

Tab 1	SB 36 by Passidomo ; Florida Statutes					
Tab 2	SB 38 by Passidomo ; Florida Statutes					
Tab 3	SB 40 by Passidomo ; Florida Statutes					
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Tab 6	SB 108 by Grall (CO-INTRODUCERS) Burgess, Avila ; Compare to H 00433 Administrative Procedures					
345014	D	S	RCS	RC, Grall	Delete everything after	03/12 02:21 PM
386754	AA	S	RCS	RC, Grall	Delete L.573:	03/12 02:21 PM
156706	AA	S	RCS	RC, Grall	btw L.830 - 831:	03/12 02:21 PM
Tab 7	CS/SB 116 by AHS, Burgess (CO-INTRODUCERS) Collins, Avila, Davis ; Similar to H 01043 Veterans					
771978	A	S	RCS	RC, Burgess	Delete L.94 - 136:	03/12 02:23 PM
Tab 8	SB 118 by Brodeur (CO-INTRODUCERS) Gaetz, DiCeglie, Fine, Gruters, Avila, Ingoglia ; Similar to CS/H 00069 Regulation of Presidential Libraries					
Tab 9	CS/SB 126 by CM, Bradley ; Similar to H 00101 Prescription Hearing Aids					
Tab 10	CS/SB 150 by CJ, Gaetz (CO-INTRODUCERS) Arrington, Garcia, Avila, Davis, Ingoglia ; Similar to CS/H 00205 Abandoning Restrained Animals During Natural Disasters					
Tab 11	CS/SB 160 by RI, Gruters (CO-INTRODUCERS) Boyd, Rodriguez ; Similar to H 00133 Public Accountancy					
Tab 12	SB 294 by Harrell ; Similar to H 00689 Collaborative Pharmacy Practice for Chronic Health Conditions					
Tab 13	SM 314 by Wright (CO-INTRODUCERS) Collins, Avila ; Identical to H 04005 Florida National Guard Increased Force Structure					
Tab 14	CS/SB 322 by JU, Rodriguez ; Similar to H 00213 Property Rights					
627756	A	S	RCS	RC, Rodriguez	btw L.245 - 246:	03/12 02:26 PM
Tab 15	CS/SB 348 by EE, Gaetz (CO-INTRODUCERS) Collins, Avila ; Similar to H 00399 Ethics					
Tab 16	SB 356 by Berman (CO-INTRODUCERS) Davis, Polsky, Arrington, Smith, Gaetz, Avila, Bernard ; Identical to H 00251 Holocaust Remembrance Day					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES

Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Wednesday, March 12, 2025

TIME: 11:00 a.m.—1:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Passidomo, Chair; Senator Jones, Vice Chair; Senators Avila, Berman, Boyd, Bradley, Brodeur, Burgess, Burton, Davis, DiCeglie, Gaetz, Garcia, Gruters, Harrell, Hooper, Ingoglia, Martin, Osgood, Pizzo, Rodriguez, Rouson, Simon, Trumbull, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 36 Passidomo	Florida Statutes; Adopting the Florida Statutes 2025 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2025 shall be effective immediately upon publication; providing that general laws enacted during the 2024 regular session and prior thereto and not included in the Florida Statutes are repealed; providing that general laws enacted after the 2024 regular session are not repealed by this adoption act, etc. RC 03/12/2025 Favorable	Favorable Yeas 24 Nays 0
2	SB 38 Passidomo	Florida Statutes; Amending provisions to conform to section 63 of chapter 2024-140, Laws of Florida, which directs the Division of Law Revision to prepare a reviser's bill for the 2025 Regular Session of the Legislature to change the term "Division of Investigative and Forensic Services" to "Division of Criminal Investigations" wherever it appears in the Florida Statutes, etc. RC 03/12/2025 Favorable	Favorable Yeas 24 Nays 0
3	SB 40 Passidomo	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2024 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. RC 03/12/2025 Favorable	Favorable Yeas 23 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 42 Passidomo	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation, etc. RC 03/12/2025 Favorable	Favorable Yeas 23 Nays 0
5	CS/SB 50 Appropriations Committee on Agriculture, Environment, and General Government / Garcia (Compare CS/H 371)	Nature-based Methods for Improving Coastal Resilience; Requiring the Florida Flood Hub for Applied Research and Innovation at the University of South Florida College of Marine Science to develop design guidelines and standards for green and gray infrastructure and models for conceptual designs of green infrastructure and green-gray infrastructure; requiring the Department of Environmental Protection to adopt rules for nature-based methods for coastal resilience; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based methods being used for a specified purpose, etc. EN 02/11/2025 Favorable AEG 03/05/2025 Fav/CS RC 03/12/2025 Favorable	Favorable Yeas 24 Nays 0
6	SB 108 Grall (Compare H 433)	Administrative Procedures; Requiring agencies to publish a certain notice of proposed rule within a specified timeframe; deleting a provision related to the timeframe within which rules are required to be drafted and formally proposed; providing that a proposal for a lower cost regulatory alternative submitted after a notice of change is made in good faith only if the proposal contains certain statements; requiring agencies, by a specified date and in coordination with the committee, to review specified rules adopted before a specified date; requiring that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans, etc. GO 02/11/2025 Favorable GO 02/18/2025 RC 03/12/2025 Fav/CS	Fav/CS Yeas 25 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 116 Appropriations Committee on Health and Human Services / Burgess (Similar H 1043, Compare H 845)	Veterans; Requiring the Department of Veterans' Affairs to conduct a study that includes a survey evaluating the extent to which specified persons are aware of certain existing programs or services; requiring the department to ensure coordination to the greatest extent possible with the United States Department of Defense for a specified purpose; revising the purpose of the Veteran Suicide Prevention Training Pilot Program to include specialized mental health training; requiring the Department of Veterans' Affairs to develop a plan to establish adult day health care facilities across this state to serve veterans and their families, etc. MS 02/18/2025 Favorable AHS 03/05/2025 Fav/CS RC 03/12/2025 Fav/CS	Fav/CS Yeas 25 Nays 0
8	SB 118 Brodeur (Similar CS/H 69)	Regulation of Presidential Libraries; Preempting to the state all regulatory authority over the establishment, maintenance, activities, and operations of presidential libraries; defining the term "presidential library"; prohibiting counties, municipalities, or other political subdivisions from enacting or enforcing any ordinance, resolution, rule, or other measure regarding presidential libraries unless authorized by federal law, etc. CA 02/18/2025 Favorable RC 03/12/2025 Favorable	Favorable Yeas 25 Nays 0
9	CS/SB 126 Commerce and Tourism / Bradley (Similar H 101)	Prescription Hearing Aids; Authorizing the distribution of prescription hearing aids through the mail to patients 18 years of age or older before a scheduled telehealth appointment with a Florida-licensed audiologist or hearing aid specialist, respectively, if certain requirements are met; authorizing the sale of prescription hearing aids through the mail to patients 18 years of age or older who have been fitted for such hearing aids by a licensed audiologist or licensed hearing aid specialist, respectively, etc. HP 02/18/2025 Favorable CM 03/03/2025 Fav/CS RC 03/12/2025 Favorable	Favorable Yeas 25 Nays 0
10	CS/SB 150 Criminal Justice / Gaetz (Similar H 205, Compare H 79)	Abandoning Restrained Animals During Natural Disasters; Citing this act as "Trooper's Law"; prohibiting the abandonment of an animal that is restrained outside during a natural disaster, etc. CJ 02/11/2025 Fav/CS AG 03/03/2025 Favorable RC 03/12/2025 Favorable	Favorable Yeas 25 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/SB 160 Regulated Industries / Gruters (Similar H 133)	Public Accountancy; Authorizing the Board of Accountancy to contract with certain corporations not for profit for the performance of certain duties assigned to the Division of Certified Public Accounting of the Department of Business and Professional Regulation; revising the education and work experience requirements for a certified public accountant license; revising requirements for the approval of providers who administer continuing education on ethics for certified public accountants, etc. RI 02/18/2025 Fav/CS AEG 03/05/2025 Favorable RC 03/12/2025 Favorable	Favorable Yeas 24 Nays 0
12	SB 294 Harrell (Similar H 689)	Collaborative Pharmacy Practice for Chronic Health Conditions; Revising the definition of the term "chronic health condition" to exclude specified heart conditions for purposes of collaborative pharmacy practice for chronic health conditions, etc. HP 02/18/2025 Favorable AHS 03/05/2025 Favorable RC 03/12/2025 Favorable	Favorable Yeas 25 Nays 0
13	SM 314 Wright (Identical HM 4005)	Florida National Guard Increased Force Structure; Urging the Congress of the United States to impel the National Guard Bureau to examine the present allocations of the Florida National Guard and allow an increase in its force structure, etc. MS 02/18/2025 Favorable RC 03/12/2025 Favorable	Favorable Yeas 25 Nays 0
14	CS/SB 322 Judiciary / Rodriguez (Similar H 213)	Property Rights; Authorizing a property owner or his or her authorized agent to request the sheriff in the county in which the owner's commercial real property is located to immediately remove persons unlawfully occupying the owner's commercial real property if specified conditions are met; authorizing the sheriff to arrest an unauthorized person for legal cause; prohibiting unlawfully detaining or occupying or trespassing upon commercial real property and intentionally causing a specified amount of damage, etc. JU 02/18/2025 Fav/CS ACJ 03/05/2025 Favorable RC 03/12/2025 Fav/CS	Fav/CS Yeas 25 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, March 12, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	CS/SB 348 Ethics and Elections / Gaetz (Similar H 399)	Ethics; Prohibiting candidates, elected public officers, appointed public officers, and public employees from knowingly misrepresenting their Armed Forces of the United States service records, awards, or qualifications or wearing any uniform, medal, or insignia that they are not authorized to wear; requiring the Attorney General to attempt to determine whether an individual owing certain penalties is a current public officer or public employee, etc. EE 02/18/2025 Fav/CS MS 03/04/2025 Favorable RC 03/12/2025 Favorable	Favorable Yeas 25 Nays 0
16	SB 356 Berman (Identical H 251)	Holocaust Remembrance Day; Requiring the Governor to proclaim a specified day annually as "Holocaust Remembrance Day"; authorizing "Holocaust Remembrance Day" to be observed in this state's public schools and be observed by public exercise as the Governor may designate, etc. ED 03/03/2025 Favorable RC 03/12/2025 Favorable	Favorable Yeas 25 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 Rules

BILL: SB 36

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Yeatman	RC	Favorable

I. Summary:

SB 36 is drafted by the Division of Law Revision of the Office of Legislative Services to adopt the Florida Statutes 2025 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

II. Present Situation:

The 2025 adoption act will adopt all statute material passed through the 2024 Regular Session and printed in the 2025 edition. Material passed in a session occurring since publication of the 2024 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

III. Effect of Proposed Changes:

The adoption act provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2025 adoption act adopts as the official statute law of the state those portions of the 2025 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2024). Portions carried forward from the 2024 edition are the official law of the state and, therefore, constitute the best evidence of the law. Any portions resulting from sessions occurring subsequent to the publication of the 2024 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2024 Florida Statutes that does not appear in the 2024 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

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 Passidomo

28-00526-25

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A bill to be entitled

An act relating to the Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2025 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2025 shall be effective immediately upon publication; providing that general laws enacted during the 2024 regular session and prior thereto and not included in the Florida Statutes are repealed; providing that general laws enacted after the 2024 regular session are not repealed by this adoption act; providing an effective date.

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

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2025 2024 adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 2024 2023 of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 2024 2023 enacted in additional reviser's bill or bills by the 2025 2024 Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2025 2024" and shall take effect

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immediately upon publication. Said statutes may be cited as "Florida Statutes 2025 2024," "Florida Statutes," or "F.S. 2025 2024."

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the 2024 2023 regular legislative session, and every part of such statute, not included in Florida Statutes 2025 2024, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted after at the ~~November 6-9, 2023, special session through~~ the 2024 regular session are not repealed by the adoption and enactment of the Florida Statutes 2025 2024 by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2025 2024, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which

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enacted.

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 Rules

BILL: SB 38

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Yeatman	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. Responses to directives from the Legislature to make specific changes in the statutes are also submitted to the Legislature via reviser's bills.

Section 63, ch. 2024-140, Laws of Florida, directed the Division of Law Revision to "prepare a reviser's bill for the 2025 Regular Session of the Legislature to change the term 'Division of Investigative and Forensic Services' wherever it appears in the Florida Statutes to 'Division of Criminal Investigations.'"

SB 38 amends the following sections of the Florida Statutes: ss. 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12, 552.113, 624.115, 624.521, 626.016, 626.989, 626.9891, 626.9893, 626.9894, 626.9896, 626.99278, 627.351, 627.711, 627.736, 627.7401, 631.156, 633.114, 633.126, 641.30, 791.013, 817.234, 843.08, and 932.7055, F.S.

II. Present Situation:

Currently, the Florida Statutes contain a number of references to the term "Division of Investigative and Forensic Services," which are subject to the directive in s. 63, ch. 2024-140, Laws of Florida.

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 63, ch. 2024-140, Laws of Florida, by replacing references to the term "Division of Investigative and Forensic Services" within the Florida Statutes with the term "Division of Criminal Investigations."

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: ss. 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12, 552.113, 624.115, 624.521, 626.016, 626.989, 626.9891, 626.9893, 626.9894, 626.9896, 626.99278, 627.351, 627.711, 627.736, 627.7401, 631.156, 633.114, 633.126, 641.30, 791.013, 817.234, 843.08, and 932.7055, F.S.

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 Passidomo

28-00529-25

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12,
 4 552.113, 624.115, 624.521, 626.016, 626.989, 626.9891,
 5 626.9893, 626.9894, 626.9896, 626.99278, 627.351,
 6 627.711, 627.736, 627.7401, 631.156, 633.114, 633.126,
 7 641.30, 791.013, 817.234, 843.08, and 932.7055, F.S.,
 8 to conform to section 63 of chapter 2024-140, Laws of
 9 Florida, which directs the Division of Law Revision to
 10 prepare a reviser's bill for the 2025 Regular Session
 11 of the Legislature to change the term "Division of
 12 Investigative and Forensic Services" to "Division of
 13 Criminal Investigations" wherever it appears in the
 14 Florida Statutes; providing an effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Section 16.59, Florida Statutes, is amended to
 19 read:
 20 16.59 Medicaid fraud control.—The Medicaid Fraud Control
 21 Unit is created in the Department of Legal Affairs to
 22 investigate all violations of s. 409.920 and any criminal
 23 violations discovered during the course of those investigations.
 24 The Medicaid Fraud Control Unit may refer any criminal violation
 25 so uncovered to the appropriate prosecuting authority. The
 26 offices of the Medicaid Fraud Control Unit, the Agency for
 27 Health Care Administration Medicaid program integrity program,
 28 and the Divisions of Criminal Investigations ~~Investigative and~~
 29 ~~Forensic Services~~ and Public Assistance Fraud within the

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30 Department of Financial Services shall, to the extent possible,
 31 be collocated; however, positions dedicated to Medicaid managed
 32 care fraud within the Medicaid Fraud Control Unit shall be
 33 collocated with the Division of Criminal Investigations
 34 ~~Investigative and Forensic Services~~. The Agency for Health Care
 35 Administration, the Department of Legal Affairs, and the
 36 Divisions of Criminal Investigations ~~Investigative and Forensic~~
 37 ~~Services~~ and Public Assistance Fraud within the Department of
 38 Financial Services shall conduct joint training and other joint
 39 activities designed to increase communication and coordination
 40 in recovering overpayments.
 41 Section 2. Subsection (9) of section 400.9935, Florida
 42 Statutes, is amended to read:
 43 400.9935 Clinic responsibilities.—
 44 (9) In addition to the requirements of part II of chapter
 45 408, the clinic shall display a sign in a conspicuous location
 46 within the clinic readily visible to all patients indicating
 47 that, pursuant to s. 626.9892, the Department of Financial
 48 Services may pay rewards of up to \$25,000 to persons providing
 49 information leading to the arrest and conviction of persons
 50 committing crimes investigated by the Division of Criminal
 51 Investigations ~~Investigative and Forensic Services~~ arising from
 52 violations of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or
 53 s. 817.234. An authorized employee of the Division of Criminal
 54 Investigations ~~Investigative and Forensic Services~~ may make
 55 unannounced inspections of a clinic licensed under this part as
 56 necessary to determine whether the clinic is in compliance with
 57 this subsection. A licensed clinic shall allow full and complete
 58 access to the premises to such authorized employee of the

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division who makes an inspection to determine compliance with this subsection.

Section 3. Subsection (6) of section 409.91212, Florida Statutes, is amended to read:

409.91212 Medicaid managed care fraud.—

(6) Each managed care plan shall report all suspected or confirmed instances of provider or recipient fraud or abuse within 15 calendar days after detection to the Office of Medicaid Program Integrity within the agency. At a minimum the report must contain the name of the provider or recipient, the Medicaid billing number or tax identification number, and a description of the fraudulent or abusive act. The Office of Medicaid Program Integrity in the agency shall forward the report of suspected overpayment, abuse, or fraud to the appropriate investigative unit, including, but not limited to, the Bureau of Medicaid program integrity, the Medicaid fraud control unit, the Division of Public Assistance Fraud, the Division of Criminal Investigations ~~Investigative and Forensic Services~~, or the Department of Law Enforcement.

(a) Failure to timely report shall result in an administrative fine of \$1,000 per calendar day after the 15th day of detection.

(b) Failure to timely report may result in additional administrative, civil, or criminal penalties.

Section 4. Paragraph (a) of subsection (1) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(1)(a) Any insurance carrier, any individual self-insured,

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any commercial or group self-insurance fund, any professional practitioner licensed or regulated by the Department of Health, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the insurance code, or any employee thereof, having knowledge or who believes that a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or misdemeanor under this chapter is being or has been committed shall send to the Division of Criminal Investigations ~~Investigative and Forensic Services~~, Bureau of Workers' Compensation Fraud, a report or information pertinent to such knowledge or belief and such additional information relative thereto as the bureau may require. The bureau shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under this chapter is being committed. The bureau shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction with respect to any such violations of this chapter. If prosecution by the state attorney or other prosecuting agency having jurisdiction with respect to such violation is not begun within 60 days of the bureau's report, the state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the

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bureau of the reasons for the lack of prosecution.

Section 5. Subsections (1) and (2) of section 440.1051, Florida Statutes, are amended to read:

440.1051 Fraud reports; civil immunity; criminal penalties.—

(1) The Bureau of Workers' Compensation Insurance Fraud of the Division of Criminal Investigations ~~Investigative and Forensic Services~~ of the department shall establish a toll-free telephone number to receive reports of workers' compensation fraud committed by an employee, employer, insurance provider, physician, attorney, or other person.

(2) Any person who reports workers' compensation fraud to the Division of Criminal Investigations ~~Investigative and Forensic Services~~ under subsection (1) is immune from civil liability for doing so, and the person or entity alleged to have committed the fraud may not retaliate against him or her for providing such report, unless the person making the report knows it to be false.

Section 6. Paragraph (c) of subsection (1) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(1) Compensation is not allowed for the first 7 days of the disability, except for benefits provided under s. 440.13. However, if the injury results in more than 21 days of disability, compensation is allowed from the commencement of the disability.

(c) Each carrier shall keep a record of all payments made under this subsection, including the time and manner of such

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payments, and shall furnish these records or a report based on these records to the Division of Criminal Investigations ~~Investigative and Forensic Services~~ and the Division of Workers' Compensation, upon request.

Section 7. Subsection (3) of section 552.113, Florida Statutes, is amended to read:

552.113 Reports of thefts, illegal use, or illegal possession.—

(3) The Division of Criminal Investigations ~~Investigative and Forensic Services~~ shall investigate, or be certain that a qualified law enforcement agency investigates, the cause and circumstances of each theft, illegal use, or illegal possession of explosives which occurs within the state. A report of each such investigation shall be made and maintained by the Division of Criminal Investigations ~~Investigative and Forensic Services~~.

Section 8. Section 624.115, Florida Statutes, is amended to read:

624.115 Referral of criminal violations.—If, during an investigation or examination, the office has reason to believe that any criminal law of this state has or may have been violated, the office shall refer any relevant records and information to the Division of Criminal Investigations ~~Investigative and Forensic Services~~, state or federal law enforcement, or prosecutorial agencies, as applicable, and shall provide investigative assistance to those agencies as required.

Section 9. Subsection (1) of section 624.521, Florida Statutes, is amended to read:

624.521 Deposit of certain tax receipts; refund of improper payments.—

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175 (1) The department shall promptly deposit in the State
 176 Treasury to the credit of the Insurance Regulatory Trust Fund
 177 all "state tax" portions of agents' licenses collected under s.
 178 624.501 necessary to fund the Division of Criminal
 179 Investigations ~~Investigative and Forensic Services~~. The balance
 180 of the tax shall be credited to the General Fund. All moneys
 181 received by the department or the office not in accordance with
 182 this code or not in the exact amount as specified by the
 183 applicable provisions of this code shall be returned to the
 184 remitter. The records of the department or office shall show the
 185 date and reason for such return.

