is a progressive neurological disorder affecting approximately one million Americans, with an estimated 90,000 new diagnoses each year.
- Currently, there is no cure for Parkinson's disease, and innovative research is essential to advance therapies, improve patient outcomes, and alleviate the burden of the disease.

The bill defines the following terms:

- "Board" to mean the Parkinson's Disease Research Board.
- "Consortium" to mean the Consortium for Parkinson's Disease Research.

The bill establishes the Consortium for Parkinson's Disease Research (Consortium), which consists of public and private universities and academic medical centers, within the University of South Florida (USF). The purpose of the Consortium is to conduct rigorous scientific research and disseminate such research.

The bill establishes the Parkinson's Disease Research Board (Board) to direct the operations of the Consortium. The Board must be composed of members representing each participating university or academic medical center and appointed by the president or chief executive officer of each participating university or academic medical center. Board members must have experience in a variety of scientific fields, including, but not limited to, neurology, psychology, nutrition, and genetics. Members must be appointed to four-year terms and may be reappointed to serve additional terms. The chair must be elected by the Board from among its members to serve a two-year term. The Board must meet at least semi-annually at the call of the chair or, in his or her absence or incapacity, the vice chair. Four members constitute a quorum. A majority vote of the members present is required for all actions of the Board. The Board may prescribe, amend, and repeal a charter governing the way it conducts its business. Board members must serve without compensation, but are entitled to receive reimbursement for travel expenses by the Consortium or the organization he or she represents in accordance with s. 112.061, F.S.

The bill requires the Consortium to be administered by a director, who must be appointed by and serve at the pleasure of the Board. Subject to the approval of the Board, the director must:

- Propose a budget for the Consortium.
- Foster the collaboration of scientists, researchers, and other appropriate personnel in accordance with the Consortium's charter.
- Engage individuals in public and private university and academic medical center programs relevant to the Consortium's work to participate in the Consortium.
- Identify and prioritize the research to be conducted by the Consortium.
- Prepare a plan for Parkinson's disease research for submission to the Board.
- Apply for grants to obtain funding for research conducted by the Consortium.
- Perform other duties as determined by the Board.

The bill requires the Board to annually adopt a plan for Parkinson's disease research. The plan must organize a program of research that contributes to the body of scientific knowledge on the causes, mechanisms, and potential treatments for Parkinson's disease and the prevalence of

Parkinson's disease in first responders. The Board must award funds to members of the Consortium to perform research consistent with the plan.

The bill requires that the Board issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on research projects, research findings, community outreach initiatives, and future plans for the Consortium by October 15 of each year.

Section 2 requires the following allocation of funds, subject to appropriation from the General Appropriations Act:

- 67 percent of funds appropriated are directed to the USF for Parkinson's disease research including, but not limited to, identifying the genetic origin of the disease and developing therapeutic interventions to slow or stop the progression of the disease.
- 33 percent of funds appropriated are directed to the USF for the Consortium for Parkinson's Disease Research.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is subject to legislative appropriation. If an appropriation is provided funds must be allocated as prescribed in the bill:

- 67 percent of funds appropriated are directed to the University of South Florida (USF) for Parkinson's disease research including, but not limited to, identifying the genetic origin of the disease and developing therapeutic interventions to slow or stop the progression of the disease.
- 33 percent of funds appropriated are directed to the USF for the Consortium for Parkinson's Disease Research.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not speak to how the public or private universities, or academic medical centers are chosen to participate in the Consortium. The bill is silent as to the term of service for the director of the Consortium. The term "academic medical center" is not defined in current law.

VIII. Statutes Affected:

This bill creates section 1004.4352 of the Florida Statutes.

The bill creates undesignated sections of the Florida law.

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

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

CS/CS by Appropriations Committee on Health and Human Services on April 10, 2025:

The committee substitute revises the makeup of the Florida Consortium for Parkinson's Disease Research to include academic medical centers, in addition to public and private universities and revises the makeup of the Parkinson's Disease Research Board to include appointees from academic medical centers.

CS by Health Policy on April 1, 2025:

The committee substitute:

- Deletes the underlying bill's Parkinson's Disease Research Program established within the Florida Department of Health.
- Creates the Parkinson's Disease Research Act within the Education Code instead of public health statutes.
- Establishes a Consortium for Parkinson's Disease Research within the University of South Florida (USF) and establishes a Parkinson's Disease Research Board (Board) to direct the operations of the Consortium.

- Requires the Board to annually adopt a plan for Parkinson's disease research and to submit a report to the Governor and the Legislature.
- Removes the underlying bill's appropriation of funds and provides that, subject to appropriations, specific percentages of funds be used for certain purposes.

B. Amendments:

None.

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

By the Appropriations Committee on Health and Human Services;
the Committee on Health Policy; and Senator Calatayud

603-03438-25

20251800c2

A bill to be entitled

An act relating to Parkinson's disease; creating s. 1004.4352, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Consortium for Parkinson's Disease Research within the University of South Florida; establishing the Parkinson's Disease Research Board; providing for the membership and duties of the board; requiring the board to direct the operations of the consortium; providing duties of the consortium director; providing research requirements for the plan; requiring the board to award funds to board members for certain purposes; requiring the board to issue an annual report to the Governor and Legislature by a specified date; providing appropriations; providing an effective date.

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

Section 1. Section 1004.4352, Florida Statutes, is created to read:

1004.4352 Parkinson's disease research.—

(1) SHORT TITLE.—This section may be cited as the "Parkinson's Disease Research Act."

(2) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Parkinson's disease is a progressive neurological disorder affecting approximately one million Americans, with an estimated 90,000 new diagnoses each year.

(b) Currently, there is no cure for Parkinson's disease,

Page 1 of 4

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

603-03438-25

20251800c2

and innovative research is essential to advance therapies, improve patient outcomes, and alleviate the burden of the disease.

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

(a) "Board" means the Parkinson's Disease Research Board.

(b) "Consortium" means the Consortium for Parkinson's Disease Research.

(4) CONSORTIUM FOR PARKINSON'S DISEASE RESEARCH.—

(a) There is established within the University of South Florida the Consortium for Parkinson's Disease Research which shall be composed of public and private universities and academic medical centers. The purpose of the consortium is to conduct rigorous scientific research and disseminate such research.

(b) The Parkinson's Disease Research Board is established to direct the operations of the consortium. The board shall be composed of members representing each participating university or academic medical center, appointed by the president or chief executive officer, respectively, of each participating university or academic medical center. Board members must, collectively, have experience in a variety of scientific fields, including, but not limited to, neurology, psychology, nutrition, and genetics. Members shall be appointed to 4-year terms and may be reappointed to serve additional terms. The chair shall be elected by the board from among its members to serve a 2-year term. The board shall meet at least semiannually at the call of the chair or, in his or her absence or incapacity, the vice chair. Four members constitute a quorum. A majority vote of the members present is required for all actions of the board. The

Page 2 of 4

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

603-03438-25

20251800c2

board may prescribe, amend, and repeal a charter governing the manner in which it conducts its business. Board members shall serve without compensation, but are entitled to receive reimbursement for travel expenses by the consortium or the organization he or she represents in accordance with s. 112.061.

(c) The consortium shall be administered by a director, who shall be appointed by and serve at the pleasure of the board. The director shall, subject to the approval of the board:

1. Propose a budget for the consortium.

2. Foster the collaboration of scientists, researchers, and other appropriate personnel in accordance with the consortium's charter.

3. Engage individuals in public and private university and academic medical center programs relevant to the consortium's work to participate in the consortium.

4. Identify and prioritize the research to be conducted by the consortium.

5. Prepare a plan for Parkinson's disease research for submission to the board.

6. Apply for grants to obtain funding for research conducted by the consortium.

7. Perform other duties as determined by the board.

(d) The board shall annually adopt a plan for Parkinson's disease research. The plan must organize a program of research that contributes to the body of scientific knowledge on the causes, mechanisms, and potential treatments for Parkinson's disease and the prevalence of Parkinson's disease in first responders. The board must award funds to members of the consortium to perform research consistent with the plan.