186 Section 10. Subsection (4) of section 626.016, Florida
 187 Statutes, is amended to read:

188 626.016 Powers and duties of department, commission, and
 189 office.—

190 (4) This section is not intended to limit the authority of
 191 the department and the Division of Criminal Investigations
 192 ~~Investigative and Forensic Services~~, as specified in s. 626.989.

193 Section 11. Section 626.989, Florida Statutes, is amended
 194 to read:

195 626.989 Investigation by department or Division of Criminal
 196 Investigations ~~Investigative and Forensic Services~~; compliance;
 197 immunity; confidential information; reports to division;
 198 division investigator's power of arrest.—

199 (1) For the purposes of this section:

200 (a) A person commits a "fraudulent insurance act" if the
 201 person:

202 1. Knowingly and with intent to defraud presents, causes to
 203 be presented, or prepares with knowledge or belief that it will

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204 be presented, to or by an insurer, self-insurer, self-insurance
 205 fund, servicing corporation, purported insurer, broker, or any
 206 agent thereof, any written statement as part of, or in support
 207 of, an application for the issuance of, or the rating of, any
 208 insurance policy, or a claim for payment or other benefit
 209 pursuant to any insurance policy, which the person knows to
 210 contain materially false information concerning any fact
 211 material thereto or if the person conceals, for the purpose of
 212 misleading another, information concerning any fact material
 213 thereto.

214 2. Knowingly submits:

215 a. A false, misleading, or fraudulent application or other
 216 document when applying for licensure as a health care clinic,
 217 seeking an exemption from licensure as a health care clinic, or
 218 demonstrating compliance with part X of chapter 400 with an
 219 intent to use the license, exemption from licensure, or
 220 demonstration of compliance to provide services or seek
 221 reimbursement under the Florida Motor Vehicle No-Fault Law.

222 b. A claim for payment or other benefit pursuant to a
 223 personal injury protection insurance policy under the Florida
 224 Motor Vehicle No-Fault Law if the person knows that the payee
 225 knowingly submitted a false, misleading, or fraudulent
 226 application or other document when applying for licensure as a
 227 health care clinic, seeking an exemption from licensure as a
 228 health care clinic, or demonstrating compliance with part X of
 229 chapter 400.

230 (b) The term "insurer" also includes a health maintenance
 231 organization, and the term "insurance policy" also includes a
 232 health maintenance organization subscriber contract.

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(2) If, by its own inquiries or as a result of complaints, the department or its Division of Criminal Investigations ~~Investigative and Forensic Services~~ has reason to believe that a person has engaged in, or is engaging in, a fraudulent insurance act, an act or practice that violates s. 626.9541 or s. 817.234, or an act or practice punishable under s. 624.15, it may administer oaths and affirmations, request the attendance of witnesses or proffering of matter, and collect evidence. The department or its Division of Criminal Investigations ~~Investigative and Forensic Services~~ shall not compel the attendance of any person or matter in any such investigation except pursuant to subsection (4).

(3) If matter that the department or its division seeks to obtain by request is located outside the state, the person so requested may make it available to the division or its representative to examine the matter at the place where it is located. The division may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf, and it may respond to similar requests from officials of other states.

(4)(a) The department or its division may request that an individual who refuses to comply with any such request be ordered by the circuit court to provide the testimony or matter. The court shall not order such compliance unless the department or its division has demonstrated to the satisfaction of the court that the testimony of the witness or the matter under request has a direct bearing on the commission of a fraudulent insurance act, on a violation of s. 626.9541 or s. 817.234, or on an act or practice punishable under s. 624.15 or is pertinent

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and necessary to further such investigation.

(b) Except in a prosecution for perjury, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which the individual is entitled by law may not be subjected to a criminal proceeding or to a civil penalty with respect to the act concerning which the individual is required to testify or produce relevant matter.

(c) In the absence of fraud or bad faith, a person is not subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports, without malice, or furnishing other information, without malice, required by this section or required by the department or division under the authority granted in this section, and no civil cause of action of any nature shall arise against such person:

1. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from law enforcement officials, their agents, or employees;

2. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from other persons subject to the provisions of this chapter;

3. For any such information furnished in reports to the department, the division, the National Insurance Crime Bureau, the National Association of Insurance Commissioners, or any local, state, or federal enforcement officials or their agents or employees; or

4. For other actions taken in cooperation with any of the

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agencies or individuals specified in this paragraph in the lawful investigation of suspected fraudulent insurance acts.

(d) In addition to the immunity granted in paragraph (c), persons identified as designated employees whose responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts may share information relating to persons suspected of committing fraudulent insurance acts with other designated employees employed by the same or other insurers whose responsibilities include the investigation and disposition of claims relating to fraudulent insurance acts, provided the department has been given written notice of the names and job titles of such designated employees prior to such designated employees sharing information. Unless the designated employees of the insurer act in bad faith or in reckless disregard for the rights of any insured, neither the insurer nor its designated employees are civilly liable for libel, slander, or any other relevant tort, and a civil action does not arise against the insurer or its designated employees:

1. For any information related to suspected fraudulent insurance acts provided to an insurer; or

2. For any information relating to suspected fraudulent insurance acts provided to the National Insurance Crime Bureau or the National Association of Insurance Commissioners.

Provided, however, that the qualified immunity against civil liability conferred on any insurer or its designated employees shall be forfeited with respect to the exchange or publication of any defamatory information with third persons not expressly

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authorized by this paragraph to share in such information.

(e) The Chief Financial Officer and any employee or agent of the department, commission, office, or division, when acting without malice and in the absence of fraud or bad faith, is not subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature exists against such person by virtue of the execution of official activities or duties of the department, commission, or office under this section or by virtue of the publication of any report or bulletin related to the official activities or duties of the department, division, commission, or office under this section.

(f) This section does not abrogate or modify in any way any common-law or statutory privilege or immunity heretofore enjoyed by any person.

(5) The office's and the department's papers, documents, reports, or evidence relative to the subject of an investigation under this section are confidential and exempt from the provisions of s. 119.07(1) until such investigation is completed or ceases to be active. For purposes of this subsection, an investigation is considered "active" while the investigation is being conducted by the office or department with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the office or department is proceeding with reasonable dispatch and has a good faith belief that action could be initiated by the office or department or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, portions of records relating to the investigation shall remain exempt from

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349 the provisions of s. 119.07(1) if disclosure would:

350 (a) Jeopardize the integrity of another active

351 investigation;

352 (b) Impair the safety and soundness of an insurer;

353 (c) Reveal personal financial information;

354 (d) Reveal the identity of a confidential source;

355 (e) Defame or cause unwarranted damage to the good name or

356 reputation of an individual or jeopardize the safety of an

357 individual; or

358 (f) Reveal investigative techniques or procedures. Further,

359 such papers, documents, reports, or evidence relative to the

360 subject of an investigation under this section shall not be

361 subject to discovery until the investigation is completed or

362 ceases to be active. Office, department, or division

363 investigators shall not be subject to subpoena in civil actions

364 by any court of this state to testify concerning any matter of

365 which they have knowledge pursuant to a pending insurance fraud

366 investigation by the division.

367 (6) (a) Any person, other than an insurer, agent, or other

368 person licensed under the code, or an employee thereof, having

369 knowledge or who believes that a fraudulent insurance act or any

370 other act or practice which, upon conviction, constitutes a

371 felony or a misdemeanor under the code, or under s. 817.234, is

372 being or has been committed may send to the Division of Criminal

373 Investigations ~~Investigative and Forensic Services~~ a report or

374 information pertinent to such knowledge or belief and such

375 additional information relative thereto as the department may

376 request. Any professional practitioner licensed or regulated by

377 the Department of Business and Professional Regulation, except

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378 as otherwise provided by law, any medical review committee as

379 defined in s. 766.101, any private medical review committee, and

380 any insurer, agent, or other person licensed under the code, or

381 an employee thereof, having knowledge or who believes that a

382 fraudulent insurance act or any other act or practice which,

383 upon conviction, constitutes a felony or a misdemeanor under the

384 code, or under s. 817.234, is being or has been committed shall

385 send to the Division of Criminal Investigations ~~Investigative~~

386 ~~and Forensic Services~~ a report or information pertinent to such

387 knowledge or belief and such additional information relative

388 thereto as the department may require.

389 (b) The Division of Criminal Investigations ~~Investigative~~

390 ~~and Forensic Services~~ shall review such information or reports

391 and select such information or reports as, in its judgment, may

392 require further investigation. It shall then cause an

393 independent examination of the facts surrounding such

394 information or report to be made to determine the extent, if

395 any, to which a fraudulent insurance act or any other act or

396 practice which, upon conviction, constitutes a felony or a

397 misdemeanor under the code, or under s. 817.234, is being

398 committed.

399 (c) The Division of Criminal Investigations ~~Investigative~~

400 ~~and Forensic Services~~ shall report any alleged violations of law

401 which its investigations disclose to the appropriate licensing

402 agency and state attorney or other prosecuting agency having

403 jurisdiction, including, but not limited to, the statewide

404 prosecutor for crimes that impact two or more judicial circuits

405 in this state, with respect to any such violation, as provided

406 in s. 624.310. The state attorney or other prosecuting agency

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407 having jurisdiction with respect to such violation shall inform
 408 the division of any reasons why prosecution of such violation
 409 was:

- 410 1. Not begun within 60 days after the division's report; or
- 411 2. Declined.

412 (7) Division investigators shall have the power to make
 413 arrests for criminal violations established as a result of
 414 investigations. Such investigators shall also be considered
 415 state law enforcement officers for all purposes and shall have
 416 the power to execute arrest warrants and search warrants; to
 417 serve subpoenas issued for the examination, investigation, and
 418 trial of all offenses; and to arrest upon probable cause without
 419 warrant any person found in the act of violating any of the
 420 provisions of applicable laws. Investigators empowered to make
 421 arrests under this section shall be empowered to bear arms in
 422 the performance of their duties. In such a situation, the
 423 investigator must be certified in compliance with the provisions
 424 of s. 943.1395 or must meet the temporary employment or
 425 appointment exemption requirements of s. 943.131 until
 426 certified.

427 (8) It is unlawful for any person to resist an arrest
 428 authorized by this section or in any manner to interfere, either
 429 by abetting or assisting such resistance or otherwise
 430 interfering, with division investigators in the duties imposed
 431 upon them by law or department rule.

432 (9) In recognition of the complementary roles of
 433 investigating instances of workers' compensation fraud and
 434 enforcing compliance with the workers' compensation coverage
 435 requirements under chapter 440, the Department of Financial

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436 Services shall prepare and submit a joint performance report to
 437 the President of the Senate and the Speaker of the House of
 438 Representatives by January 1 of each year. The annual report
 439 must include, but need not be limited to:

440 (a) The total number of initial referrals received, cases
 441 opened, cases presented for prosecution, cases closed, and
 442 convictions resulting from cases presented for prosecution by
 443 the Bureau of Workers' Compensation Insurance Fraud by type of
 444 workers' compensation fraud and circuit.

445 (b) The number of referrals received from insurers and the
 446 Division of Workers' Compensation and the outcome of those
 447 referrals.

448 (c) The number of investigations undertaken by the Bureau
 449 of Workers' Compensation Insurance Fraud which were not the
 450 result of a referral from an insurer or the Division of Workers'
 451 Compensation.

452 (d) The number of investigations that resulted in a
 453 referral to a regulatory agency and the disposition of those
 454 referrals.

455 (e) The number and reasons provided by local prosecutors or
 456 the statewide prosecutor for declining prosecution of a case
 457 presented by the Bureau of Workers' Compensation Insurance Fraud
 458 by circuit.

459 (f) The total number of employees assigned to the Bureau of
 460 Workers' Compensation Insurance Fraud and the Division of
 461 Workers' Compensation Bureau of Compliance delineated by
 462 location of staff assigned; and the number and location of
 463 employees assigned to the Bureau of Workers' Compensation
 464 Insurance Fraud who were assigned to work other types of fraud

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465 cases.

466 (g) The average caseload and turnaround time by type of
467 case for each investigator and division compliance employee.

468 (h) The training provided during the year to workers'
469 compensation fraud investigators and the division's compliance
470 employees.

471 (10) The Bureau of Insurance Fraud of the Division of
472 Criminal Investigations ~~Investigative and Forensic Services~~
473 shall prepare and submit a performance report to the President
474 of the Senate and the Speaker of the House of Representatives by
475 September 1 of each year. The annual report must include, but
476 need not be limited to:

477 (a) The total number of initial referrals received, cases
478 opened, cases presented for prosecution, cases closed, and
479 convictions resulting from cases presented for prosecution by
480 the Bureau of Insurance Fraud, by type of insurance fraud and
481 circuit.

482 (b) The number of referrals received from insurers, the
483 office, and the Division of Consumer Services of the department,
484 and the outcome of those referrals.

485 (c) The number of investigations undertaken by the Bureau
486 of Insurance Fraud which were not the result of a referral from
487 an insurer and the outcome of those referrals.

488 (d) The number of investigations that resulted in a
489 referral to a regulatory agency and the disposition of those
490 referrals.

491 (e) The number of cases presented by the Bureau of
492 Insurance Fraud which local prosecutors or the statewide
493 prosecutor declined to prosecute and the reasons provided for

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494 declining prosecution.

495 (f) A summary of the annual report required under s.
496 626.9896.

497 (g) The total number of employees assigned to the Bureau of
498 Insurance Fraud, delineated by location of staff assigned, and
499 the number and location of employees assigned to the Bureau of
500 Insurance Fraud who were assigned to work other types of fraud
501 cases.

502 (h) The average caseload and turnaround time by type of
503 case for each investigator.

504 (i) The training provided during the year to insurance
505 fraud investigators.

506 Section 12. Paragraph (d) of subsection (2), paragraph (b)
507 of subsection (3), paragraphs (h) and (k) of subsection (5),
508 paragraph (c) of subsection (6), and subsection (9) of section
509 626.9891, Florida Statutes, are amended to read:

510 626.9891 Insurer anti-fraud investigative units; reporting
511 requirements; penalties for noncompliance.—

512 (2) Every insurer admitted to do business in this state
513 shall:

514 (d) Electronically file with the Division of Criminal
515 Investigations ~~Investigative and Forensic Services~~ of the
516 department, and annually thereafter, a detailed description of
517 the designated anti-fraud unit or division or a copy of the
518 contract executed under subparagraph (a)2., as applicable, a
519 copy of the anti-fraud plan, and the name of the employee
520 designated under paragraph (c).

521
522 An insurer must include the additional cost incurred in creating

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523 a distinct unit or division, hiring additional employees, or
 524 contracting with another entity to fulfill the requirements of
 525 this section, as an administrative expense for ratemaking
 526 purposes.

527 (3) Each anti-fraud plan must include:

528 (b) An acknowledgment that the insurer has established
 529 procedures for the mandatory reporting of possible fraudulent
 530 insurance acts to the Division of Criminal Investigations
 531 ~~Investigative and Forensic Services~~ of the department;

532 (5) Each insurer is required to report data related to
 533 fraud for each identified line of business written by the
 534 insurer during the prior calendar year. The data shall be
 535 reported to the department annually by March 1, and must
 536 include, at a minimum:

537 (h) The number of cases referred to the Division of
 538 Criminal Investigations ~~Investigative and Forensic Services~~;

539 (k) The estimated dollar amount or range of damages on
 540 cases referred to the Division of Criminal Investigations
 541 ~~Investigative and Forensic Services~~ or other agencies.

542 (6) In addition to providing information required under
 543 subsections (2), (4), and (5), each insurer writing workers'
 544 compensation insurance shall also report the following
 545 information to the department, annually, on or before March 1:

546 (c) The number of cases referred to the Division of
 547 Criminal Investigations ~~Investigative and Forensic Services~~,
 548 delineated by the type of fraud, including claimant, employer,
 549 provider, agent, or other type.

550 (9) ~~On or before December 31, 2018,~~ The Division of
 551 Criminal Investigations ~~Investigative and Forensic Services~~

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552 shall create a report detailing best practices for the
 553 detection, investigation, prevention, and reporting of insurance
 554 fraud and other fraudulent insurance acts. The report must be
 555 updated as necessary but at least every 2 years. The report must
 556 provide:

557 (a) Information on the best practices for the establishment
 558 of anti-fraud investigative units within insurers;

559 (b) Information on the best practices and methods for
 560 detecting and investigating insurance fraud and other fraudulent
 561 insurance acts;

562 (c) Information on appropriate anti-fraud education and
 563 training of insurer personnel;

564 (d) Information on the best practices for reporting
 565 insurance fraud and other fraudulent insurance acts to the
 566 Division of Criminal Investigations ~~Investigative and Forensic~~
 567 ~~Services~~ and to other law enforcement agencies;

568 (e) Information regarding the appropriate level of staffing
 569 and resources for anti-fraud investigative units within
 570 insurers;

571 (f) Information detailing statistics and data relating to
 572 insurance fraud which insurers should maintain; and

573 (g) Other information as determined by the Division of
 574 Criminal Investigations ~~Investigative and Forensic Services~~.

575 Section 13. Subsection (1) of section 626.9893, Florida
 576 Statutes, is amended to read:

577 626.9893 Disposition of revenues; criminal or forfeiture
 578 proceedings.—

579 (1) The Division of Criminal Investigations ~~Investigative~~
 580 ~~and Forensic Services~~ of the Department of Financial Services

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581 may deposit revenues received as a result of criminal
 582 proceedings or forfeiture proceedings, other than revenues
 583 deposited into the Department of Financial Services' Federal Law
 584 Enforcement Trust Fund under s. 17.43, into the Insurance
 585 Regulatory Trust Fund. Moneys deposited pursuant to this section
 586 shall be separately accounted for and shall be used solely for
 587 the division to carry out its duties and responsibilities.

588 Section 14. Subsection (2) of section 626.9894, Florida
 589 Statutes, is amended to read:

590 626.9894 Gifts and grants.—

591 (2) All rights to, interest in, and title to such donated
 592 or granted property shall immediately vest in the Division of
 593 Criminal Investigations ~~Investigative and Forensic Services~~ upon
 594 donation. The division may hold such property in co-ownership,
 595 sell its interest in the property, liquidate its interest in the
 596 property, or dispose of its interest in the property in any
 597 other reasonable manner.

598 Section 15. Section 626.9896, Florida Statutes, is amended
 599 to read:

600 626.9896 Dedicated insurance fraud prosecutors.—

601 (1) The department shall collect data from each state
 602 attorney office that receives an appropriation to fund attorneys
 603 and paralegals dedicated solely to the prosecution of insurance
 604 fraud cases and report on the use of such funds. The data must
 605 be submitted by the state attorneys to the Division of Criminal
 606 Investigations ~~Investigative and Forensic Services~~ on the last
 607 day of each calendar quarter beginning September 30, ~~2017, and~~
 608 ~~quarterly thereafter~~. Data must be submitted for each attorney
 609 funded by the appropriation and grouped by case type, including

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610 Division of Criminal Investigations ~~Investigative and Forensic~~
 611 ~~Services~~ insurance fraud cases, other insurance fraud cases, and
 612 cases not involving insurance fraud. For each type of case, the
 613 data must include the number of cases in which an information
 614 has been filed; the number of cases pending at pretrial or
 615 intake; the number of cases in which the attorney is assisting
 616 in the investigation; the number of cases closed or disposed of
 617 during the prior quarter; the disposition of the cases closed
 618 during the prior quarter; and the number of cases currently
 619 pending in a pretrial diversion program.

620 (2) The Division of Criminal Investigations ~~Investigative~~
 621 ~~and Forensic Services~~ must report the data collected pursuant to
 622 subsection (1) for the year ending June 30, to the Executive
 623 Office of the Governor, the Speaker of the House of
 624 Representatives, and the President of the Senate by September 1,
 625 2018, ~~and annually thereafter~~.

626 Section 16. Section 626.99278, Florida Statutes, is amended
 627 to read:

628 626.99278 Viatical provider anti-fraud plan.—Every licensed
 629 viatical settlement provider and registered life expectancy
 630 provider must adopt an anti-fraud plan and file it with the
 631 Division of Criminal Investigations ~~Investigative and Forensic~~
 632 ~~Services~~ of the department. Each anti-fraud plan shall include:

633 (1) A description of the procedures for detecting and
 634 investigating possible fraudulent acts and procedures for
 635 resolving material inconsistencies between medical records and
 636 insurance applications.