603-03438-25

20251800c2

(e) By October 15 of each year, the board shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on research projects, research findings, community outreach initiatives, and future plans for the consortium.

Section 2. (1) Subject to appropriations from the General Appropriations Act, 67 percent of funds appropriated are directed to the University of South Florida for Parkinson's disease research including, but not limited to, identifying the genetic origin of the disease and developing therapeutic interventions to slow or stop the progression of the disease.

(2) Subject to appropriations from the General Appropriations Act, 33 percent of funds appropriated are directed to the University of South Florida for the Consortium for Parkinson's Disease Research.

Section 3. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

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

4/17/25

Meeting Date

Fiscal Policy

Committee

1800

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Rocco Salvatori

Phone

850-224-7333

Address

343 W Madison St

Street

Email

rocco@fpfp.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:

Florida Professional Firefighters

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

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

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

S-001 (08/10/2021)

April 17, 2008

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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SB 1800

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Gus Corbella**

Phone **850-443-8925**

Address **101 East College Avenue**

Email **corbella@gtlaw.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Michael J. Fox Foundation for
Parkinson's Research**

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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04-17-2025

Meeting Date

Fiscal Policy

Committee

1800

Bill Number or Topic

Amendment Barcode (if applicable)

Name

CASEY WELCH

Phone

941-932-3327

Address

4202 E. Fowler Ave.

Street

Email

CaseyWelch@USF.edu

Tampa

City

FL

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Rules, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Community Affairs
Education Postsecondary
Finance and Tax
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic
Security
Transportation

SENATOR SHEVRIN D. "SHEV" JONES

34th District

April 14, 2025

The Honorable Senator Joe Gruters

Chairman, Fiscal Policy
413 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Gruters,

I respectfully request an excused absence from the Thursday, April 17, 2025, Fiscal Policy Committee at 9:00 a.m. while I recover from a recent emergency surgery.

Thank you in advance for considering this request. If you have any questions, comments, or concerns, please do not hesitate to contact me or my office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shev Jones".

Shevrin D. "Shev" Jones
Florida State Senator – Senate District 34

REPLY TO:

- ☐ 606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 493-6022
- ☐ 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Pre-K - 12 Education
Commerce and Tourism
Criminal Justice
Education Pre-K - 12
Fiscal Policy

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR CLAY YARBOROUGH

4th District

April 16, 2025

Chair Joe Gruters
413 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chair Gruters,

I respectfully request an excusal from the Thursday, April 17, 2025, Fiscal Policy Committee meeting. Senator Leek has agreed to present SB 1386 on my behalf.

Thank you for your consideration of this request.

Regards,

A handwritten signature in blue ink that reads "Clay Yarborough". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clay Yarborough

REPLY TO:

- ☐ 1615 Huffingham Road, Suite 1, Jacksonville, Florida 32216 (904) 723-2034
- ☐ 308 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412

Case No.:

Type:

Caption: Senate Fiscal Policy Committee

Judge:

Started: 4/17/2025 9:04:04 AM

Ends: 4/17/2025 10:39:29 AM

Length: 01:35:26

9:04:03 AM Chair Gruters calls the meeting to order
9:04:04 AM Roll call
9:04:35 AM Chair Gruters makes opening remarks
9:04:52 AM Tab 11, SB 1102 by Calatayud, School Readiness Program
9:04:58 AM Senator Calatayud explains the bill
9:05:50 AM Amendment #261794 by Calatayud
9:06:00 AM Senator Calatayud explains the amendment
9:06:26 AM Senator Calatayud waives close on the amendment
9:06:33 AM Chair Gruters reports the amendment
9:06:36 AM Back on the bill
9:06:43 AM Senator Calatayud waives close on the bill
9:06:49 AM Roll call
9:07:25 AM Tab 22, CS/SB 1674 by CA, Calatayud, Unrated Bonds
9:07:31 AM Senator Calatayud explains the bill
9:07:55 AM Chair Gruters recognizes those who waive speaking
9:08:05 AM Senator Calatayud waives close on the bill
9:08:08 AM Roll call
9:08:41 AM Tab 23, CS/CS/SB 1800 by AHS, HP, Calatayud, Parkinson's Disease
9:08:45 AM Senator Calatayud explains the bill
9:09:37 AM Chair Gruters recognizes those who waive speaking
9:09:49 AM Senator Calatayud waives close on the bill
9:09:56 AM Roll call
9:10:28 AM Tab 19, CS/SB 1620 by CF, Rouson, Mental Health and Substance Use Disorders
9:10:32 AM Senator Rouson explains the bill
9:10:41 AM Amendment #277276 by Rouson
9:10:45 AM Senator Rouson explains the amendment
9:14:11 AM Senator Rouson waives close on the amendment
9:14:19 AM Chair Gruters reports the amendment
9:14:25 AM Back on the bill
9:14:28 AM Senator Rouson waives close on the bill
9:14:34 AM Roll call
9:15:12 AM Tab 4, SB 788 by Truenow, Veterans' Nursing Homes
9:15:28 AM Senator Truenow explains the bill
9:16:11 AM Senator Truenow waives close on the bill
9:16:19 AM Roll call
9:16:52 AM Tab 9, CS/SB 988 by BI, Truenow, Securities
9:17:01 AM Senator Truenow explains the bill
9:17:56 AM Amendment #206852 by Truenow
9:17:58 AM Senator Truenow explains the amendment
9:18:25 AM Senator Truenow waives close on the amendment
9:18:31 AM Chair Gruters reports the amendment
9:18:33 AM Back on the bill
9:18:36 AM Chair Gruters recognizes those who waive speaking
9:18:46 AM Senator Truenow waives close on the bill
9:18:52 AM Roll call
9:19:31 AM Tab 21, SB 1672 by Truenow, Labor Pool Act
9:19:37 AM Senator Truenow explains the bill
9:20:09 AM Chair Gruters recognizes public appearances
9:20:35 AM Alfredo Patino
9:22:50 AM Davonte Gibbs
9:24:31 AM Maya Ragsdale
9:27:11 AM Senator Ingoglia motions to TP the bill