637 (2) A description of the procedures for the mandatory
 638 reporting of possible fraudulent insurance acts and prohibited

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639 practices set forth in s. 626.99275 to the Division of Criminal
 640 Investigations ~~Investigative and Forensic Services~~ of the
 641 department.

642 (3) A description of the plan for anti-fraud education and
 643 training of its underwriters or other personnel.

644 (4) A written description or chart outlining the
 645 organizational arrangement of the anti-fraud personnel who are
 646 responsible for the investigation and reporting of possible
 647 fraudulent insurance acts and for the investigation of
 648 unresolved material inconsistencies between medical records and
 649 insurance applications.

650 (5) For viatical settlement providers, a description of the
 651 procedures used to perform initial and continuing review of the
 652 accuracy of life expectancies used in connection with a viatical
 653 settlement contract or viatical settlement investment.

654 Section 17. Paragraph (k) of subsection (6) of section
 655 627.351, Florida Statutes, is amended to read:

656 627.351 Insurance risk apportionment plans.—

657 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

658 (k)1. The corporation shall establish and maintain a unit
 659 or division to investigate possible fraudulent claims by
 660 insureds or by persons making claims for services or repairs
 661 against policies held by insureds; or it may contract with
 662 others to investigate possible fraudulent claims for services or
 663 repairs against policies held by the corporation pursuant to s.
 664 626.9891. The corporation must comply with reporting
 665 requirements of s. 626.9891. An employee of the corporation
 666 shall notify the corporation's Office of the Inspector General
 667 and the Division of Criminal Investigations ~~Investigative and~~

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668 ~~Forensic Services~~ within 48 hours after having information that
 669 would lead a reasonable person to suspect that fraud may have
 670 been committed by any employee of the corporation.

671 2. The corporation shall establish a unit or division
 672 responsible for receiving and responding to consumer complaints,
 673 which unit or division is the sole responsibility of a senior
 674 manager of the corporation.

675 Section 18. Subsection (7) of section 627.711, Florida
 676 Statutes, is amended to read:

677 627.711 Notice of premium discounts for hurricane loss
 678 mitigation; uniform mitigation verification inspection form.—

679 (7) An insurer, person, or other entity that obtains
 680 evidence of fraud or evidence that an authorized mitigation
 681 inspector or an employee authorized to conduct mitigation
 682 verification inspections under subsection (3) has made false
 683 statements in the completion of a mitigation inspection form
 684 shall file a report with the Division of Criminal Investigations
 685 ~~Investigative and Forensic Services~~, along with all of the
 686 evidence in its possession that supports the allegation of fraud
 687 or falsity. An insurer, person, or other entity making the
 688 report shall be immune from liability, in accordance with s.
 689 626.989(4), for any statements made in the report, during the
 690 investigation, or in connection with the report. The Division of
 691 Criminal Investigations ~~Investigative and Forensic Services~~
 692 shall issue an investigative report if it finds that probable
 693 cause exists to believe that the authorized mitigation
 694 inspector, or an employee authorized to conduct mitigation
 695 verification inspections under subsection (3), made
 696 intentionally false or fraudulent statements in the inspection

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697 form. Upon conclusion of the investigation and a finding of
 698 probable cause that a violation has occurred, the Division of
 699 Criminal Investigations ~~Investigative and Forensic Services~~
 700 shall send a copy of the investigative report to the office and
 701 a copy to the agency responsible for the professional licensure
 702 of the authorized mitigation inspector, whether or not a
 703 prosecutor takes action based upon the report.

704 Section 19. Paragraph (i) of subsection (4) and subsection
 705 (14) of section 627.736, Florida Statutes, are amended to read:

706 627.736 Required personal injury protection benefits;
 707 exclusions; priority; claims.—

708 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer under
 709 ss. 627.730-627.7405 are primary, except that benefits received
 710 under any workers' compensation law must be credited against the
 711 benefits provided by subsection (1) and are due and payable as
 712 loss accrues upon receipt of reasonable proof of such loss and
 713 the amount of expenses and loss incurred which are covered by
 714 the policy issued under ss. 627.730-627.7405. If the Agency for
 715 Health Care Administration provides, pays, or becomes liable for
 716 medical assistance under the Medicaid program related to injury,
 717 sickness, disease, or death arising out of the ownership,
 718 maintenance, or use of a motor vehicle, the benefits under ss.
 719 627.730-627.7405 are subject to the Medicaid program. However,
 720 within 30 days after receiving notice that the Medicaid program
 721 paid such benefits, the insurer shall repay the full amount of
 722 the benefits to the Medicaid program.

723 (i) If an insurer has a reasonable belief that a fraudulent
 724 insurance act, for the purposes of s. 626.989 or s. 817.234, has
 725 been committed, the insurer shall notify the claimant, in

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726 writing, within 30 days after submission of the claim that the
 727 claim is being investigated for suspected fraud. Beginning at
 728 the end of the initial 30-day period, the insurer has an
 729 additional 60 days to conduct its fraud investigation.
 730 Notwithstanding subsection (10), no later than 90 days after the
 731 submission of the claim, the insurer must deny the claim or pay
 732 the claim with simple interest as provided in paragraph (d).
 733 Interest shall be assessed from the day the claim was submitted
 734 until the day the claim is paid. All claims denied for suspected
 735 fraudulent insurance acts shall be reported to the Division of
 736 Criminal Investigations ~~Investigative and Forensic Services~~.

737 (14) FRAUD ADVISORY NOTICE.—Upon receiving notice of a
 738 claim under this section, an insurer shall provide a notice to
 739 the insured or to a person for whom a claim for reimbursement
 740 for diagnosis or treatment of injuries has been filed, advising
 741 that:

742 (a) Pursuant to s. 626.9892, the Department of Financial
 743 Services may pay rewards of up to \$25,000 to persons providing
 744 information leading to the arrest and conviction of persons
 745 committing crimes investigated by the Division of Criminal
 746 Investigations ~~Investigative and Forensic Services~~ arising from
 747 violations of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or
 748 s. 817.234.

749 (b) Solicitation of a person injured in a motor vehicle
 750 crash for purposes of filing personal injury protection or tort
 751 claims could be a violation of s. 817.234, s. 817.505, or the
 752 rules regulating The Florida Bar and should be immediately
 753 reported to the Division of Criminal Investigations
 754 ~~Investigative and Forensic Services~~ if such conduct has taken

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place.

Section 20. Paragraphs (b) and (c) of subsection (1) of section 627.7401, Florida Statutes, are amended to read:

627.7401 Notification of insured's rights.—

(1) The commission, by rule, shall adopt a form for the notification of insureds of their right to receive personal injury protection benefits under the Florida Motor Vehicle No-Fault Law. Such notice shall include:

(b) An advisory informing insureds that:

1. Pursuant to s. 626.9892, the Department of Financial Services may pay rewards of up to \$25,000 to persons providing information leading to the arrest and conviction of persons committing crimes investigated by the Division of Criminal Investigations ~~Investigative and Forensic Services~~ arising from violations of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

2. Pursuant to s. 627.736(5)(e)1., if the insured notifies the insurer of a billing error, the insured may be entitled to a certain percentage of a reduction in the amount paid by the insured's motor vehicle insurer.

(c) A notice that solicitation of a person injured in a motor vehicle crash for purposes of filing personal injury protection or tort claims could be a violation of s. 817.234, s. 817.505, or the rules regulating The Florida Bar and should be immediately reported to the Division of Criminal Investigations ~~Investigative and Forensic Services~~ if such conduct has taken place.

Section 21. Subsection (2) of section 631.156, Florida Statutes, is amended to read:

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631.156 Investigation by the department; scope of authority; sharing of materials.—

(2) The department may provide documents, books, and records; other investigative products, work product, and analysis; and copies of any or all of such materials to the Division of Criminal Investigations ~~Investigative and Forensic Services~~ or any other appropriate government agency. The sharing of these materials does not waive any work product or other privilege otherwise applicable under law.

Section 22. Subsection (1) of section 633.114, Florida Statutes, is amended to read:

633.114 State Fire Marshal agents; authority; duties; compensation.—

(1) The State Fire Marshal shall appoint such agents, including agents of the Division of Criminal Investigations ~~Investigative and Forensic Services~~, as may be necessary to carry out effectively this chapter, who shall be reimbursed for travel expenses as provided in s. 112.061, in addition to their salary, when traveling or making investigations in the performance of their duties. Such agents, including agents of the Division of Criminal Investigations ~~Investigative and Forensic Services~~, shall be at all times under the direction and control of the State Fire Marshal, who shall fix their compensation, and all orders shall be issued in the State Fire Marshal's name and by her or his authority.

Section 23. Paragraph (b) of subsection (1) and subsection (10) of section 633.126, Florida Statutes, are amended to read:

633.126 Investigation of fraudulent insurance claims and crimes; immunity of insurance companies supplying information.—

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813 (1)

814 (b) The State Fire Marshal or an agent appointed pursuant

815 to s. 633.114, an agent of the Division of Criminal

816 Investigations ~~Investigative and Forensic Services~~, any law

817 enforcement officer as defined in s. 111.065, any law

818 enforcement officer of a federal agency, or any fire service

819 provider official who is engaged in the investigation of a fire

820 or explosion loss may request any insurance company or its

821 agent, adjuster, employee, or attorney, investigating a claim

822 under an insurance policy or contract with respect to a fire or

823 explosion to release any information whatsoever in the

824 possession of the insurance company or its agent, adjuster,

825 employee, or attorney relative to a loss from that fire or

826 explosion. The insurance company shall release the available

827 information to and cooperate with any official authorized to

828 request such information pursuant to this section. The

829 information shall include, but shall not be limited to:

830 1. Any insurance policy relevant to a loss under

831 investigation and any application for such a policy.

832 2. Any policy premium payment records.

833 3. The records, reports, and all material pertaining to any

834 previous claims made by the insured with the reporting company.

835 4. Material relating to the investigation of the loss,

836 including statements of a person, proof of loss, and other

837 relevant evidence.

838 5. Memoranda, notes, and correspondence relating to the

839 investigation of the loss in the possession of the insurance

840 company or its agents, adjusters, employees, or attorneys.

841 (10) The Division of Criminal Investigations ~~Investigative~~

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842 ~~and Forensic Services~~ may adopt reasonable rules as are

843 necessary to administer this section. Such rules must meet all

844 of the following requirements:

845 (a) They may not enlarge upon or extend the provisions of

846 this section.

847 (b) They must identify specific factors that determine the

848 grades of penalty.

849 (c) They must specify mitigating and aggravating factors

850 for a violation of this section.

851 Section 24. Subsection (4) of section 641.30, Florida

852 Statutes, is amended to read:

853 641.30 Construction and relationship to other laws.—

854 (4) The Division of Criminal Investigations ~~Investigative~~

855 ~~and Forensic Services~~ of the department is vested with all

856 powers granted to it under the Florida Insurance Code with

857 respect to the investigation of any violation of this part.

858 Section 25. Subsection (3) of section 791.013, Florida

859 Statutes, is amended to read:

860 791.013 Testing and approval of sparklers; penalties.—

861 (3) For purposes of the testing requirement by this

862 section, the division shall perform such tests as are necessary

863 to determine compliance with the performance standards in the

864 definition of sparklers, pursuant to s. 791.01. The State Fire

865 Marshal shall adopt, by rule, procedures for testing products to

866 determine compliance with this chapter. The Division of Criminal

867 Investigations ~~Investigative and Forensic Services~~ shall dispose

868 of any samples which remain after testing.

869 Section 26. Paragraph (b) of subsection (5) of section

870 817.234, Florida Statutes, is amended to read:

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871 817.234 False and fraudulent insurance claims.-
 872 (5)
 873 (b) If an insurer damaged as a result of a violation of any
 874 provision of this section has reported the possible fraudulent
 875 insurance act to the Division of Criminal Investigations
 876 ~~Investigative and Forensic Services~~ pursuant to s. 626.9891 and
 877 if there has been a criminal adjudication of guilt, the insurer
 878 is entitled to recover reasonable investigation and litigation
 879 expenses, including attorney fees, at the trial and appellate
 880 courts.
 881 Section 27. Section 843.08, Florida Statutes, is amended to
 882 read:
 883 843.08 False personation.-A person who falsely assumes or
 884 pretends to be a firefighter, a sheriff, an officer of the
 885 Florida Highway Patrol, an officer of the Fish and Wildlife
 886 Conservation Commission, an officer of the Department of
 887 Environmental Protection, an officer of the Department of
 888 Financial Services, any personnel or representative of the
 889 Division of Criminal Investigations ~~Investigative and Forensic~~
 890 ~~Services~~, an officer of the Department of Corrections, a
 891 correctional probation officer, a deputy sheriff, a state
 892 attorney or an assistant state attorney, a statewide prosecutor
 893 or an assistant statewide prosecutor, a state attorney
 894 investigator, a coroner, a police officer, a lottery special
 895 agent or lottery investigator, a beverage enforcement agent, a
 896 school guardian as described in s. 30.15(1)(k), a security
 897 officer licensed under chapter 493, any member of the Florida
 898 Commission on Offender Review or any administrative aide or
 899 supervisor employed by the commission, any personnel or

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900 representative of the Department of Law Enforcement, or a
 901 federal law enforcement officer as defined in s. 901.1505, and
 902 takes upon himself or herself to act as such, or to require any
 903 other person to aid or assist him or her in a matter pertaining
 904 to the duty of any such officer, commits a felony of the third
 905 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 906 775.084. However, a person who falsely personates any such
 907 officer during the course of the commission of a felony commits
 908 a felony of the second degree, punishable as provided in s.
 909 775.082, s. 775.083, or s. 775.084. If the commission of the
 910 felony results in the death or personal injury of another human
 911 being, the person commits a felony of the first degree,
 912 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 913 In determining whether a defendant has violated this section,
 914 the court or jury may consider any relevant evidence, including,
 915 but not limited to, whether the defendant used lights in
 916 violation of s. 316.2397 or s. 843.081.
 917 Section 28. Paragraphs (l) and (m) of subsection (6) of
 918 section 932.7055, Florida Statutes, are amended to read:
 919 932.7055 Disposition of liens and forfeited property.-
 920 (6) If the seizing agency is a state agency, all remaining
 921 proceeds shall be deposited into the General Revenue Fund.
 922 However, if the seizing agency is:
 923 (l) The Division of Criminal Investigations ~~Investigative~~
 924 ~~and Forensic Services~~ in the Department of Financial Services,
 925 the proceeds accrued under the Florida Contraband Forfeiture Act
 926 shall be deposited into the Insurance Regulatory Trust Fund to
 927 be used for the purposes of arson suppression, arson
 928 investigation, and the funding of anti-arson rewards.

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929 (m) The Division of Criminal Investigations ~~Investigative~~
930 ~~and Forensic Services~~ of the Department of Financial Services,
931 the proceeds accrued pursuant to the Florida Contraband
932 Forfeiture Act shall be deposited into the Insurance Regulatory
933 Trust Fund as provided in s. 626.9893 or into the Department of
934 Financial Services' Federal Law Enforcement Trust Fund as
935 provided in s. 17.43, as applicable.

936 Reviser's note.—Amended pursuant to the directive of the
937 Legislature in s. 63, ch. 2024-140, Laws of Florida, to the
938 Division of Law Revision to prepare a reviser's bill for
939 the 2025 Regular Session of the Legislature to change the
940 term "Division of Investigative and Forensic Services" to
941 "Division of Criminal Investigations" wherever it appears
942 in the Florida Statutes.

943 Section 29. This act shall take effect on the 60th day
944 after adjournment sine die of the session of the Legislature in
945 which enacted.

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 Rules

BILL: SB 40

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Yeatman	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

SB 40 deletes statute provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2024, by the 2023 Regular Session of the Legislature).

This bill substantially amends the following sections of the Florida Statutes: ss. 161.101, 212.20, 213.053, 220.02, 220.13, 288.0655, 320.06, 331.3101, 377.703, 402.57, 443.131, 570.441, 571.26, 571.265, and 717.123, F.S., and repeals ss. 161.551, 220.193, 259.10521, 381.933, 570.83, and 1002.334, F.S.

II. Present Situation:

The Division of Law Revision, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the statutes where the repeal was voted by the Legislature sitting in the current year; sections effectively repealed but where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes text through a reviser's bill pursuant to s. 11.242(5)(i).

III. Effect of Proposed Changes:

This bill removes provisions that have already been repealed by the Legislature by substantive legislation that the Division of Law Revision could not remove from the statutes without the required inclusion in a reviser's bill.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 161.101, 212.20, 213.053, 220.02, 220.13, 288.0655, 320.06, 331.3101, 377.703, 402.57, 443.131, 570.441, 571.26, 571.265, and 717.123, F.S., and repeals ss. 161.551, 220.193, 259.10521, 381.933, 570.83, and 1002.334, F.S.

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 Passidomo

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 161.101(22), 161.551, 220.193, 259.10521, 288.0655(7),
 4 331.3101(5)(d), 381.933, 570.441(4), 570.83,
 5 717.123(3), and 1002.334, F.S., and amending ss.
 6 212.20, 320.06, 402.57, and 443.131, F.S., to delete
 7 provisions which have become inoperative by noncurrent
 8 repeal or expiration and, pursuant to s. 11.242(5)(b)
 9 and (i), F.S., may be omitted from the 2024 Florida
 10 Statutes only through a reviser's bill duly enacted by
 11 the Legislature; amending ss. 213.053, 220.02, 220.13,
 12 377.703, 571.26, and 571.265, F.S., to conform to the
 13 changes by this act; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Subsection (22) of section 161.101, Florida
 18 Statutes, is repealed.
 19 Reviser's note.—The cited subsection, which relates to waiver or
 20 reduction of match requirements for beaches in specified
 21 counties impacted by Hurricane Ian or Hurricane Nicole, for
 22 the 2023-2024 fiscal year, expired pursuant to its own
 23 terms, effective July 1, 2024.
 24 Section 2. Section 161.551, Florida Statutes, is repealed.
 25 Reviser's note.—The cited section, which relates to public
 26 financing of construction projects within the coastal
 27 building zone, was repealed pursuant to its own terms,
 28 effective July 1, 2024.
 29 Section 3. Paragraph (d) of subsection (6) of section

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30 212.20, Florida Statutes, is amended to read:
 31 212.20 Funds collected, disposition; additional powers of
 32 department; operational expense; refund of taxes adjudicated
 33 unconstitutionally collected.—
 34 (6) Distribution of all proceeds under this chapter and ss.
 35 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:
 36 (d) The proceeds of all other taxes and fees imposed
 37 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 38 and (2)(b) shall be distributed as follows:
 39 1. In any fiscal year, the greater of \$500 million, minus
 40 an amount equal to 4.6 percent of the proceeds of the taxes
 41 collected pursuant to chapter 201, or 5.2 percent of all other
 42 taxes and fees imposed pursuant to this chapter or remitted
 43 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
 44 monthly installments into the General Revenue Fund.
 45 2. After the distribution under subparagraph 1., 8.9744
 46 percent of the amount remitted by a sales tax dealer located
 47 within a participating county pursuant to s. 218.61 shall be
 48 transferred into the Local Government Half-cent Sales Tax
 49 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
 50 transferred shall be reduced by 0.1 percent, and the department
 51 shall distribute this amount to the Public Employees Relations
 52 Commission Trust Fund less \$5,000 each month, which shall be
 53 added to the amount calculated in subparagraph 3. and
 54 distributed accordingly.
 55 3. After the distribution under subparagraphs 1. and 2.,
 56 0.0966 percent shall be transferred to the Local Government
 57 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
 58 to s. 218.65.

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4. After the distributions under subparagraphs 1., 2., and 3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-

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existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

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117 c. The department shall distribute up to \$83,333 monthly to
 118 each certified applicant as defined in s. 288.11631 for a
 119 facility used by a single spring training franchise, or up to
 120 \$166,667 monthly to each certified applicant as defined in s.
 121 288.11631 for a facility used by more than one spring training
 122 franchise. Monthly distributions begin 60 days after such
 123 certification or July 1, 2016, whichever is later, and continue
 124 for not more than 20 years to each certified applicant as
 125 defined in s. 288.11631 for a facility used by a single spring
 126 training franchise or not more than 25 years to each certified
 127 applicant as defined in s. 288.11631 for a facility used by more
 128 than one spring training franchise. A certified applicant
 129 identified in this sub-subparagraph may not receive more in
 130 distributions than expended by the applicant for the public
 131 purposes provided in s. 288.11631(3).

132 d. The department shall distribute \$15,333 monthly to the
 133 State Transportation Trust Fund.

134 e. ~~(I) On or before July 25, 2021, August 25, 2021, and~~
 135 ~~September 25, 2021, the department shall distribute \$324,533,334~~
 136 ~~in each of those months to the Unemployment Compensation Trust~~
 137 ~~Fund, less an adjustment for refunds issued from the General~~
 138 ~~Revenue Fund pursuant to s. 443.131(3)(c)3. before making the~~
 139 ~~distribution. The adjustments made by the department to the~~
 140 ~~total distributions shall be equal to the total refunds made~~
 141 ~~pursuant to s. 443.131(3)(c)3. If the amount of refunds to be~~
 142 ~~subtracted from any single distribution exceeds the~~
 143 ~~distribution, the department may not make that distribution and~~
 144 ~~must subtract the remaining balance from the next distribution.~~
 145 ~~(II) Beginning July 2022, and on or before the 25th day of~~

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146 ~~each month, the department shall distribute \$90 million monthly~~
 147 ~~to the Unemployment Compensation Trust Fund.~~

148 ~~(III) If the ending balance of the Unemployment~~
 149 ~~Compensation Trust Fund exceeds \$4,071,519,600 on the last day~~
 150 ~~of any month, as determined from United States Department of the~~
 151 ~~Treasury data, the Office of Economic and Demographic Research~~
 152 ~~shall certify to the department that the ending balance of the~~
 153 ~~trust fund exceeds such amount.~~

154 ~~(IV) This sub-subparagraph is repealed, and the department~~
 155 ~~shall end monthly distributions under sub-sub-subparagraph (II),~~
 156 ~~on the date the department receives certification under sub-sub-~~
 157 ~~subparagraph (III).~~

158 ~~e.f.~~ Beginning July 1, 2023, in each fiscal year, the
 159 department shall distribute \$27.5 million to the Florida
 160 Agricultural Promotional Campaign Trust Fund under s. 571.26,
 161 for further distribution in accordance with s. 571.265.

162 7. All other proceeds must remain in the General Revenue
 163 Fund.
 164 Reviser's note.—Amended to delete sub-subparagraph (6)(d)6.e.
 165 pursuant to certification by the Office of Economic and
 166 Demographic Research to the Department of Revenue on April
 167 2, 2024, that the ending balance in the Unemployment
 168 Compensation Trust Fund exceeded the amount specified in
 169 sub-sub-subparagraph (III), thus triggering the repeal of
 170 sub-sub-subparagraph e. pursuant to sub-sub-subparagraph (IV).
 171 Section 4. Section 220.193, Florida Statutes, is repealed.
 172 Reviser's note.—The cited section, which relates to the Florida
 173 renewable energy production tax credit, was limited to a
 174 period ending June 30, 2016.

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175 Section 5. Section 259.10521, Florida Statutes, is
 176 repealed.
 177 Reviser's note.—The cited section, which relates to a citizen
 178 support organization for the benefit of the Babcock Ranch
 179 Preserve, was repealed pursuant to its own terms, effective
 180 October 1, 2024.
 181 Section 6. Subsection (7) of section 288.0655, Florida
 182 Statutes, is repealed.
 183 Reviser's note.—The cited subsection, which relates to award
 184 grants from the Rural Infrastructure Fund for the 2023-2024
 185 fiscal year for specified counties impacted by Hurricane
 186 Idalia, expired pursuant to its own terms, effective July
 187 1, 2024.
 188 Section 7. Paragraph (b) of subsection (1) of section
 189 320.06, Florida Statutes, is amended to read:
 190 320.06 Registration certificates, license plates, and
 191 validation stickers generally.—
 192 (1)
 193 (b)1. Registration license plates bearing a graphic symbol
 194 and the alphanumeric system of identification shall be issued
 195 for a 10-year period. At the end of the 10-year period, upon
 196 renewal, the plate shall be replaced. The department shall
 197 extend the scheduled license plate replacement date from a 6-
 198 year period to a 10-year period. The fee for such replacement is
 199 \$28, \$2.80 of which shall be paid each year before the plate is
 200 replaced, to be credited toward the next \$28 replacement fee.
 201 The fees shall be deposited into the Highway Safety Operating
 202 Trust Fund. A credit or refund may not be given for any prior
 203 years' payments of the prorated replacement fee if the plate is

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204 replaced or surrendered before the end of the 10-year period,
 205 except that a credit may be given if a registrant is required by
 206 the department to replace a license plate under s.
 207 320.08056(8)(a). With each license plate, a validation sticker
 208 shall be issued showing the owner's birth month, license plate
 209 number, and the year of expiration or the appropriate renewal
 210 period if the owner is not a natural person. The validation
 211 sticker shall be placed on the upper right corner of the license
 212 plate. The license plate and validation sticker shall be issued
 213 based on the applicant's appropriate renewal period. The
 214 registration period is 12 months, the extended registration
 215 period is 24 months, and all expirations occur based on the
 216 applicant's appropriate registration period. Rental vehicles
 217 taxed pursuant to s. 320.08(6)(a) and rental trucks taxed
 218 pursuant to s. 320.08(3)(a)-(c) and (4)(a)-(d) may elect a
 219 permanent registration period, provided payment of the
 220 appropriate license taxes and fees occurs annually.
 221 ~~2. A vehicle that has an apportioned registration shall be~~
 222 ~~issued an annual license plate and a cab card that denote the~~
 223 ~~declared gross vehicle weight for each apportioned jurisdiction~~
 224 ~~in which the vehicle is authorized to operate. This subparagraph~~
 225 ~~expires June 30, 2024.~~
 226 2.3. Beginning July 1, 2024, a vehicle registered in
 227 accordance with the International Registration Plan must be
 228 issued a license plate for a 3-year period. At the end of the 3-
 229 year period, upon renewal, the license plate must be replaced.
 230 Each license plate must include a validation sticker showing the
 231 month of expiration. A cab card denoting the declared gross
 232 vehicle weight for each apportioned jurisdiction must be issued

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annually. The fee for an original or a renewal cab card is \$28, which must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.

3.4- In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

Reviser's note.—Amended to conform to the expiration of subparagraph (1)(b)2. pursuant to its own terms, effective June 30, 2024.

Section 8. Paragraph (d) of subsection (5) of section 331.3101, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to information relating to corrective action by Space Florida to address findings in Auditor General Report No. 2022-049, expired pursuant to its own terms, effective July 1, 2024.

Section 9. Section 381.933, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to mammography reports, was repealed pursuant to its own terms, effective September 10, 2024.

Section 10. Section 402.57, Florida Statutes, is amended to read:

402.57 Direct-support organization ~~organizations~~.—

~~(1)~~ DEPARTMENT OF CHILDREN AND FAMILIES.—The Department of Children and Families is authorized to create a direct-support organization, the sole purpose of which is to support the department in carrying out its purposes and responsibilities.

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(1) ~~(a)~~ The direct-support organization must be:

(a)1- A not-for-profit corporation incorporated under chapter 617 and approved by the Department of State as a not-for-profit corporation;

(b)2- Organized and operated to conduct programs and activities; to raise funds; to request and receive grants, gifts, and bequests of moneys; to acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and to make expenditures to or for the direct or indirect benefit of the department and the individuals it serves; and

(c)3- Determined by the department to be operating in a manner consistent with the goals and purposes of the department, the best interest of the state, and the needs of children and adults served by the department.

(2) ~~(b)~~ The direct-support organization shall operate under a written contract with the department. The contract must provide for all of the following:

(a)1- Department approval of the articles of incorporation and bylaws of the direct-support organization.

(b)2- Submission of an annual budget for department approval.

(c)3- Certification by the department that the direct-support organization is complying with the terms of the contract and operating in a manner consistent with the goals and purposes of the department and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the direct-support organization.

(d)4- The reversion to the state of moneys and property

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held in trust by the direct-support organization for the benefit of those served by the department if the department ceases to exist or the reversion to the department if the direct-support organization is no longer approved to operate for the department, a county commission, or a circuit board or ceases to exist.

(e)~~5-~~ The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

(f)~~6-~~ The disclosure of material provisions of the contract, and the distinction between the department and the direct-support organization, to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications.

(3)~~(e)~~ The Secretary of Children and Families shall appoint the board of directors of the direct-support organization. The board members shall be appointed according to the organization's bylaws.

(4)~~(d)~~ The department may allow, without charge, appropriate use of fixed property, facilities, and personnel services of the department by the direct-support organization, subject to the requirements of this section. As used in this section ~~subsection~~, the term "personnel services" includes full-time or part-time personnel, as well as payroll processing services.

(a)~~1-~~ The department may not allow a direct-support organization to use any fixed property, facilities, or personnel services of the department if the direct-support organization does not provide equal membership and employment opportunities

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to all persons regardless of race, color, religion, sex, age, or national origin.

(b)~~2-~~ The department may prescribe any conditions with which a direct-support organization must comply to use fixed property, facilities, or personnel services of the department and shall adopt rules prescribing those conditions and the procedures by which the direct-support organization is governed.

(5)~~(e)~~ The direct-support organization may collect, expend, and provide funds for:

(a)~~1-~~ Addressing gaps in services for the children and adults served by the department.

(b)~~2-~~ Development, implementation, and operation of targeted prevention efforts.

(c)~~3-~~ Services and activities that support the goals of the department.

(d)~~4-~~ Functions of the direct-support organization's board of directors, as necessary and approved by the department.

The funds of the direct-support organization may not be used for the purpose of lobbying as defined in s. 11.045.

(6)~~(f)~~ Any moneys may be held in a separate depository account in the name of the direct-support organization and subject to the provisions of the contract with the department.

(7)~~(g)~~ The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(8)~~(h)~~ This section ~~subsection~~ is repealed October 1, 2028, unless reviewed and saved from repeal by the Legislature.

~~(2) CHILDREN AND YOUTH CABINET. The Department of Children and Families shall establish a direct-support organization to~~

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349 ~~assist the Children and Youth Cabinet established in s. 402.56~~
 350 ~~in carrying out its purposes and responsibilities, primarily~~
 351 ~~regarding fostering public awareness of children and youth~~
 352 ~~issues and developing new partners in the effort to serve~~
 353 ~~children and youth by raising money, submitting requests for and~~
 354 ~~receiving grants from the Federal Government, the state or its~~
 355 ~~political subdivisions, private foundations, and individuals,~~
 356 ~~and making expenditures to or for the benefit of the cabinet.~~
 357 ~~The sole purpose for the direct support organization is to~~
 358 ~~support the cabinet.~~

359 ~~(a) The direct support organization must be:~~

360 ~~1. Incorporated under chapter 617 and approved by the~~
 361 ~~Department of State as a Florida corporation not for profit.~~

362 ~~2. Organized and operated to make expenditures to or for~~
 363 ~~the benefit of the cabinet.~~

364 ~~3. Approved by the department to be operating for the~~
 365 ~~benefit of and in a manner consistent with the goals of the~~
 366 ~~cabinet and in the best interest of the state.~~

367 ~~(b) The board of directors of the direct support~~
 368 ~~organization shall consist of seven members appointed by the~~
 369 ~~Governor. Each member of the board of directors shall be~~
 370 ~~appointed to a 4-year term. However, for the purpose of~~
 371 ~~providing staggered terms, the initial appointments shall be for~~
 372 ~~either 2 years or 4 years, as determined by the Governor.~~

373 ~~(c) The direct support organization shall operate under a~~
 374 ~~written contract with the department.~~

375 ~~(d) All moneys received by the direct support organization~~
 376 ~~must be deposited into an account of the direct support~~
 377 ~~organization and shall be used in a manner consistent with the~~

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378 ~~goals of the cabinet.~~

379 ~~(e) This subsection is repealed October 1, 2024, unless~~
 380 ~~reviewed and saved from repeal by the Legislature.~~

381 Reviser's note.—Amended to conform to the repeal of subsection

382 (2) pursuant to its own terms, effective October 1, 2024.

383 Section 11. Paragraph (e) of subsection (3) of section
 384 443.131, Florida Statutes, is amended to read:

385 443.131 Contributions.—

386 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 387 EXPERIENCE.—

388 (e) *Assignment of variations from the standard rate.*—

389 1. As used in this paragraph, the terms "total benefit
 390 payments," "benefits paid to an individual," and "benefits
 391 charged to the employment record of an employer" mean the amount
 392 of benefits paid to individuals multiplied by:

393 a. For benefits paid prior to July 1, 2007, 1.

394 b. For benefits paid during the period beginning on July 1,
 395 2007, and ending March 31, 2011, 0.90.

396 c. For benefits paid after March 31, 2011, 1.

397 d. For benefits paid during the period beginning April 1,
 398 2020, and ending December 31, 2020, 0.

399 e. For benefits paid during the period beginning January 1,
 400 2021, and ending June 30, 2021, 1, except as otherwise adjusted
 401 in accordance with paragraph (f).

402 2. For the calculation of contribution rates effective
 403 January 1, 2012, and thereafter:

404 a. The tax collection service provider shall assign a
 405 variation from the standard rate of contributions for each
 406 calendar year to each eligible employer. In determining the

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407 contribution rate, varying from the standard rate to be assigned
 408 each employer, adjustment factors computed under sub-sub-
 409 subparagraphs (I)-(IV) are added to the benefit ratio. This
 410 addition shall be accomplished in two steps by adding a variable
 411 adjustment factor and a final adjustment factor. The sum of
 412 these adjustment factors computed under sub-sub-subparagraphs
 413 (I)-(IV) shall first be algebraically summed. The sum of these
 414 adjustment factors shall next be divided by a gross benefit
 415 ratio determined as follows: Total benefit payments for the 3-
 416 year period described in subparagraph (b)3. are charged to
 417 employers eligible for a variation from the standard rate, minus
 418 excess payments for the same period, divided by taxable payroll
 419 entering into the computation of individual benefit ratios for
 420 the calendar year for which the contribution rate is being
 421 computed. The ratio of the sum of the adjustment factors
 422 computed under sub-sub-subparagraphs (I)-(IV) to the gross
 423 benefit ratio is multiplied by each individual benefit ratio
 424 that is less than the maximum contribution rate to obtain
 425 variable adjustment factors; except that if the sum of an
 426 employer's individual benefit ratio and variable adjustment
 427 factor exceeds the maximum contribution rate, the variable
 428 adjustment factor is reduced in order for the sum to equal the
 429 maximum contribution rate. The variable adjustment factor for
 430 each of these employers is multiplied by his or her taxable
 431 payroll entering into the computation of his or her benefit
 432 ratio. The sum of these products is divided by the taxable
 433 payroll of the employers who entered into the computation of
 434 their benefit ratios. The resulting ratio is subtracted from the
 435 sum of the adjustment factors computed under sub-sub-

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436 subparagraphs (I)-(IV) to obtain the final adjustment factor.
 437 The variable adjustment factors and the final adjustment factor
 438 must be computed to five decimal places and rounded to the
 439 fourth decimal place. This final adjustment factor is added to
 440 the variable adjustment factor and benefit ratio of each
 441 employer to obtain each employer's contribution rate. An
 442 employer's contribution rate may not, however, be rounded to
 443 less than 0.1 percent. In determining the contribution rate,
 444 varying from the standard rate to be assigned, the computation
 445 shall exclude any benefit that is excluded by the multipliers
 446 under subparagraph (b)2. and subparagraph 1. The computation of
 447 the contribution rate, varying from the standard rate to be
 448 assigned, shall also exclude any benefit paid as a result of a
 449 governmental order related to COVID-19 to close or reduce
 450 capacity of a business. In addition, the contribution rate for
 451 the 2021 and 2022 calendar years shall be calculated without the
 452 application of the positive adjustment factor in sub-sub-
 453 subparagraph (III).

454 (I) An adjustment factor for noncharge benefits is computed
 455 to the fifth decimal place and rounded to the fourth decimal
 456 place by dividing the amount of noncharge benefits during the 3-
 457 year period described in subparagraph (b)3. by the taxable
 458 payroll of employers eligible for a variation from the standard
 459 rate who have a benefit ratio for the current year which is less
 460 than the maximum contribution rate. For purposes of computing
 461 this adjustment factor, the taxable payroll of these employers
 462 is the taxable payrolls for the 3 years ending June 30 of the
 463 current calendar year as reported to the tax collection service
 464 provider by September 30 of the same calendar year. As used in

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465 this sub-sub-subparagraph, the term "noncharge benefits" means
 466 benefits paid to an individual, as adjusted pursuant to
 467 subparagraph (b)2. and subparagraph 1., from the Unemployment
 468 Compensation Trust Fund which were not charged to the employment
 469 record of any employer, but excluding any benefit paid as a
 470 result of a governmental order related to COVID-19 to close or
 471 reduce capacity of a business.

472 (II) An adjustment factor for excess payments is computed
 473 to the fifth decimal place, and rounded to the fourth decimal
 474 place by dividing the total excess payments during the 3-year
 475 period described in subparagraph (b)3. by the taxable payroll of
 476 employers eligible for a variation from the standard rate who
 477 have a benefit ratio for the current year which is less than the
 478 maximum contribution rate. For purposes of computing this
 479 adjustment factor, the taxable payroll of these employers is the
 480 same figure used to compute the adjustment factor for noncharge
 481 benefits under sub-sub-subparagraph (I). As used in this sub-
 482 subparagraph, the term "excess payments" means the amount of
 483 benefits charged to the employment record of an employer, as
 484 adjusted pursuant to subparagraph (b)2. and subparagraph 1.,
 485 during the 3-year period described in subparagraph (b)3., but
 486 excluding any benefit paid as a result of a governmental order
 487 related to COVID-19 to close or reduce capacity of a business,
 488 less the product of the maximum contribution rate and the
 489 employer's taxable payroll for the 3 years ending June 30 of the
 490 current calendar year as reported to the tax collection service
 491 provider by September 30 of the same calendar year. As used in
 492 this sub-sub-subparagraph, the term "total excess payments"
 493 means the sum of the individual employer excess payments for

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494 those employers that were eligible for assignment of a
 495 contribution rate different from the standard rate.

496 (III) With respect to computing a positive adjustment
 497 factor:

498 (A) Beginning January 1, 2012, if the balance of the
 499 Unemployment Compensation Trust Fund on September 30 of the
 500 calendar year immediately preceding the calendar year for which
 501 the contribution rate is being computed is less than 4 percent
 502 of the taxable payrolls for the year ending June 30 as reported
 503 to the tax collection service provider by September 30 of that
 504 calendar year, a positive adjustment factor shall be computed.
 505 The positive adjustment factor is computed annually to the fifth
 506 decimal place and rounded to the fourth decimal place by
 507 dividing the sum of the total taxable payrolls for the year
 508 ending June 30 of the current calendar year as reported to the
 509 tax collection service provider by September 30 of that calendar
 510 year into a sum equal to one-fifth of the difference between the
 511 balance of the fund as of September 30 of that calendar year and
 512 the sum of 5 percent of the total taxable payrolls for that
 513 year. The positive adjustment factor remains in effect for
 514 subsequent years until the balance of the Unemployment
 515 Compensation Trust Fund as of September 30 of the year
 516 immediately preceding the effective date of the contribution
 517 rate equals or exceeds 4 percent of the taxable payrolls for the
 518 year ending June 30 of the current calendar year as reported to
 519 the tax collection service provider by September 30 of that
 520 calendar year.

521 (B) Beginning January 1, 2018, and for each year
 522 thereafter, the positive adjustment shall be computed by

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523 dividing the sum of the total taxable payrolls for the year
 524 ending June 30 of the current calendar year as reported to the
 525 tax collection service provider by September 30 of that calendar
 526 year into a sum equal to one-fourth of the difference between
 527 the balance of the fund as of September 30 of that calendar year
 528 and the sum of 5 percent of the total taxable payrolls for that
 529 year. The positive adjustment factor remains in effect for
 530 subsequent years until the balance of the Unemployment
 531 Compensation Trust Fund as of September 30 of the year
 532 immediately preceding the effective date of the contribution
 533 rate equals or exceeds 4 percent of the taxable payrolls for the
 534 year ending June 30 of the current calendar year as reported to
 535 the tax collection service provider by September 30 of that
 536 calendar year.

537 (IV) If, beginning January 1, 2015, and each year
 538 thereafter, the balance of the Unemployment Compensation Trust
 539 Fund as of September 30 of the year immediately preceding the
 540 calendar year for which the contribution rate is being computed
 541 exceeds 5 percent of the taxable payrolls for the year ending
 542 June 30 of the current calendar year as reported to the tax
 543 collection service provider by September 30 of that calendar
 544 year, a negative adjustment factor must be computed. The
 545 negative adjustment factor shall be computed annually beginning
 546 on January 1, 2015, and each year thereafter, to the fifth
 547 decimal place and rounded to the fourth decimal place by
 548 dividing the sum of the total taxable payrolls for the year
 549 ending June 30 of the current calendar year as reported to the
 550 tax collection service provider by September 30 of the calendar
 551 year into a sum equal to one-fourth of the difference between

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552 the balance of the fund as of September 30 of the current
 553 calendar year and 5 percent of the total taxable payrolls of
 554 that year. The negative adjustment factor remains in effect for
 555 subsequent years until the balance of the Unemployment
 556 Compensation Trust Fund as of September 30 of the year
 557 immediately preceding the effective date of the contribution
 558 rate is less than 5 percent, but more than 4 percent of the
 559 taxable payrolls for the year ending June 30 of the current
 560 calendar year as reported to the tax collection service provider
 561 by September 30 of that calendar year. The negative adjustment
 562 authorized by this section is suspended in any calendar year in
 563 which repayment of the principal amount of an advance received
 564 from the federal Unemployment Compensation Trust Fund under 42
 565 U.S.C. s. 1321 is due to the Federal Government.