9:27:25 AM Chair Gruters conducts a voice vote to TP the bill
9:27:44 AM Senator Ingoglia
9:28:23 AM SB 1672 TP'd until end of meeting
9:28:31 AM Tab 2, SB 398 by Burgess, Awareness Program for Alzheimer's Disease and Dementia-related Disorders
9:28:40 AM Senator Burgess explains the bill
9:28:56 AM Amendment #947542 by Burgess
9:29:02 AM Senator Burgess explains the bill
9:29:11 AM Senator Burgess waives close on the amendment
9:29:19 AM Chair Gruters reports the amendment
9:29:24 AM Back on the bill
9:29:27 AM Chair Gruters recognizes those who waive speaking
9:29:35 AM Senator Burgess waives close on the bill
9:29:39 AM Roll call
9:30:22 AM Tab 17, CS/SB 1590 by AED, Burgess, Educator Preparation
9:30:32 AM Senator Burgess explains the bill
9:30:45 AM Chair Gruters recognizes those who waive speaking
9:30:52 AM Senator Burgess waives close on the bill
9:30:58 AM Roll call
9:31:30 AM Tab 13, CS/SB 1310 by CF, Bradley, Reporting of Student Mental Health Outcomes
9:31:49 AM Senator Bradley explains the bill
9:32:13 AM Chair Gruters recognizes those who waive speaking
9:32:21 AM Senator Bradley waives close on the bill
9:32:24 AM Roll call
9:32:55 AM Tab 5, CS/SB 824 by TR, Pizzo, Specialty License Plates/Supporting FHP Troopers
9:33:04 AM Senator Pizzo explains the bill
9:33:15 AM Amendment #633446 by Pizzo
9:33:20 AM Senator Pizzo explains the amendment
9:34:15 AM Senator Pizzo waives close on the amendment
9:34:17 AM Chair Gruters reports the amendment
9:34:18 AM Back on the bill
9:34:21 AM Chair Gruters recognizes those who waive in support
9:34:29 AM Debate:
9:34:31 AM Senator Arrington
9:34:44 AM Senator Pizzo waives close on the bill
9:34:55 AM Roll call
9:35:29 AM Tab 18, CS/SB 1612 by BI, Grall, Financial Institutions
9:35:44 AM Senator Grall explains the bill
9:36:46 AM Amendment #733752 by Grall
9:36:57 AM Senator Grall explains the amendment
9:37:36 AM Amendment #309838 by Grall
9:37:45 AM Senator Grall explains the amendment to the amendment
9:38:08 AM Chair Gruters recognizes public appearances
9:38:17 AM Amanda Fraser
9:40:40 AM Senator Grall waives close on the amendment to the amendment
9:40:59 AM Back on the original amendment
9:41:27 AM Chair Gruters recognizes public appearances
9:41:33 AM Scott Jenkins
9:46:53 AM Anthony DiMarco
9:48:06 AM David Dotherow
9:54:40 AM Chair Gruters reports the amendment
9:54:43 AM Chair Gruters passes the gavel to Vice Chair Osgood
9:55:00 AM Amendment #697190 by Gruters
9:55:30 AM Senator Gruter explains the amendment
9:55:53 AM Questions:
9:55:56 AM Senator Davis
9:55:59 AM Senator Gruters
9:56:35 AM Debate:
9:56:42 AM Senator Boyd
9:56:46 AM Senator Gruters waives close on the amendment
9:56:54 AM Chair Osgood reports the amendment
9:57:00 AM Back on the bill
9:57:06 AM Chair Osgood passes the gavel back to Senator Gruters

9:57:12 AM Chair Gruters recognizes those who waive speaking
9:57:35 AM Senator Grall waives close on the bill
9:57:42 AM Roll call
9:58:37 AM Tab 16, SB 1408 by Collins, Transportation Facility Designations
9:58:55 AM Senator Collins explains the bill
9:59:03 AM Amendment #411176 by Collins
9:59:14 AM Senator Collins explains the amendment
10:00:37 AM Senator Collins waives close on the amendment
10:00:46 AM Senator Gruters reports the amendment
10:00:52 AM Back on the bill
10:00:58 AM Chair Gruters recognizes those who waive speaking
10:01:07 AM Debate:
10:01:08 AM Senator Arrington
10:01:10 AM Senator Davis
10:01:48 AM Senator Collins closes on the bill
10:02:05 AM Roll call
10:02:50 AM Senator Martin TP's SB 1672 by Truenow
10:03:20 AM Tab 15, CS/CS/SB 1386 by ACJ, CJ, Yarborough, Assault or Battery on a Utility Worker
10:03:23 AM Senator Leek explains the bill
10:04:12 AM Chair Gruters recognizes those who waive speaking
10:04:46 AM Senator Leek waives close on the bill
10:04:55 AM Roll call
10:05:26 AM Tab 10, SB 1072 by McClain, Expedited DNA Testing Grant Program
10:05:48 AM Senator McClain explains the bill
10:06:06 AM Amendment #564950 by McClain
10:06:07 AM Senator McClain explains the amendment
10:06:45 AM Senator McClain closes on the amendment
10:07:12 AM Chair Gruters reports the amendment
10:07:16 AM Back on the bill
10:07:21 AM Senator McClain waives close on the bill
10:07:31 AM Roll call
10:08:03 AM Tab 1, CS/SB 364 by ED, Osgood, Council on the Social Status of Black Men and Boys
10:08:16 AM Vice Chair Osgood explains the bill
10:09:23 AM Amendment #455858 by Osgood
10:09:33 AM Vice Chair Osgood explains the amendment
10:09:50 AM Vice Chair Osgood waives close on the amendment
10:10:03 AM Chair Gruters reports the amendment
10:10:09 AM Back on the bill
10:10:12 AM Vice Chair Osgood waives close on the bill
10:10:18 AM Roll call
10:10:52 AM Tab 3, CS/SB 584 by HE, Garcia, Young Adult Housing Support
10:11:14 AM Vice Chair Osgood explains the bill
10:12:00 AM Amendment #750454 by Garcia
10:12:22 AM Vice Chair Osgood explains the amendment
10:12:55 AM Vice Chair Osgood waives close on the amendment
10:13:05 AM Chair Gruters reports the amendment
10:13:10 AM Back on the bill
10:13:12 AM Chair Gruters recognizes public appearances
10:13:35 AM Sophia Coffey
10:17:21 AM Senator Bernard
10:17:42 AM Tierra Lamore
10:20:19 AM Vice Chair Osgood closes on the bill
10:21:07 AM Roll call
10:21:43 AM Tab 20, CS/SB 1654 by ACJ, Martin, Registration for Sexual Predators and Sexual Offenders
10:22:17 AM Senator Martin explains the bill
10:23:33 AM Chair Gruters recognizes those who waive speaking
10:23:45 AM Senator Martin waives close on the bill
10:23:51 AM Roll call
10:24:25 AM Tab 6, CS/SB 830 by Rodriguez, Disposition of Migrant Vessels
10:24:48 AM Senator Rodriguez explains the bill
10:25:06 AM Senator Rodriguez waives close on the bill
10:25:17 AM Roll call