566 (V) The maximum contribution rate that may be assigned to
 567 an employer is 5.4 percent, except employers participating in an
 568 approved short-time compensation plan may be assigned a maximum
 569 contribution rate that is 1 percent greater than the maximum
 570 contribution rate for other employers in any calendar year in
 571 which short-time compensation benefits are charged to the
 572 employer's employment record.

573 (VI) As used in this subsection, "taxable payroll" shall be
 574 determined by excluding any part of the remuneration paid to an
 575 individual by an employer for employment during a calendar year
 576 in excess of the first \$7,000. Beginning January 1, 2012,
 577 "taxable payroll" shall be determined by excluding any part of
 578 the remuneration paid to an individual by an employer for
 579 employment during a calendar year as described in s.
 580 443.1217(2). For the purposes of the employer rate calculation

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581 that will take effect in January 1, 2012, and in January 1,
 582 2013, the tax collection service provider shall use the data
 583 available for taxable payroll from 2009 based on excluding any
 584 part of the remuneration paid to an individual by an employer
 585 for employment during a calendar year in excess of the first
 586 \$7,000, and from 2010 and 2011, the data available for taxable
 587 payroll based on excluding any part of the remuneration paid to
 588 an individual by an employer for employment during a calendar
 589 year in excess of the first \$8,500.

590 b. If the transfer of an employer's employment record to an
 591 employing unit under paragraph (g) which, before the transfer,
 592 was an employer, the tax collection service provider shall
 593 recompute a benefit ratio for the successor employer based on
 594 the combined employment records and reassign an appropriate
 595 contribution rate to the successor employer effective on the
 596 first day of the calendar quarter immediately after the
 597 effective date of the transfer.

598 3. The tax collection service provider shall reissue rates
 599 for the 2021 calendar year. However, an employer shall continue
 600 to timely file its employer's quarterly reports and pay the
 601 contributions due in a timely manner in accordance with the
 602 rules of the Department of Commerce. The Department of Revenue
 603 shall post the revised rates on its website to enable employers
 604 to securely review the revised rates. For contributions for the
 605 first quarter of the 2021 calendar year, if any employer remits
 606 to the tax collection service provider an amount in excess of
 607 the amount that would be due as calculated pursuant to this
 608 paragraph, the tax collection service provider shall refund the
 609 excess amount from the amount erroneously collected.

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610 Notwithstanding s. 443.141(6), refunds issued through August 31,
 611 2021, for first quarter 2021 contributions must be paid from the
 612 General Revenue Fund.

613 4. The tax collection service provider shall calculate and
 614 assign contribution rates effective January 1, 2022, through
 615 December 31, 2022, excluding any benefit charge that is excluded
 616 by the multipliers under subparagraph (b)2. and subparagraph 1.;
 617 without the application of the positive adjustment factor in
 618 sub-sub-subparagraph 2.a.(III); and without the inclusion of any
 619 benefit charge directly related to COVID-19 as a result of a
 620 governmental order to close or reduce capacity of a business, as
 621 determined by the Department of Commerce, for each employer who
 622 is eligible for a variation from the standard rate pursuant to
 623 paragraph (d). The Department of Commerce shall provide the tax
 624 collection service provider with all necessary benefit charge
 625 information by August 1, 2021, including specific information
 626 for adjustments related to COVID-19 charges resulting from a
 627 governmental order to close or reduce capacity of a business, to
 628 enable the tax collection service provider to calculate and
 629 issue tax rates effective January 1, 2022. The tax collection
 630 service provider shall calculate and post rates for the 2022
 631 calendar year by March 1, 2022.

632 ~~5. Subject to subparagraph 6., the tax collection service~~
 633 ~~provider shall calculate and assign contribution rates effective~~
 634 ~~January 1, 2023, through December 31, 2025, excluding any~~
 635 ~~benefit charge that is excluded by the multipliers under~~
 636 ~~subparagraph (b)2. and subparagraph 1.; without the application~~
 637 ~~of the positive adjustment factor in sub-sub-subparagraph~~
 638 ~~2.a.(III); and without the inclusion of any benefit charge~~

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639 ~~directly related to COVID-19 as a result of a governmental order~~
 640 ~~to close or reduce capacity of a business, as determined by the~~
 641 ~~Department of Commerce, for each employer who is eligible for a~~
 642 ~~variation from the standard rate pursuant to paragraph (d). The~~
 643 ~~Department of Commerce shall provide the tax collection service~~
 644 ~~provider with all necessary benefit charge information by August~~
 645 ~~1 of each year, including specific information for adjustments~~
 646 ~~related to COVID-19 charges resulting from a governmental order~~
 647 ~~to close or reduce capacity of a business, to enable the tax~~
 648 ~~collection service provider to calculate and issue tax rates~~
 649 ~~effective the following January.~~

650 ~~6. If the balance of the Unemployment Compensation Trust~~
 651 ~~Fund on June 30 of any year exceeds \$4,071,519,600, subparagraph~~
 652 ~~5. is repealed for rates effective the following years. The~~
 653 ~~Office of Economic and Demographic Research shall advise the tax~~
 654 ~~collection service provider of the balance of the trust fund on~~
 655 ~~June 30 by August 1 of that year. After the repeal of~~
 656 ~~subparagraph 5. and notwithstanding the dates specified in that~~
 657 ~~subparagraph, the tax collection service provider shall~~
 658 ~~calculate and assign contribution rates for each subsequent~~
 659 ~~calendar year as otherwise provided in this section.~~

660 Reviser's note.—Amended to conform to certification by the

661 Office of Economic and Demographic Research to the
 662 Department of Revenue on April 2, 2024, that the ending
 663 balance in the Unemployment Compensation Trust Fund
 664 exceeded the amount specified in subparagraph 6., thus
 665 triggering the repeal of subparagraph 5. pursuant to
 666 subparagraph 6.

667 Section 12. Subsection (4) of section 570.441, Florida

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668 Statutes, is repealed.

669 Reviser's note.—The cited subsection, which relates to use of
 670 specified funds from the Pest Control Trust Fund to carry
 671 out the provisions of s. 570.44, expired pursuant to its
 672 own terms, effective June 30, 2024.

673 Section 13. Section 570.83, Florida Statutes, is repealed.

674 Reviser's note.—The cited section, the Beef Market Development
 675 Act, was repealed pursuant to its own terms, effective
 676 October 1, 2024.

677 Section 14. Subsection (3) of section 717.123, Florida
 678 Statutes, is repealed.

679 Reviser's note.—The cited subsection, which provides for
 680 retention of specified funds for the 2022-2023 fiscal year,
 681 expired pursuant to its own terms, effective July 1, 2024.

682 Section 15. Section 1002.334, Florida Statutes, is
 683 repealed.

684 Reviser's note.—The cited section, which relates to the
 685 Innovative Blended Learning and Real-Time Student
 686 Assessment Pilot Program, expired pursuant to its own
 687 terms, effective July 1, 2024.

688 Section 16. Paragraph (v) of subsection (8) of section
 689 213.053, Florida Statutes, is repealed.

690 Reviser's note.—The cited paragraph, which relates to
 691 information relative to s. 220.193, is repealed to conform
 692 to the repeal of s. 220.193 by this act.

693 Section 17. Subsection (8) of section 220.02, Florida
 694 Statutes, is amended to read:

695 220.02 Legislative intent.—

696 (8) It is the intent of the Legislature that credits

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697 against either the corporate income tax or the franchise tax be
 698 applied in the following order: those enumerated in s. 631.828,
 699 those enumerated in s. 220.191, those enumerated in s. 220.181,
 700 those enumerated in s. 220.183, those enumerated in s. 220.182,
 701 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 702 those enumerated in s. 220.184, those enumerated in s. 220.186,
 703 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 704 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 705 those enumerated in s. 220.1876, those enumerated in s.
 706 220.1877, those enumerated in s. 220.1878, ~~those enumerated in~~
 707 ~~s. 220.193~~, those enumerated in former s. 288.9916, those
 708 enumerated in former s. 220.1899, those enumerated in former s.
 709 220.194, those enumerated in s. 220.196, those enumerated in s.
 710 220.198, those enumerated in s. 220.1915, those enumerated in s.
 711 220.199, those enumerated in s. 220.1991, and those enumerated
 712 in s. 220.1992.
 713 Reviser's note.—Amended to conform to the repeal of s. 220.193
 714 by this act.
 715 Section 18. Paragraph (a) of subsection (1) of section
 716 220.13, Florida Statutes, is amended to read:
 717 220.13 "Adjusted federal income" defined.—
 718 (1) The term "adjusted federal income" means an amount
 719 equal to the taxpayer's taxable income as defined in subsection
 720 (2), or such taxable income of more than one taxpayer as
 721 provided in s. 220.131, for the taxable year, adjusted as
 722 follows:
 723 (a) *Additions*.—There shall be added to such taxable income:
 724 1.a. The amount of any tax upon or measured by income,
 725 excluding taxes based on gross receipts or revenues, paid or

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726 accrued as a liability to the District of Columbia or any state
 727 of the United States which is deductible from gross income in
 728 the computation of taxable income for the taxable year.
 729 b. Notwithstanding sub-subparagraph a., if a credit taken
 730 under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is
 731 added to taxable income in a previous taxable year under
 732 subparagraph 11. and is taken as a deduction for federal tax
 733 purposes in the current taxable year, the amount of the
 734 deduction allowed shall not be added to taxable income in the
 735 current year. The exception in this sub-subparagraph is intended
 736 to ensure that the credit under s. 220.1875, s. 220.1876, s.
 737 220.1877, or s. 220.1878 is added in the applicable taxable year
 738 and does not result in a duplicate addition in a subsequent
 739 year.
 740 2. The amount of interest which is excluded from taxable
 741 income under s. 103(a) of the Internal Revenue Code or any other
 742 federal law, less the associated expenses disallowed in the
 743 computation of taxable income under s. 265 of the Internal
 744 Revenue Code or any other law, excluding 60 percent of any
 745 amounts included in alternative minimum taxable income, as
 746 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 747 taxpayer pays tax under s. 220.11(3).
 748 3. In the case of a regulated investment company or real
 749 estate investment trust, an amount equal to the excess of the
 750 net long-term capital gain for the taxable year over the amount
 751 of the capital gain dividends attributable to the taxable year.
 752 4. That portion of the wages or salaries paid or incurred
 753 for the taxable year which is equal to the amount of the credit
 754 allowable for the taxable year under s. 220.181. This

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subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense

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back to income more than once.

12. ~~The amount taken as a credit for the taxable year under s. 220.193.~~

~~13.~~ The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

~~13.14.~~ The amount taken as a credit for the taxable year pursuant to s. 220.198.

~~14.15.~~ The amount taken as a credit for the taxable year pursuant to s. 220.1915.

~~15.16.~~ The amount taken as a credit for the taxable year pursuant to s. 220.199.

~~16.17.~~ The amount taken as a credit for the taxable year pursuant to s. 220.1991.

Reviser's note.—Amended to conform to the repeal of s. 220.193 by this act.

Section 19. Paragraph (n) of subsection (2) of section 377.703, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to an assessment of the renewable energy production credit authorized in s. 220.193, is repealed to conform to the repeal of s. 220.193 by this act.

Section 20. Section 571.26, Florida Statutes, is amended to read:

571.26 Florida Agricultural Promotional Campaign Trust Fund.—There is hereby created the Florida Agricultural

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813 Promotional Campaign Trust Fund within the Department of
 814 Agriculture and Consumer Services to receive all moneys related
 815 to the Florida Agricultural Promotional Campaign. Moneys
 816 deposited in the trust fund shall be appropriated for the sole
 817 purpose of implementing the Florida Agricultural Promotional
 818 Campaign, except for money deposited in the trust fund pursuant
 819 to s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.h.~~, which shall be held
 820 separately and used solely for the purposes identified in s.
 821 571.265.

822 Reviser's note.—Amended to conform to the redesignation of
 823 existing sub-subparagraphs by s. 17, ch. 2023-173, Laws of
 824 Florida, and the deletion of s. 212.20(6)(d)6.e. by this
 825 act.

826 Section 21. Subsection (2) of section 571.265, Florida
 827 Statutes, is amended to read:

828 571.265 Promotion of Florida thoroughbred breeding and of
 829 thoroughbred racing at Florida thoroughbred tracks; distribution
 830 of funds.—

831 (2) Funds deposited into the Florida Agricultural
 832 Promotional Campaign Trust Fund pursuant to s. 212.20(6)(d)6.e.
 833 ~~212.20(6)(d)6.f.~~ shall be used by the department to encourage
 834 the agricultural activity of breeding thoroughbred racehorses in
 835 this state and to enhance thoroughbred racing conducted at
 836 thoroughbred tracks in this state as provided in this section.
 837 If the funds made available under this section are not fully
 838 used in any one fiscal year, any unused amounts shall be carried
 839 forward in the trust fund into future fiscal years and made
 840 available for distribution as provided in this section.

841 Reviser's note.—Amended to conform to the deletion of s.

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842 212.20(6)(d)6.e. by this act.

843 Section 22. This act shall take effect on the 60th day
 844 after adjournment sine die of the session of the Legislature in
 845 which enacted.

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 Rules

BILL: SB 42

INTRODUCER: Senator Passidomo

SUBJECT: Florida Statutes

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Pollitz (DLR)	Yeatman	RC	Favorable

I. Summary:

The Division of Law Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; delete obsolete, repealed, or superseded provisions; and revise statutory provisions to conform to directives of the Legislature. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

This is a general reviser's bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; and revise statutory provisions to conform to directives of the Legislature. A reviser's bill cannot be amended except to delete a bill section.

This bill substantially amends the following sections of the Florida Statutes: ss. 17.69, 30.61, 39.5035, 39.822, 39.8296, 50.051, 119.071, 121.051, 121.71, 154.506, 159.8053, 159.811, 175.032, 177.073, 193.703, 196.011, 196.1978, 215.55871, 280.051, 282.709, 284.51, 286.0113, 288.102, 288.987, 316.0083, 319.30, 320.08058, 322.27, 322.76, 330.41, 337.195, 341.302, 365.172, 373.250, 393.12, 394.468, 395.901, 397.68141, 403.031, 403.086, 403.121, 408.051, 409.909, 409.988, 420.606, 420.6241, 456.0145, 456.4501, 459.0075, 465.022, 466.016, 466.028, 466.0281, 493.6127, 516.15, 516.38, 517.131, 550.0351, 553.8991, 581.189, 605.0115, 607.0149, 624.27, 624.307, 624.413, 624.4213, 624.424, 624.470, 626.878, 627.410, 629.121, 648.25, 655.0591, 683.06, 709.2209, 715.105, 717.101, 717.1201, 718.111, 719.108, 720.303, 720.3033, 720.3075, 738.505, 812.141, 828.30, 921.0022, 938.10, 985.433, 1001.372, 1001.47, 1001.706, 1002.33, 1002.394, 1002.395, 1004.44, 1004.647, 1004.6499, 1004.64991, 1004.76, 1006.07, 1006.28, 1008.34, 1009.23, 1009.895, 1011.804, 1012.22, and 1012.55, F.S.; reenacts

and amends s. 394.467, F.S.; reenacts 569.31, 895.02(8), 1003.485 and 1012.315; and repeals s. 331.370, F.S.

II. Present Situation:

The Division of Law Revision, under the authority and requirements of s. 11.242, Florida Statutes, submits reviser's bills to the rules committees of both houses as needed. General reviser's bills to clean up obsolete language, update cross-references, correct grammatical and typographical errors, and revise statutory provisions to conform to directives of the Legislature are submitted every year.

III. Effect of Proposed Changes:

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will clean up grammatical and similar errors in the Florida Statutes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 17.69, 30.61, 39.5035, 39.822, 39.8296, 50.051, 119.071, 121.051, 121.71, 154.506, 159.8053, 159.811, 175.032, 177.073, 193.703, 196.011, 196.1978, 215.55871, 280.051, 282.709, 284.51, 286.0113, 288.102, 288.987, 316.0083, 319.30, 320.08058, 322.27, 322.76, 330.41, 337.195, 341.302, 365.172, 373.250, 393.12, 394.468, 395.901, 397.68141, 403.031, 403.086, 403.121, 408.051, 409.909, 409.988, 420.606, 420.6241, 456.0145, 456.4501, 459.0075, 465.022, 466.016, 466.028, 466.0281, 493.6127, 516.15, 516.38, 517.131, 550.0351, 553.8991, 581.189, 605.0115, 607.0149, 624.27, 624.307, 624.413, 624.4213, 624.424, 624.470, 626.878, 627.410, 629.121, 648.25, 655.0591, 683.06, 709.2209, 715.105, 717.101, 717.1201, 718.111, 719.108, 720.303, 720.3033, 720.3075, 738.505, 812.141, 828.30, 921.0022, 938.10, 985.433, 1001.372, 1001.47, 1001.706, 1002.33, 1002.394, 1002.395, 1004.44, 1004.647, 1004.6499, 1004.64991, 1004.76, 1006.07, 1006.28, 1008.34, 1009.23, 1009.895, 1011.804, 1012.22, and 1012.55, F.S.; reenacts and amends s. 394.467, F.S.; reenacts 569.31, 895.02(8), 1003.485 and 1012.315; and repeals s. 331.370, F.S.

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 Passidomo

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 17.69, 30.61, 39.5035, 39.822, 39.8296, 50.051,
 4 119.071, 121.051, 121.71, 154.506, 159.8053, 159.811,
 5 175.032, 177.073, 193.703, 196.011, 196.1978,
 6 215.55871, 280.051, 282.709, 284.51, 286.0113,
 7 288.102, 288.987, 316.0083, 319.30, 320.08058, 322.27,
 8 322.76, 330.41, 337.195, 341.302, 365.172, 373.250,
 9 393.12, 394.468, 395.901, 397.68141, 403.031, 403.086,
 10 403.121, 408.051, 409.909, 409.988, 420.606, 420.6241,
 11 456.0145, 456.4501, 459.0075, 465.022, 466.016,
 12 466.028, 466.0281, 493.6127, 516.15, 516.38, 517.131,
 13 550.0351, 553.8991, 581.189, 605.0115, 607.0149,
 14 624.27, 624.307, 624.413, 624.4213, 624.424, 624.470,
 15 626.878, 627.410, 629.121, 648.25, 655.0591, 683.06,
 16 709.2209, 715.105, 717.101, 717.1201, 718.111,
 17 719.108, 720.303, 720.3033, 720.3075, 738.505,
 18 812.141, 828.30, 921.0022, 938.10, 985.433, 1001.372,
 19 1001.47, 1001.706, 1002.33, 1002.394, 1002.395,
 20 1004.44, 1004.647, 1004.6499, 1004.64991, 1004.76,
 21 1006.07, 1006.28, 1008.34, 1009.23, 1009.895,
 22 1011.804, 1012.22, and 1012.55, F.S.; reenacting and
 23 amending s. 394.467, F.S.; reenacting ss. 569.31,
 24 895.02(8), 1003.485, and 1012.315, F.S.; and repealing
 25 s. 331.370, F.S.; deleting provisions that have
 26 expired, have become obsolete, have had their effect,
 27 have served their purpose, or have been impliedly
 28 repealed or superseded; replacing incorrect cross-
 29 references and citations; correcting grammatical,

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30 typographical, and like errors; removing
 31 inconsistencies, redundancies, and unnecessary
 32 repetition in the statutes; and improving the clarity
 33 of the statutes and facilitating their correct
 34 interpretation; providing an effective date.
 35
 36 Be It Enacted by the Legislature of the State of Florida:
 37
 38 Section 1. Paragraph (b) of subsection (3) of section
 39 17.69, Florida Statutes, is amended to read:
 40 17.69 Federal Tax Liaison.—
 41 (3) The Federal Tax Liaison may:
 42 (b) Direct taxpayers to the proper division or office
 43 within the Internal Revenue Service in order to facilitate
 44 timely resolution of to taxpayer issues.
 45 Reviser's note.—Amended to confirm an editorial substitution to
 46 improve clarity.
 47 Section 2. Subsection (2) of section 30.61, Florida
 48 Statutes, is amended to read:
 49 30.61 Establishment of civilian oversight boards.—
 50 (2) The board must be composed of at least three and up to
 51 seven members appointed by the sheriff, one of whom ~~which~~ shall
 52 be a retired law enforcement officer.
 53 Reviser's note.—Amended to confirm an editorial substitution to
 54 conform to context.
 55 Section 3. Paragraph (c) of subsection (4) of section
 56 39.5035, Florida Statutes, is amended to read:
 57 39.5035 Deceased parents; special procedures.—
 58 (4) Notice of the date, time, and place of the adjudicatory

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hearing and a copy of the petition must be served on the following persons:

(c) The guardian ad litem for the child or the representative of the Statewide Guardian ad Litem Office ~~guardian ad litem program~~, if the office program has been appointed.