10:25:27 AM Tab 7, CS/SB 916, TR, Rodriguez, Indemnification of Commuter Rail Transportation Provider
10:25:59 AM Senator Rodriguez explains the bill
10:26:34 AM Chair Gruters recognizes those who waive speaking
10:26:45 AM Senator Rodriguez waives close on the bill
10:26:53 AM Roll call
10:27:15 AM Tab 14, CS/CS/SB 1344 by ACJ, CJ, Simon, Juvenile Justice
10:27:41 AM Senator Simon explains the bill
10:29:07 AM Amendment #934982 by Simon
10:29:20 AM Substitute Amendment #797592 by Simon
10:29:33 AM Senator Simon explains the substitute amendment
10:30:09 AM Senator Simon waives close on the amendment
10:30:15 AM Chair Gruters reports the amendment
10:30:22 AM Back on the bill
10:30:25 AM Chair Gruters recognizes those who waive speaking
10:30:43 AM Senator Simon waives close on the bill
10:30:49 AM Roll call
10:31:18 AM Chair Gruters passes the gavel to Vice Chair Osgood
10:31:33 AM Tab 8, SB 984 by Gruters, Aggravating Factors
10:31:56 AM Senator Gruters explains the bill
10:32:25 AM Chair Osgood recognizes public appearances
10:32:51 AM Joseph Harman
10:34:18 AM Senator Gruters waives close on the bill
10:34:24 AM Roll call
10:34:36 AM Tab 12, CS/CS/SB 1140 by ACJ, CJ, Gruters, Criminal Offender Substance Abuse Pilot Program
10:35:13 AM Senator Gruter explains the bill
10:36:00 AM Questions:
10:36:03 AM Senator Davis
10:36:17 AM Senator Gruters
10:36:29 AM Senator Davis
10:36:51 AM Senator Gruters
10:37:18 AM Chair Osgood recognizes those who waive speaking
10:37:29 AM Senator Gruters waives close on the bill
10:37:35 AM Roll call
10:38:09 AM Chair Osgood passes the gavel back to Senator Gruters
10:38:24 AM Chair Gruters recognizes Senators wishing to record missed votes
10:38:34 AM Senator Rodriguez
10:38:37 AM Senator Burton
10:38:40 AM Senator Simon
10:38:45 AM Senator Bradley
10:38:52 AM Senator Gaetz
10:38:57 AM Senator Leek
10:39:04 AM Senator Truenow
10:39:10 AM Senator Osgood
10:39:18 AM Senator Boyd moves to adjourn
10:39:23 AM Meeting adjourned