Reviser's note.—Amended pursuant to the directive of the Legislature in s. 61, ch. 2024-70, Laws of Florida, to the Division of Law Revision to prepare a reviser's bill for the 2025 Regular Session of the Legislature to change the terms "Guardian ad Litem Program" and "State Guardian ad Litem Program" throughout the Florida Statutes to "Statewide Guardian ad Litem Office."

Section 4. Paragraph (a) of subsection (2) of section 39.822, Florida Statutes, is amended to read:

39.822 Appointment of guardian ad litem for abused, abandoned, or neglected child.—

(2) (a) A guardian ad litem must:

1. Be present at all court hearings unless excused by the court.

2. Investigate issues related to the best interest of the child who is the subject of the appointment, review all disposition recommendations and changes in placement, and, unless excused by the court, file written reports and recommendations in accordance with general law.

3. Represent the child until the court's jurisdiction over the child terminates or until excused by the court.

4. Advocate for the child's participation in the proceedings and ~~to~~ report the child's preferences to the court,

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to the extent the child has the ability and desire to express his or her preferences.

5. Perform other duties that are consistent with the scope of the appointment.

Reviser's note.—Amended to confirm an editorial deletion to improve clarity.

Section 5. Paragraph (b) of subsection (2) of section 39.8296, Florida Statutes, is amended to read:

39.8296 Statewide Guardian ad Litem Office; legislative findings and intent; creation; appointment of executive director; duties of office.—

(2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a Statewide Guardian ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian ad Litem Office is not subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the office are governed by the classification plan and salary and benefits plan approved by the Justice Administrative Commission.

(b) The Statewide Guardian ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem offices located within the judicial circuits.

1. The office shall identify the resources required to implement methods of collecting, reporting, and tracking reliable and consistent case data.

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2. The office shall review the current guardian ad litem offices in Florida and other states.

3. The office, in consultation with local guardian ad litem offices, shall develop statewide performance measures and standards.

4. The office shall develop and maintain a guardian ad litem training program, which must be updated regularly.

5. The office shall review the various methods of funding guardian ad litem offices, maximize the use of those funding sources to the extent possible, and review the kinds of services being provided by circuit guardian ad litem offices.

6. The office shall determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights and fulfill other needs of dependent children.

7. The office shall ensure that each child has an attorney assigned to his or her case and, within available resources, is represented using multidisciplinary teams that may include volunteers, pro bono attorneys, social workers, and mentors.

8. The office shall provide oversight and technical assistance to attorneys ad litem, including, but not limited to, all of the following:

a. Development of ~~Develop~~ an attorney ad litem training program in collaboration with dependency court stakeholders, including, but not limited to, dependency judges, representatives from legal aid providing attorney ad litem representation, and an attorney ad litem appointed from a registry maintained by the chief judge. The training program

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must be updated regularly with or without convening the stakeholders group.

b. Offering ~~Offer~~ consultation and technical assistance to chief judges in maintaining attorney registries for the selection of attorneys ad litem.

c. Assistance ~~Assist~~ with recruitment, training, and mentoring of attorneys ad litem as needed.

9. In an effort to promote normalcy and establish trust between a guardian ad litem and a child alleged to be abused, abandoned, or neglected under this chapter, a guardian ad litem may transport a child. However, a guardian ad litem may not be required by a guardian ad litem circuit office or ordered by a court to transport a child.

10. The office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. The office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed plan including alternatives for meeting the state's guardian ad litem and attorney ad litem needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year the office shall provide a status report and provide further recommendations to address the need for guardian ad litem representation and related issues.

Reviser's note.—Amended to improve structure.

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175 Section 6. Section 50.051, Florida Statutes, is amended to
176 read:

177 50.051 Proof of publication; form of uniform affidavit.—The
178 printed form upon which all such affidavits establishing proof
179 of publication are to be executed shall be substantially as
180 follows:

181
182 NAME OF COUNTY

183
184 STATE OF FLORIDA

185
186 COUNTY OF+

187 Before the undersigned authority personally appeared,
188 who on oath says that he or she is of County, Florida;
189 that the attached copy of advertisement, being a in the
190 matter of in the Court, was published on the publicly
191 accessible website of County, Florida, or in a newspaper by
192 print in the issues of on ...(date)....

193 Affiant further says that the website or newspaper complies
194 with all legal requirements for publication in chapter 50,
195 Florida Statutes.

196
197 Sworn to and subscribed before me this day of,
198 ...(year)..., by, who is personally known to me or who has
199 produced ...(type of identification)... as identification.

200
201 ...(Signature of Notary Public)...

202
203 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

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204
205 ...(Notary Public)...

206 Reviser's note.—Amended to conform to general style in forms.

207 Section 7. Paragraph (e) of subsection (3) of section
208 119.071, Florida Statutes, is amended to read:

209 119.071 General exemptions from inspection or copying of
210 public records.—

211 (3) SECURITY AND FIRESAFETY.—

212 (e)1.a. Building plans, blueprints, schematic drawings, and
213 diagrams, including draft, preliminary, and final formats, which
214 depict the structural elements of 911, E911, or public safety
215 radio communication system infrastructure, including towers,
216 antennas ~~antennae~~, equipment or facilities used to provide 911,
217 E911, or public safety radio communication services, or other
218 911, E911, or public safety radio communication structures or
219 facilities owned and operated by an agency are exempt from s.
220 119.07(1) and s. 24(a), Art. I of the State Constitution.

221 b. Geographical maps indicating the actual or proposed
222 locations of 911, E911, or public safety radio communication
223 system infrastructure, including towers, antennas ~~antennae~~,
224 equipment or facilities used to provide 911, E911, or public
225 safety radio services, or other 911, E911, or public safety
226 radio communication structures or facilities owned and operated
227 by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I
228 of the State Constitution.

229 2. This exemption applies to building plans, blueprints,
230 schematic drawings, and diagrams, including draft, preliminary,
231 and final formats, which depict the structural elements of 911,
232 E911, or public safety radio communication system infrastructure

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233 or other 911, E911, or public safety radio communication
 234 structures or facilities owned and operated by an agency, and
 235 geographical maps indicating actual or proposed locations of
 236 911, E911, or public safety radio communication system
 237 infrastructure or other 911, E911, or public safety radio
 238 communication structures or facilities owned and operated by an
 239 agency, before, on, or after the effective date of this act.

240 3. Information made exempt by this paragraph may be
 241 disclosed:

242 a. To another governmental entity if disclosure is
 243 necessary for the receiving entity to perform its duties and
 244 responsibilities;

245 b. To a licensed architect, engineer, or contractor who is
 246 performing work on or related to the 911, E911, or public safety
 247 radio communication system infrastructure, including towers,
 248 antennas ~~antennae~~, equipment or facilities used to provide 911,
 249 E911, or public safety radio communication services, or other
 250 911, E911, or public safety radio communication structures or
 251 facilities owned and operated by an agency; or

252 c. Upon a showing of good cause before a court of competent
 253 jurisdiction.

254 4. The entities or persons receiving such information must
 255 maintain the exempt status of the information.

256 5. For purposes of this paragraph, the term "public safety
 257 radio" is defined as the means of communication between and
 258 among 911 public safety answering points, dispatchers, and first
 259 responder agencies using those portions of the radio frequency
 260 spectrum designated by the Federal Communications Commission
 261 under 47 C.F.R. part 90 for public safety purposes.

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262 6. This paragraph is subject to the Open Government Sunset
 263 Review Act in accordance with s. 119.15 and shall stand repealed
 264 on October 2, 2025, unless reviewed and saved from repeal
 265 through reenactment by the Legislature.

266 Reviser's note.—Amended to conform to the general usage of
 267 "antennas" when referencing transducers and "antennae" when
 268 referencing insect parts.

269 Section 8. Paragraph (a) of subsection (2) of section
 270 121.051, Florida Statutes, is amended to read:

271 121.051 Participation in the system.—

272 (2) OPTIONAL PARTICIPATION.—

273 (a)1. Any officer or employee who is a member of an
 274 existing system, except any officer or employee of any nonprofit
 275 professional association or corporation, may elect, if eligible,
 276 to become a member of this system at any time between April 15,
 277 1971, and June 1, 1971, inclusive, by notifying his or her
 278 employer in writing of the desire to transfer membership from
 279 the existing system to this system. Any officer or employee who
 280 was a member of an existing system on December 1, 1970, and who
 281 did not elect to become a member of this system shall continue
 282 to be covered under the existing system subject to the
 283 provisions of s. 121.045. A person who has retired under any
 284 state retirement system shall not be eligible to transfer to the
 285 Florida Retirement System created by this chapter subsequent to
 286 such retirement. ~~Any officer or employee who, prior to July 1,~~
 287 ~~1947, filed a written rejection of membership in a state~~
 288 ~~retirement system and who continues employment without~~
 289 ~~participating in the Florida Retirement System may withdraw the~~
 290 ~~rejection in writing and, if otherwise eligible, participate in~~

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291 ~~the Florida Retirement System and purchase prior service in~~
 292 ~~accordance with this chapter.~~ Any former member of an existing
 293 system who was permitted to transfer to the Florida Retirement
 294 System while employed by the University Athletic Association,
 295 Inc., a nonprofit association connected with the University of
 296 Florida, during this or subsequent transfer periods, contrary to
 297 the provisions of this paragraph, is hereby confirmed as a
 298 member of the Florida Retirement System, the provisions of this
 299 paragraph to the contrary notwithstanding. Any officer or
 300 employee of the University Athletic Association, Inc., employed
 301 prior to July 1, 1979, who was a member of the Florida
 302 Retirement System and who chose in writing on a University
 303 Athletic Association Plan Participation Election form, between
 304 July 1, 1979, and March 31, 1980, inclusively, to terminate his
 305 or her participation in the Florida Retirement System shall
 306 hereby have such termination of participation confirmed and
 307 declared irrevocable retroactive to the date Florida Retirement
 308 System retirement contributions ceased to be reported for such
 309 officer or employee. The following specific conditions shall
 310 apply to any such officer or employee whose participation was so
 311 terminated: The officer or employee shall retain all creditable
 312 service earned in the Florida Retirement System through the
 313 month that retirement contributions ceased to be reported and no
 314 creditable service shall be earned after such month; the officer
 315 or employee shall not be eligible for disability retirement or
 316 death in line of duty benefits if such occurred after the date
 317 that participation terminated; and, the officer or employee may
 318 participate in the Florida Retirement System in the future only
 319 if employed by a participating employer in a regularly

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320 established position.

321 2. Any member transferring from the existing system under
 322 chapter 238 shall retain rights to survivor benefits under that
 323 chapter through November 30, 1975, or until fully insured for
 324 disability benefits under social security, whichever is the
 325 earliest date, and thereafter no such rights shall exist.

326 3. Any officer or employee who is a member of an existing
 327 system on April 15, 1972, and who was eligible to transfer to
 328 this system under the provisions of subparagraph 1., but who
 329 elected to remain in the existing system, may elect, if eligible
 330 under the Social Security Act, 42 U.S.C. s. 418(d) (6) (F), to
 331 become a member of this system at any time between April 15,
 332 1972, and June 30, 1972, inclusive, by notifying his or her
 333 employer in writing of the desire to transfer membership from an
 334 existing system to this system. Such transfer shall be subject
 335 to the following conditions:

336 a. All persons electing to transfer to the Florida
 337 Retirement System under this subparagraph shall be transferred
 338 on July 1, 1972, and shall thereafter be subject to the
 339 provisions of the Florida Retirement System retroactively to
 340 November 30, 1970, and at retirement have their benefits
 341 calculated in accordance with the provisions of s. 121.091.

342 b. Social security coverage incidental to such elective
 343 membership in the Florida Retirement System shall be effective
 344 November 30, 1970, and all amounts required from a member for
 345 retroactive social security coverage shall, at the time such
 346 election is made, be deducted from the individual account of the
 347 member, and the difference between the amount remaining in the
 348 individual account of such member and the total amount which

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such member would have contributed had he or she become a member of the Florida Retirement System on November 30, 1970, shall be paid into the system trust fund and added to the member's individual account prior to July 1, 1975, or by his or her date of retirement, if earlier. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

c. There is appropriated out of the system trust fund into the Social Security Contribution Trust Fund the amount required by federal laws and regulations to be contributed with respect to social security coverage for the years after November 30, 1970, of the members of an existing system who transfer to the Florida Retirement System in accordance with this subparagraph and who qualify for retroactive social security coverage. The amount paid from this appropriation with respect to the employees of any employer shall be charged to the employing agency. There shall be credited against this charge the difference between the matching contributions actually made for the affected employees from November 30, 1970, to June 30, 1972, and the amount of matching contributions that would have been required under the Florida Retirement System.

d. The net amounts charged the employing agencies for employees transferring to the Florida Retirement System under this subparagraph shall be paid to the system trust fund prior to July 1, 1975. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

e. The administrator shall request such modification of the state's agreement with the Social Security Administration, or

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any referendum required under the Social Security Act governing social security coverage, as may be required to implement the provisions of this law. Retroactive social security coverage for service with an employer prior to November 30, 1970, shall not be provided for any member who was not covered under the agreement as of November 30, 1970.

4. Any officer or employee who was a member of an existing system on December 1, 1970, and who is still a member of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time between September 1, 1974, and November 30, 1974, inclusive, by notifying his or her employer in writing of the desire to transfer membership from the existing system to this system. This decision to transfer or not to transfer shall become irrevocable on November 30, 1974. All members electing to transfer during the transfer period shall become members of the Florida Retirement System on January 1, 1975, and shall be subject to the provisions of the Florida Retirement System on and after that date. Any officer or employee who was a member of an existing system on December 1, 1970, and who does not elect to become a member of this system shall continue to be covered under the existing system, subject to the provisions of s. 121.045. Any member transferring from the Teachers' Retirement System of Florida under chapter 238 to the Florida Retirement System on January 1, 1975, shall retain rights to survivor benefits under chapter 238 from January 1, 1975, through December 31, 1979, or until fully insured for disability benefits under the Social Security Act, whichever is the earliest date, and thereafter no such rights shall exist.

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407 5.a. Any officer or employee who was a member of an
 408 existing system on December 1, 1970, and who is still a member
 409 of an existing system, except any officer or employee of any
 410 nonprofit professional association or corporation, may elect, if
 411 eligible, to become a member of this system at any time between
 412 January 2, 1982, and May 31, 1982, inclusive, by notifying his
 413 or her employer in writing of the desire to transfer membership
 414 from the existing system to this system. This decision to
 415 transfer or not to transfer shall become irrevocable on May 31,
 416 1982. All members electing to transfer during the transfer
 417 period shall become members of the Florida Retirement System on
 418 July 1, 1982, and shall be subject to the provisions of the
 419 Florida Retirement System on and after that date. Any officer or
 420 employee who was a member of an existing system on December 1,
 421 1970, and who does not elect to become a member of this system
 422 shall continue to be covered under the existing system, subject
 423 to the provisions of s. 121.045. Any member transferring from
 424 the Teachers' Retirement System under chapter 238 to the Florida
 425 Retirement System on January 1, 1979, shall retain rights to
 426 survivor benefits under chapter 238 from January 1, 1979,
 427 through December 31, 1983, or until fully insured for disability
 428 benefits under the federal Social Security Act, whichever is the
 429 earliest date, and thereafter no such rights shall exist. Any
 430 such member transferring to the Florida Retirement System on
 431 July 1, 1982, shall retain rights to survivor benefits under
 432 chapter 238 from July 1, 1982, through June 30, 1987, or until
 433 fully insured for disability benefits under the federal Social
 434 Security Act, whichever is the earliest date, and thereafter no
 435 such rights shall exist.

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436 b. Any deficit, as determined by the state actuary,
 437 accruing to the Survivors' Benefit Trust Fund of the Teachers'
 438 Retirement System and resulting from the passage of chapter 78-
 439 308, Laws of Florida, and chapter 80-242, Laws of Florida, shall
 440 become an obligation of the Florida Retirement System Trust
 441 Fund.
 442 6. Any active member of an existing system who was not
 443 employed in a covered position during a time when transfer to
 444 the Florida Retirement System was allowed as described in rule
 445 22B-1.004(2)(a), Florida Administrative Code, or as provided in
 446 paragraph (1)(c) of this section, may elect, if eligible, to
 447 become a member of this system at any time between January 1,
 448 1991, and May 29, 1991, inclusive, by notifying his or her
 449 employer in writing of the desire to transfer membership from
 450 the existing system to this system. The decision to transfer or
 451 not to transfer shall become irrevocable on May 29, 1991.
 452 Failure to notify the employer shall result in compulsory
 453 membership in the existing system. All members electing to
 454 transfer during the transfer period shall become members of the
 455 Florida Retirement System on July 1, 1991, and shall be subject
 456 to the provisions of the Florida Retirement System on and after
 457 that date. Any member so transferring from the existing system
 458 under chapter 238 to the Florida Retirement System on July 1,
 459 1991, shall retain rights to survivor benefits under that
 460 chapter from July 1, 1991, through June 30, 1996, or until fully
 461 insured for benefits under the federal Social Security Act,
 462 whichever is the earliest date, and thereafter no such rights
 463 shall exist.
 464 Reviser's note.—Amended to delete obsolete language.

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465 Section 9. Subsection (5) of section 121.71, Florida
 466 Statutes, is amended to read:
 467 121.71 Uniform rates; process; calculations; levy.—
 468 (5) In order to address unfunded actuarial liabilities of
 469 the system, the required employer retirement contribution rates
 470 for each membership class and subclass of the Florida Retirement
 471 System for both retirement plans are as follows:
 472

	Percentage of Gross Compensation, Effective July 1, 2024
473 Membership Class	
474 Regular Class	4.84%
475 Special Risk Class	12.07%
476 Special Risk	
Administrative	
Support Class	26.22%
477 Elected Officers' Class—	
Legislators, Governor,	
Lt. Governor,	
Cabinet Officers,	
State Attorneys,	50.21%

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478 Public Defenders

Elected Officers' Class—	
Justices, Judges	28.49%
Elected Officers' Class—	
County Elected Officers	44.23%
Senior Management Service	
Class	23.90%
DROP	10.64%

482 Reviser's note.—Amended to confirm the editorial reinsertion of
 483 percent signs stricken by s. 3, ch. 2024-92, Laws of
 484 Florida, to facilitate correct interpretation.
 485 Section 10. Subsections (1) and (3) of section 154.506,
 486 Florida Statutes, are amended to read:
 487 154.506 Primary care for children and families challenge
 488 grant awards.—
 489 (1) Primary care for children and families challenge grants
 490 shall be awarded on a matching basis. The county or counties
 491 shall provide \$1 in local matching funds for each \$2 grant
 492 payment made by the state. Except as provided in subsection (2),
 493 up to 50 percent of the county match may be in-kind in the form
 494 of free hospital and physician services. ~~However, a county shall~~
 495 ~~not supplant the value of donated services in fiscal year 1996~~
 496 ~~as documented in the volunteer health care provider program~~
 497 ~~annual report.~~ The department shall develop a methodology for

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determining the value of an in-kind match. Any third party reimbursement and all fees collected shall not be considered local match or in-kind contributions. Fifty percent of the local match shall be in the form of cash.

(3) Grant awards shall be based on a county's population size, or each individual county's size in a group of counties, and other factors, in an amount as determined by the department. ~~However, for fiscal year 1997-1998, no fewer than four grants shall be awarded.~~

Reviser's note.—Amended to delete obsolete language.

Section 11. Paragraph (g) of subsection (2) of section 159.8053, Florida Statutes, is amended to read:

159.8053 Issuance reports; final certification of allocation.—

(2) Each issuance report must include all of the following information:

(g) The purpose for which the bonds were issued, including the private business or entity that will benefit from or use the proceeds of the bonds; the name of the project, if known; the location of the project; whether the project is an acquisition of an existing facility or new construction; and the number of products manufactured or the number of residential units, if applicable.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 12. Subsection (1) of section 159.811, Florida Statutes, is amended to read:

159.811 Fees; trust fund.—

(1) There shall be imposed a nonrefundable fee on each

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notice of intent to issue a private activity bond filed with the division pursuant to s. 159.8051. A notice of intent to issue may not be accepted by the division unless and until the fee has been paid. The fee, which may be revised from time to time, must be an amount sufficient to cover all expenses of maintaining the allocation system in this part. The amount of the fee may not exceed \$500 and may be adjusted no more than once every 6 months. The fee must be included in the division's schedule of fees and expenses in s. 215.65(3).

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 13. Subsection (2) of section 175.032, Florida Statutes, is amended to read:

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the term:

(2) "Average final compensation" for:

(a) A full-time firefighter means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service before retirement, termination, or death, or the career average as a full-time firefighter ~~since July 1, 1953~~, whichever is greater. A year is 12 consecutive months or such other consecutive period of time as is used and consistently applied.

(b) A volunteer firefighter means the average salary of the 5 best years of the last 10 best contributing years before change in status to a permanent full-time firefighter or retirement as a volunteer firefighter or the career average of a

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557 volunteer firefighter, ~~since July 1, 1953~~, whichever is greater.
 558 Reviser's note.—Amended to delete obsolete language.

559 Section 14. Paragraph (b) of subsection (1) of section
 560 177.073, Florida Statutes, is amended to read:

561 177.073 Expedited approval of residential building permits
 562 before a final plat is recorded.—

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

564 (b) "Final plat" means the final tracing, map, or site plan
 565 presented by the subdivider to a governing body for final
 566 approval, and, upon approval by the appropriate governing body,
 567 ~~is~~ submitted to the clerk of the circuit court for recording.
 568 Reviser's note.—Amended to improve sentence structure.

569 Section 15. Paragraph (b) of subsection (7) of section
 570 193.703, Florida Statutes, is amended to read:

571 193.703 Reduction in assessment for living quarters of
 572 parents or grandparents.—

573 (7)

574 (b)1. If a reduction is improperly granted due to a
 575 clerical mistake or omission by the property appraiser, the
 576 person who improperly received the reduction may not be assessed
 577 a penalty or interest. Back taxes shall apply only as follows:

578 a. If the person who received the reduction in assessed
 579 value as a result of a clerical mistake or omission voluntarily
 580 discloses to the property appraiser that he or she was not
 581 entitled to the reduction in assessed value before the property
 582 appraiser notifies the owner of the mistake or omission, no back
 583 taxes shall be due.

584 b. If the person who received the reduction in assessed
 585 value as a result of a clerical mistake or omission does not

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586 voluntarily disclose to the property appraiser that he or she
 587 was not entitled to the limitation before the property appraiser
 588 notifies the owner of the mistake or omission, back taxes shall
 589 be due for any year or years that the owner was not entitled to
 590 the limitation within the 5 years before the property appraiser
 591 notified the owner of the mistake or omission.

592 2. The property appraiser shall serve upon an owner who
 593 ~~that~~ owes back taxes under sub-subparagraph 1.b. a notice of
 594 intent to record in the public records of the county a notice of
 595 tax lien against any property owned by that person in the
 596 county, and such property must be identified in the notice of
 597 tax lien. The property appraiser must include with such notice
 598 information explaining why the owner is not entitled to the
 599 limitation, the years for which unpaid taxes are due, and the
 600 manner in which unpaid taxes have been calculated. Before such
 601 lien may be filed, the owner must be given 30 days within which
 602 to pay the taxes, penalties, and interest. Such lien is subject
 603 to s. 196.161(3).

604 Reviser's note.—Amended to confirm an editorial substitution to
 605 conform to context.

606 Section 16. Subsection (1) of section 196.011, Florida
 607 Statutes, is amended to read:

608 196.011 Annual application required for exemption.—

609 (1)(a) Except as provided in s. 196.081(1)(b), every person
 610 or organization who, on January 1, has the legal title to real
 611 or personal property, except inventory, which is entitled by law
 612 to exemption from taxation as a result of its ownership and use
 613 shall, on or before March 1 of each year, file an application
 614 for exemption with the county property appraiser, listing and

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615 describing the property for which exemption is claimed and
 616 certifying its ownership and use. The Department of Revenue
 617 shall prescribe the forms upon which the application is made.
 618 Failure to make application, when required, on or before March 1
 619 of any year shall constitute a waiver of the exemption privilege
 620 for that year, except as provided in subsection (8) ~~(7)~~ or
 621 subsection (9).

622 (b) The form to apply for an exemption under s. 196.031, s.
 623 196.081, s. 196.091, s. 196.101, s. 196.102, s. 196.173, or s.
 624 196.202 must include a space for the applicant to list the
 625 social security number of the applicant and of the applicant's
 626 spouse, if any. If an applicant files a timely and otherwise
 627 complete application, and omits the required social security
 628 numbers, the application is incomplete. In that event, the
 629 property appraiser shall contact the applicant, who may refile a
 630 complete application by April 1. Failure to file a complete
 631 application by that date constitutes a waiver of the exemption
 632 privilege for that year, except as provided in subsection (8)
 633 ~~(7)~~ or subsection (9).

634 Reviser's note.—Amended to conform to the redesignation of
 635 former subsection (7) as subsection (8) by s. 4, ch. 2024-
 636 101, Laws of Florida.

637 Section 17. Paragraph (b) of subsection (4) of section
 638 196.1978, Florida Statutes, is amended to read:

639 196.1978 Affordable housing property exemption.—

640 (4)

641 (b) The multifamily project must:

642 1. Be composed of an improvement to land where an
 643 improvement did not previously exist or the construction of a

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644 new improvement where an old improvement was removed, which was
 645 substantially completed within 2 years before the first
 646 submission of an application for exemption under this
 647 subsection. For purposes of this subsection, the term
 648 "substantially completed" has the same definition as in s.
 649 192.042(1).

650 2. Contain more than 70 units that are used to provide
 651 affordable housing to natural persons or families meeting the
 652 extremely-low-income, very-low-income, or low-income limits
 653 specified in s. 420.0004.

654 3. Be subject to a land use restriction agreement with the
 655 Florida Housing Finance Corporation recorded in the official
 656 records of the county in which the property is located that
 657 requires that the property be used for 99 years to provide
 658 affordable housing to natural persons or families meeting the
 659 extremely-low-income, very-low-income, low-income, or moderate-
 660 income limits specified in s. 420.0004. The agreement must
 661 include a provision for a penalty for ceasing to provide
 662 affordable housing under the agreement before the end of the
 663 agreement term that is equal to 100 percent of the total amount
 664 financed by the corporation multiplied by each year remaining in
 665 the agreement. The agreement may be terminated or modified
 666 without penalty if the exemption under this subsection is
 667 repealed.

668
 669 The property is no longer eligible for this exemption if the
 670 property no longer serves extremely-low-income, very-low-income,
 671 or low-income persons pursuant to the recorded agreement.
 672 Reviser's note.—Amended to confirm an editorial insertion to

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673 improve clarity.

674 Section 18. Paragraph (c) of subsection (5) of section
675 215.55871, Florida Statutes, is amended to read:

676 215.55871 My Safe Florida Condominium Pilot Program.—There
677 is established within the Department of Financial Services the
678 My Safe Florida Condominium Pilot Program to be implemented
679 pursuant to appropriations. The department shall provide fiscal
680 accountability, contract management, and strategic leadership
681 for the pilot program, consistent with this section. This
682 section does not create an entitlement for associations or unit
683 owners or obligate the state in any way to fund the inspection
684 or retrofitting of condominiums in the state. Implementation of
685 this pilot program is subject to annual legislative
686 appropriations. It is the intent of the Legislature that the My
687 Safe Florida Condominium Pilot Program provide licensed
688 inspectors to perform inspections for and grants to eligible
689 associations as funding allows.

690 (5) MITIGATION GRANTS.—Financial grants may be used by
691 associations to make improvements recommended in a hurricane
692 mitigation inspection report which increase the condominium's
693 resistance to hurricane damage.

694 (c) An association awarded a grant must complete the entire
695 mitigation project in order to receive the final grant award and
696 must agree to make the property available for a final inspection
697 once the mitigation project is finished to ensure the mitigation
698 improvements are completed in a manner ~~matter~~ consistent with
699 the intent of the pilot program and meet or exceed the
700 applicable Florida Building Code requirements. Construction must
701 be completed and the association must submit a request to the

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702 department for a final inspection, or request an extension of
703 time, within 1 year after receiving grant approval. If the
704 association fails to comply with this paragraph, the application
705 is deemed abandoned and the grant money reverts back to the
706 department.

707 Reviser's note.—Amended to confirm an editorial substitution to
708 conform to context.

709 Section 19. Section 280.051, Florida Statutes, is amended
710 to read:

711 280.051 Grounds for suspension or disqualification of a
712 qualified public depository.—A qualified public depository may
713 be suspended or disqualified or both if the Chief Financial
714 Officer determines that the qualified public depository ~~has~~:

715 (1) Has violated any of the provisions of this chapter or
716 any rule adopted by the Chief Financial Officer pursuant to this
717 chapter.

718 (2) Has submitted reports containing inaccurate or
719 incomplete information regarding public deposits or collateral
720 for such deposits, tangible equity capital, or the calculation
721 of required collateral.

722 (3) Has failed to maintain required collateral.

723 (4) Has grossly misstated the market value of the
724 securities pledged as collateral.

725 (5) Has failed to pay any administrative penalty.

726 (6) Has failed to furnish the Chief Financial Officer with
727 prompt and accurate information, or failed to allow inspection
728 and verification of any information, dealing with public
729 deposits or dealing with the exact status of its tangible equity
730 capital, or other financial information that the Chief Financial

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731 Officer determines necessary to verify compliance with this
 732 chapter or any rule adopted pursuant to this chapter.

733 (7) Has failed to furnish the Chief Financial Officer, when
 734 the Chief Financial Officer requested, with a power of attorney
 735 or bond power or other bond assignment form required by the bond
 736 agent, bond trustee, or other transferor for each issue of
 737 registered certificated securities pledged.

738 (8) Has failed to furnish any agreement, report, form, or
 739 other information required to be filed pursuant to s. 280.16, or
 740 when requested by the Chief Financial Officer.

741 (9) Has submitted reports signed by an unauthorized
 742 individual.

743 (10) Has submitted reports without a certified or verified
 744 signature, or both, if required by law.

745 (11) Has released a security without notice or approval.

746 (12) Has failed to execute or have the custodian execute a
 747 collateral control agreement before using a custodian.

748 (13) Has failed to give notification as required by s.
 749 280.10.

750 (14) Has failed to file the attestation required under s.
 751 280.025.

752 (15) No longer meets the definition of a qualified public
 753 depository under s. 280.02.
 754 Reviser's note.—Amended to improve clarity.

755 Section 20. Paragraph (c) of subsection (1) of section
 756 282.709, Florida Statutes, is amended to read:

757 282.709 State agency law enforcement radio system and
 758 interoperability network.—

759 (1) The department may acquire and administer a statewide

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760 radio communications system to serve law enforcement units of
 761 state agencies, and to serve local law enforcement agencies
 762 through mutual aid channels.

763 (c)1. The department may rent or lease space on any tower
 764 under its control and refuse to lease space on any tower at any
 765 site.

766 2. The department may rent, lease, or sublease ground space
 767 as necessary to locate equipment to support antennas ~~antennae~~ on
 768 the towers. The costs for the use of such space shall be
 769 established by the department for each site if it is determined
 770 to be practicable and feasible to make space available.

771 3. The department may rent, lease, or sublease ground space
 772 on lands acquired by the department for the construction of
 773 privately owned or publicly owned towers. The department may, as
 774 a part of such rental, lease, or sublease agreement, require
 775 space on such towers for antennas ~~antennae~~ as necessary for the
 776 construction and operation of the state agency law enforcement
 777 radio system or any other state need.

778 4. All moneys collected by the department for rents,
 779 leases, and subleases under this subsection shall be deposited
 780 directly into the State Agency Law Enforcement Radio System
 781 Trust Fund established in subsection (3) and may be used by the
 782 department to construct, maintain, or support the system.

783 5. The positions necessary for the department to accomplish
 784 its duties under this subsection shall be established in the
 785 General Appropriations Act and funded by the Law Enforcement
 786 Radio Operating Trust Fund or other revenue sources.

787 Reviser's note.—Amended to conform to the general usage of
 788 "antennas" when referencing transducers and "antennae" when

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789 referencing insect parts.
 790 Section 21. Paragraph (a) of subsection (1) of section
 791 284.51, Florida Statutes, is amended to read:
 792 284.51 Electroencephalogram combined transcranial magnetic
 793 stimulation treatment pilot program.—
 794 (1) As used in this section, the term:
 795 (a) "Division" means the Division of Risk Management of at
 796 the Department of Financial Services.
 797 Reviser's note.—Amended to confirm an editorial substitution to
 798 improve clarity.
 799 Section 22. Paragraphs (a) and (b) of subsection (4) of
 800 section 286.0113, Florida Statutes, are amended to read:
 801 286.0113 General exemptions from public meetings.—
 802 (4)(a) Any portion of a meeting that would reveal building
 803 plans, blueprints, schematic drawings, or diagrams, including
 804 draft, preliminary, and final formats, which depict the
 805 structural elements of 911, E911, or public safety radio
 806 communication system infrastructure, including towers, antennas
 807 ~~antennae~~, equipment or facilities used to provide 911, E911, or
 808 public safety radio communication services, or other 911, E911,
 809 or public safety radio communication structures or facilities
 810 made exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011
 811 and s. 24, Art. I of the State Constitution.
 812 (b) Any portion of a meeting that would reveal geographical
 813 maps indicating the actual or proposed locations of 911, E911,
 814 or public safety radio communication system infrastructure,
 815 including towers, antennas ~~antennae~~, equipment or facilities
 816 used to provide 911, E911, or public safety radio communication
 817 services, or other 911, E911, or public safety radio

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818 communication structures or facilities made exempt by s.
 819 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of
 820 the State Constitution.
 821 Reviser's note.—Amended to conform to the general usage of
 822 "antennas" when referencing transducers and "antennae" when
 823 referencing insect parts.
 824 Section 23. Paragraph (a) of subsection (3) and subsection
 825 (7) of section 288.102, Florida Statutes, are amended to read:
 826 288.102 Supply Chain Innovation Grant Program.—
 827 (3)(a) The department shall collaborate with the Department
 828 of Transportation to review applications submitted and select
 829 projects for awards which create strategic investments in
 830 infrastructure to increase capacity and address freight mobility
 831 to meet the economic development goals of the state.
 832 (7) The Department of Commerce, in conjunction with the
 833 Department of Transportation, shall annually provide a list of
 834 each project awarded, the benefit of each project in meeting the
 835 goals and objectives of the program, and the current status of
 836 each project. The department shall include such information in
 837 its annual incentives report required under s. 288.0065 ~~20.0065~~.
 838 Reviser's note.—Paragraph (3)(a) is amended to confirm an
 839 editorial insertion to facilitate correct interpretation.
 840 Subsection (7) is amended to conform to the fact that s.
 841 20.0065 does not exist, and s. 288.0065 provides for the
 842 department's annual incentives report.
 843 Section 24. Paragraph (b) of subsection (2) of section
 844 288.987, Florida Statutes, is amended to read:
 845 288.987 Florida Defense Support.—
 846 (2)

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847 (b) The direct-support organization is organized and
 848 operated to request, receive, hold, invest, and administer
 849 property and to manage and make expenditures related to its
 850 mission and for joint planning with host communities to
 851 accommodate military missions and prevent base encroachment,
 852 provide advocacy on the state's behalf with federal civilian and
 853 military officials, promote ~~promotion~~ of the state to military
 854 and related contractors and employers, and support ~~of~~ economic
 855 and product research and development activities of the defense
 856 industry.

857 Reviser's note.—Amended to confirm an editorial substitution and
 858 an editorial deletion to improve clarity.

859 Section 25. Paragraphs (b) and (c) of subsection (4) of
 860 section 316.0083, Florida Statutes, are amended to read:

861 316.0083 Mark Wandall Traffic Safety Program;
 862 administration; report.—

863 (4)

864 (b) Each county or municipality that operates a traffic
 865 infraction detector shall submit a report by October 1, ~~2012,~~
 866 ~~and annually thereafter,~~ to the department which details the
 867 results of using the traffic infraction detector and the
 868 procedures for enforcement for the preceding state fiscal year.
 869 The information submitted by the counties and municipalities
 870 must include:

871 1. The number of notices of violation issued, the number
 872 that were contested, the number that were upheld, the number
 873 that were dismissed, the number that were issued as uniform
 874 traffic citations, the number that were paid, and the number in
 875 each of the preceding categories for which the notice of

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876 violation was issued for a right-hand turn violation.

877 2. A description of alternative safety countermeasures
 878 taken before and after the placement or installation of a
 879 traffic infraction detector.

880 3. Statistical data and information required by the
 881 department to complete the summary report required under
 882 paragraph (c).

883
 884 The department must publish each report submitted by a county or
 885 municipality pursuant to this paragraph on its website.

886 (c) On or before December 31, ~~2012,~~ and annually
 887 ~~thereafter,~~ the department shall provide a summary report to the
 888 Governor, the President of the Senate, and the Speaker of the
 889 House of Representatives regarding the use and operation of
 890 traffic infraction detectors under this section, along with the
 891 department's recommendations and any necessary legislation. The
 892 summary report must include a review of the information
 893 submitted to the department by the counties and municipalities
 894 and must describe the enhancement of the traffic safety and
 895 enforcement programs.

896 Reviser's note.—Amended to delete obsolete language.

897 Section 26. Paragraph (y) of subsection (1) of section
 898 319.30, Florida Statutes, is amended to read:

899 319.30 Definitions; dismantling, destruction, change of
 900 identity of motor vehicle, vessel, or mobile home; salvage.—

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

902 (y) "Vessel" has the same meaning as in s. 713.78(1)(h)
 903 ~~713.78(1)(b).~~

904 Reviser's note.—Amended to conform to the redesignation of s.

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905 713.78(1)(b) as s. 713.78(1)(h) by s. 5, ch. 2024-27, Laws
 906 of Florida.
 907 Section 27. Paragraph (b) of subsection (130) of section
 908 320.08058, Florida Statutes, is amended to read:
 909 320.08058 Specialty license plates.—
 910 (130) THE VILLAGES: MAY ALL YOUR DREAMS COME TRUE LICENSE
 911 PLATES.—
 912 (b) The annual use fees from the sale of the plate must be
 913 distributed to The Villages Charter School, Inc., a Florida
 914 nonprofit corporation. Up to 10 percent of the fees may be used
 915 for administrative costs and marketing of the plate. The
 916 remaining funds must be distributed with the approval of and
 917 accountability to the board of directors of The Villages Charter
 918 School, Inc., and must be used to provide support to The
 919 Villages Charter School, Inc., as it provides K-12 education.
 920 Reviser's note.—Amended to confirm an editorial insertion to
 921 conform to the complete name of the corporation.
 922 Section 28. Paragraph (d) of subsection (3) of section
 923 322.27, Florida Statutes, is amended to read:
 924 322.27 Authority of department to suspend or revoke driver
 925 license or identification card.—
 926 (3) There is established a point system for evaluation of
 927 convictions of violations of motor vehicle laws or ordinances,
 928 and violations of applicable provisions of s. 403.413(6)(b) when
 929 such violations involve the use of motor vehicles, for the
 930 determination of the continuing qualification of any person to
 931 operate a motor vehicle. The department is authorized to suspend
 932 the license of any person upon showing of its records or other
 933 good and sufficient evidence that the licensee has been

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934 convicted of violation of motor vehicle laws or ordinances, or
 935 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 936 more points as determined by the point system. The suspension
 937 shall be for a period of not more than 1 year.
 938 (d) The point system shall have as its basic element a
 939 graduated scale of points assigning relative values to
 940 convictions of the following violations:
 941 1. Reckless driving, willful and wanton—4 points.
 942 2. Leaving the scene of a crash resulting in property
 943 damage of more than \$50—6 points.
 944 3. Unlawful speed, or unlawful use of a wireless
 945 communications device, resulting in a crash—6 points.
 946 4. Passing a stopped school bus:
 947 a. Not causing or resulting in serious bodily injury to or
 948 death of another—4 points.
 949 b. Causing or resulting in serious bodily injury to or
 950 death of another—6 points.
 951 c. Points may not be imposed for a violation of passing a
 952 stopped school bus as provided in s. 316.172(1)(a) or (b) when
 953 enforced by a school bus infraction detection system pursuant to
 954 s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b)
 955 when enforced by a school bus infraction detection system
 956 pursuant to s. 316.173 may not be used for purposes of setting
 957 motor vehicle insurance rates.
 958 5. Unlawful speed:
 959 a. Not in excess of 15 miles per hour of lawful or posted
 960 speed—3 points.
 961 b. In excess of 15 miles per hour of lawful or posted
 962 speed—4 points.

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963 c. Points may not be imposed for a violation of unlawful
 964 speed as provided in s. 316.1895 or s. 316.183 when enforced by
 965 a traffic infraction enforcement officer pursuant to s.
 966 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
 967 when enforced by a traffic infraction enforcement officer
 968 pursuant to s. 316.1896 may not be used for purposes of setting
 969 motor vehicle insurance rates.

970 6. A violation of a traffic control signal device as
 971 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
 972 However, points may not be imposed for a violation of s.
 973 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 974 stop at a traffic signal and when enforced by a traffic
 975 infraction enforcement officer. In addition, a violation of s.
 976 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 977 stop at a traffic signal and when enforced by a traffic
 978 infraction enforcement officer may not be used for purposes of
 979 setting motor vehicle insurance rates.

980 7. Unlawfully driving a vehicle through a railroad-highway
 981 grade crossing-6 points.

982 8. All other moving violations (including parking on a
 983 highway outside the limits of a municipality)-3 points. However,
 984 points may not be imposed for a violation of s. 316.0741 or s.
 985 316.2065(11); and points may be imposed for a violation of s.
 986 316.1001 only when imposed by the court after a hearing pursuant
 987 to s. 318.14(5).

988 9. Any moving violation covered in this paragraph,
 989 excluding unlawful speed and unlawful use of a wireless
 990 communications device, resulting in a crash-4 points.

991 10. Any conviction under s. 403.413(6)(b)-3 points.

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992 11. Any conviction under s. 316.0775(2)-4 points.

993 12. A moving violation covered in this paragraph which is
 994 committed in conjunction with the unlawful use of a wireless
 995 communications device within a school safety zone-2 points, in
 996 addition to the points assigned for the moving violation.
 997 Reviser's note.-Amended to confirm an editorial insertion to
 998 improve clarity.

999 Section 29. Subsection (6) of section 322.76, Florida
 1000 Statutes, is amended to read:

1001 322.76 Clerk of Court Driver License Reinstatement Pilot
 1002 Program in Miami-Dade County.-There is created in Miami-Dade
 1003 County the Clerk of Court Driver License Reinstatement Pilot
 1004 Program.

1005 (6) By December 31, 2025, the clerk must submit to the
 1006 Governor, the President of the Senate, the Speaker of the House
 1007 of Representatives, and the Executive Director of the Florida
 1008 Clerks of Court Operations Corporation a report containing the
 1009 following information:

1010 (a) Number of driver license reinstatements.

1011 (b) Amount of fees and costs collected, including the
 1012 aggregate funds received by the clerk, local governmental
 1013 entities, and state entities, including the General Revenue
 1014 Fund.

1015 (c) The personnel, operating, and other expenditures
 1016 incurred by the clerk.

1017 (d) Feedback received from the community, if any, in
 1018 response to the clerk's participation in the pilot program.

1019 (e) Whether the pilot program led to improved timeliness
 1020 for the reinstatement of driver licenses.

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- 1021 (f) The clerk's recommendation as to whether the pilot
 1022 program should be extended in Miami-Dade County or to other
 1023 clerks' offices.
- 1024 (g) Any other information the clerk deems necessary.
- 1025 Reviser's note.—Amended to confirm an editorial insertion to
 1026 improve clarity.
- 1027 Section 30. Paragraph (a) of subsection (2) of section
 1028 330.41, Florida Statutes, is amended to read:
- 1029 330.41 Unmanned Aircraft Systems Act.—
- 1030 (2) DEFINITIONS.—As used in this act, the term:
- 1031 (a) "Critical infrastructure facility" means any of the
 1032 following, if completely enclosed by a fence or other physical
 1033 barrier that is obviously designed to exclude intruders, or if
 1034 clearly marked with a sign or signs which indicate that entry is
 1035 forbidden and which are posted on the property in a manner
 1036 reasonably likely to come to the attention of intruders:
- 1037 1. A power generation or transmission facility, substation,
 1038 switching station, or electrical control center.
- 1039 2. A chemical or rubber manufacturing or storage facility.
- 1040 3. A water intake structure, water treatment facility,
 1041 wastewater treatment plant, or pump station.
- 1042 4. A mining facility.
- 1043 5. A natural gas or compressed gas compressor station,
 1044 storage facility, or natural gas or compressed gas pipeline.
- 1045 6. A liquid natural gas or propane gas terminal or storage
 1046 facility.
- 1047 7. Any portion of an aboveground oil or gas pipeline.
- 1048 8. A refinery.
- 1049 9. A gas processing plant, including a plant used in the

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- 1050 processing, treatment, or fractionation of natural gas.
- 1051 10. A wireless communications facility, including the
 1052 tower, antennas ~~antennae~~, support structures, and all associated
 1053 ground-based equipment.
- 1054 11. A seaport as listed in s. 311.09(1), which need not be
 1055 completely enclosed by a fence or other physical barrier and
 1056 need not be marked with a sign or signs indicating that entry is
 1057 forbidden.
- 1058 12. An inland port or other facility or group of facilities
 1059 serving as a point of intermodal transfer of freight in a
 1060 specific area physically separated from a seaport.
- 1061 13. An airport as defined in s. 330.27.
- 1062 14. A spaceport territory as defined in s. 331.303(19).
- 1063 15. A military installation as defined in 10 U.S.C. s.
 1064 2801(c)(4) and an armory as defined in s. 250.01.
- 1065 16. A dam as defined in s. 373.403(1) or other structures,
 1066 such as locks, floodgates, or dikes, which are designed to
 1067 maintain or control the level of navigable waterways.
- 1068 17. A state correctional institution as defined in s.
 1069 944.02 or a contractor-operated correctional facility authorized
 1070 under chapter 957.
- 1071 18. A secure detention center or facility as defined in s.
 1072 985.03, or a moderate-risk residential facility, a high-risk
 1073 residential facility, or a maximum-risk residential facility as
 1074 those terms are described in s. 985.03(44).
- 1075 19. A county detention facility as defined in s. 951.23.
- 1076 20. A critical infrastructure facility as defined in s.
 1077 692.201.
- 1078 Reviser's note.—Amended to conform to the general usage of

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1079 "antennas" when referencing transducers and "antennae" when
1080 referencing insect parts.

1081 Section 31. Section 331.370, Florida Statutes, is repealed.

1082 Reviser's note.—The cited section, which relates to specified
1083 space and aerospace infrastructure improvements from funds
1084 provided in Specific Appropriation 2649 of ch. 2008-152,
1085 Laws of Florida, is obsolete, as there are no funds still
1086 in usage from the specified appropriation.

1087 Section 32. Subsection (5) of section 337.195, Florida
1088 Statutes, is amended to read:

1089 337.195 Limits on liability.—

1090 (5) If, in any civil action for death, injury, or damages,
1091 the department ~~of Transportation~~ or a contractor or design
1092 engineer is determined to be immune from liability pursuant to
1093 this section, the department, contractor, or design engineer may
1094 not be named on the jury verdict form or be found to be at fault
1095 or responsible for the injury, death, or damage that gave rise
1096 to the damages for the theory of liability from which the
1097 department, contractor, or design engineer was found to be
1098 immune.

1099 Reviser's note.—Amended to confirm an editorial substitution to
1100 conform to the revision of all other references in s.

1101 337.195 by s. 10, ch. 2024-173, Laws of Florida. For
1102 purposes of the Florida Transportation Code, s. 334.03(9)
1103 defines "department" as the "Department of Transportation."

1104 Section 33. Paragraph (b) of subsection (3) of section
1105 341.302, Florida Statutes, is amended to read:

1106 341.302 Rail program; duties and responsibilities of the
1107 department.—The department, in conjunction with other

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1108 governmental entities, including the rail enterprise and the
1109 private sector, shall develop and implement a rail program of
1110 statewide application designed to ensure the proper maintenance,
1111 safety, revitalization, and expansion of the rail system to
1112 assure its continued and increased availability to respond to
1113 statewide mobility needs. Within the resources provided pursuant
1114 to chapter 216, and as authorized under federal law, the
1115 department shall:

1116 (3) Develop and periodically update the rail system plan,
1117 on the basis of an analysis of statewide transportation needs.

1118 (b) In recognition of the department's role in the
1119 enhancement of the state's rail system to improve freight and
1120 passenger mobility, the department shall:

1121 1. Work closely with all affected communities along an
1122 impacted freight rail corridor to identify and address
1123 anticipated impacts associated with an increase in freight rail
1124 traffic due to implementation of passenger rail.

1125 2. In coordination with the affected local governments and
1126 CSX Transportation, Inc., finalize all viable alternatives from
1127 the department's Rail Traffic Evaluation Study to identify and
1128 develop an alternative route for through freight rail traffic
1129 moving through Central Florida, including the counties of Polk
1130 and Hillsborough, which would address, to the extent
1131 practicable, the effects of commuter rail.

1132 3. Provide technical assistance to a coalition of local
1133 governments in Central Florida, including the counties of
1134 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,
1135 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,
1136 Sumter, and Volusia, and the municipalities within those

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1137 counties, to develop a regional rail system plan that addresses
 1138 passenger and freight opportunities in the region, is consistent
 1139 with the Florida Rail System Plan, and incorporates appropriate
 1140 elements of the ~~Tampa Bay Area Regional Authority Master Plan~~,
 1141 the Metroplan Orlando Regional Transit System Concept Plan,
 1142 including the SunRail project, and the Florida Department of
 1143 Transportation Alternate Rail Traffic Evaluation.
 1144 Reviser's note.—Amended to conform to the repeal of part III,
 1145 chapter 343, the Tampa Bay Area Regional Transit Authority
 1146 Act, by s. 1, ch. 2023-143, Laws of Florida, and
 1147 dissolution of the authority effective June 30, 2024, by s.
 1148 2, ch. 2023-143.
 1149 Section 34. Paragraphs (f), (j), (dd), and (ii) of
 1150 subsection (3) and paragraphs (a) and (b) of subsection (13) of
 1151 section 365.172, Florida Statutes, are amended to read:
 1152 365.172 Emergency communications.—
 1153 (3) DEFINITIONS.—Only as used in this section and ss.
 1154 365.171, 365.173, 365.174, and 365.177, the term:
 1155 (f) "Colocation" means the situation when a second or
 1156 subsequent wireless provider uses an existing structure to
 1157 locate a second or subsequent antennas ~~antennae~~. The term
 1158 includes the ground, platform, or roof installation of equipment
 1159 enclosures, cabinets, or buildings, and cables, brackets, and
 1160 other equipment associated with the location and operation of
 1161 the antennas ~~antennae~~.
 1162 (j) "Existing structure" means a structure that exists at
 1163 the time an application for permission to place antennas
 1164 ~~antennae~~ on a structure is filed with a local government. The
 1165 term includes any structure that can structurally support the

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1166 attachment of antennas ~~antennae~~ in compliance with applicable
 1167 codes.
 1168 (dd) "Tower" means any structure designed primarily to
 1169 support a wireless provider's antennas ~~antennae~~.
 1170 (ii) "Wireless communications facility" means any equipment
 1171 or facility used to provide service and may include, but is not
 1172 limited to, antennas ~~antennae~~, towers, equipment enclosures,
 1173 cabling, antenna brackets, and other such equipment. Placing a
 1174 wireless communications facility on an existing structure does
 1175 not cause the existing structure to become a wireless
 1176 communications facility.
 1177 (13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE
 1178 IMPLEMENTATION.—To balance the public need for reliable
 1179 emergency communications services through reliable wireless
 1180 systems and the public interest served by governmental zoning
 1181 and land development regulations and notwithstanding any other
 1182 law or local ordinance to the contrary, the following standards
 1183 shall apply to a local government's actions, as a regulatory
 1184 body, in the regulation of the placement, construction, or
 1185 modification of a wireless communications facility. This
 1186 subsection may not, however, be construed to waive or alter the
 1187 provisions of s. 286.011 or s. 286.0115. For the purposes of
 1188 this subsection only, "local government" shall mean any
 1189 municipality or county and any agency of a municipality or
 1190 county only. The term "local government" does not, however,
 1191 include any airport, as defined by s. 330.27(2), even if it is
 1192 owned or controlled by or through a municipality, county, or
 1193 agency of a municipality or county. Further, notwithstanding
 1194 anything in this section to the contrary, this subsection does

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1195 not apply to or control a local government's actions as a
 1196 property or structure owner in the use of any property or
 1197 structure owned by such entity for the placement, construction,
 1198 or modification of wireless communications facilities. In the
 1199 use of property or structures owned by the local government,
 1200 however, a local government may not use its regulatory authority
 1201 so as to avoid compliance with, or in a manner that does not
 1202 advance, the provisions of this subsection.

1203 (a) Colocation among wireless providers is encouraged by
 1204 the state.

1205 1.a. Colocations on towers, including nonconforming towers,
 1206 that meet the requirements in sub-sub-subparagraphs (I), (II),
 1207 and (III), are subject to only building permit review, which may
 1208 include a review for compliance with this subparagraph. Such
 1209 colocations are not subject to any design or placement
 1210 requirements of the local government's land development
 1211 regulations in effect at the time of the colocation that are
 1212 more restrictive than those in effect at the time of the initial
 1213 antennas ~~antennae~~ placement approval, to any other portion of
 1214 the land development regulations, or to public hearing review.
 1215 This sub-subparagraph may not preclude a public hearing for any
 1216 appeal of the decision on the colocation application.

1217 (I) The colocation does not increase the height of the
 1218 tower to which the antennas ~~antennae~~ are to be attached,
 1219 measured to the highest point of any part of the tower or any
 1220 existing antenna attached to the tower;

1221 (II) The colocation does not increase the ground space
 1222 area, commonly known as the compound, approved in the site plan
 1223 for equipment enclosures and ancillary facilities; and

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1224 (III) The colocation consists of antennas ~~antennae~~,
 1225 equipment enclosures, and ancillary facilities that are of a
 1226 design and configuration consistent with all applicable
 1227 regulations, restrictions, or conditions, if any, applied to the
 1228 initial antennas ~~antennae~~ placed on the tower and to its
 1229 accompanying equipment enclosures and ancillary facilities and,
 1230 if applicable, applied to the tower supporting the antennas
 1231 ~~antennae~~. Such regulations may include the design and aesthetic
 1232 requirements, but not procedural requirements, other than those
 1233 authorized by this section, of the local government's land
 1234 development regulations in effect at the time the initial
 1235 antennas ~~antennae~~ placement was approved.

1236 b. Except for a historic building, structure, site, object,
 1237 or district, or a tower included in sub-subparagraph a.,
 1238 colocations on all other existing structures that meet the
 1239 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
 1240 to no more than building permit review, and an administrative
 1241 review for compliance with this subparagraph. Such colocations
 1242 are not subject to any portion of the local government's land
 1243 development regulations not addressed herein, or to public
 1244 hearing review. This sub-subparagraph may not preclude a public
 1245 hearing for any appeal of the decision on the colocation
 1246 application.

1247 (I) The colocation does not increase the height of the
 1248 existing structure to which the antennas ~~antennae~~ are to be
 1249 attached, measured to the highest point of any part of the
 1250 structure or any existing antenna attached to the structure;

1251 (II) The colocation does not increase the ground space
 1252 area, otherwise known as the compound, if any, approved in the

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1253 site plan for equipment enclosures and ancillary facilities;
 1254 (III) The colocation consists of antennas ~~antennae~~,
 1255 equipment enclosures, and ancillary facilities that are of a
 1256 design and configuration consistent with any applicable
 1257 structural or aesthetic design requirements and any requirements
 1258 for location on the structure, but not prohibitions or
 1259 restrictions on the placement of additional colocations on the
 1260 existing structure or procedural requirements, other than those
 1261 authorized by this section, of the local government's land
 1262 development regulations in effect at the time of the colocation
 1263 application; and
 1264 (IV) The colocation consists of antennas ~~antennae~~,
 1265 equipment enclosures, and ancillary facilities that are of a
 1266 design and configuration consistent with all applicable
 1267 restrictions or conditions, if any, that do not conflict with
 1268 sub-sub-subparagraph (III) and were applied to the initial
 1269 antennas ~~antennae~~ placed on the structure and to its
 1270 accompanying equipment enclosures and ancillary facilities and,
 1271 if applicable, applied to the structure supporting the antennas
 1272 ~~antennae~~.
 1273 c. Regulations, restrictions, conditions, or permits of the
 1274 local government, acting in its regulatory capacity, that limit
 1275 the number of colocations or require review processes
 1276 inconsistent with this subsection do not apply to colocations
 1277 addressed in this subparagraph.
 1278 d. If only a portion of the colocation does not meet the
 1279 requirements of this subparagraph, such as an increase in the
 1280 height of the proposed antennas ~~antennae~~ over the existing
 1281 structure height or a proposal to expand the ground space

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1282 approved in the site plan for the equipment enclosure, where all
 1283 other portions of the colocation meet the requirements of this
 1284 subparagraph, that portion of the colocation only may be
 1285 reviewed under the local government's regulations applicable to
 1286 an initial placement of that portion of the facility, including,
 1287 but not limited to, its land development regulations, and within
 1288 the review timeframes of subparagraph (d)2., and the rest of the
 1289 colocation shall be reviewed in accordance with this
 1290 subparagraph. A colocation proposal under this subparagraph that
 1291 increases the ground space area, otherwise known as the
 1292 compound, approved in the original site plan for equipment
 1293 enclosures and ancillary facilities by no more than a cumulative
 1294 amount of 400 square feet or 50 percent of the original compound
 1295 size, whichever is greater, shall, however, require no more than
 1296 administrative review for compliance with the local government's
 1297 regulations, including, but not limited to, land development
 1298 regulations review, and building permit review, with no public
 1299 hearing review. This sub-subparagraph does not preclude a public
 1300 hearing for any appeal of the decision on the colocation
 1301 application.
 1302 2. If a colocation does not meet the requirements of
 1303 subparagraph 1., the local government may review the application
 1304 under the local government's regulations, including, but not
 1305 limited to, land development regulations, applicable to the
 1306 placement of initial antennas ~~antennae~~ and their accompanying
 1307 equipment enclosure and ancillary facilities.
 1308 3. If a colocation meets the requirements of subparagraph
 1309 1., the colocation may not be considered a modification to an
 1310 existing structure or an impermissible modification of a

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1311 nonconforming structure.

1312 4. The owner of the existing tower on which the proposed
1313 antennas ~~antennae~~ are to be colocated shall remain responsible
1314 for compliance with any applicable condition or requirement of a
1315 permit or agreement, or any applicable condition or requirement
1316 of the land development regulations to which the existing tower
1317 had to comply at the time the tower was permitted, including any
1318 aesthetic requirements, provided the condition or requirement is
1319 not inconsistent with this paragraph.

1320 5. An existing tower, including a nonconforming tower, may
1321 be structurally modified in order to permit colocation or may be
1322 replaced through no more than administrative review and building
1323 permit review, and is not subject to public hearing review, if
1324 the overall height of the tower is not increased and, if a
1325 replacement, the replacement tower is a monopole tower or, if
1326 the existing tower is a camouflaged tower, the replacement tower
1327 is a like-camouflaged tower. This subparagraph may not preclude
1328 a public hearing for any appeal of the decision on the
1329 application.

1330 (b)1. A local government's land development and
1331 construction regulations for wireless communications facilities
1332 and the local government's review of an application for the
1333 placement, construction, or modification of a wireless
1334 communications facility shall only address land development or
1335 zoning issues. In such local government regulations or review,
1336 the local government may not require information on or evaluate
1337 a wireless provider's business decisions about its service,
1338 customer demand for its service, or quality of its service to or
1339 from a particular area or site, unless the wireless provider

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1340 voluntarily offers this information to the local government. In
1341 such local government regulations or review, a local government
1342 may not require information on or evaluate the wireless
1343 provider's designed service unless the information or materials
1344 are directly related to an identified land development or zoning
1345 issue or unless the wireless provider voluntarily offers the
1346 information. Information or materials directly related to an
1347 identified land development or zoning issue may include, but are
1348 not limited to, evidence that no existing structure can
1349 reasonably be used for the antennas ~~antennae~~ placement instead
1350 of the construction of a new tower, that residential areas
1351 cannot be served from outside the residential area, as addressed
1352 in subparagraph 3., or that the proposed height of a new tower
1353 or initial antennas ~~antennae~~ placement or a proposed height
1354 increase of a modified tower, replacement tower, or colocation
1355 is necessary to provide the provider's designed service. Nothing
1356 in this paragraph shall limit the local government from
1357 reviewing any applicable land development or zoning issue
1358 addressed in its adopted regulations that does not conflict with
1359 this section, including, but not limited to, aesthetics,
1360 landscaping, land use-based location priorities, structural
1361 design, and setbacks.

1362 2. Any setback or distance separation required of a tower
1363 may not exceed the minimum distance necessary, as determined by
1364 the local government, to satisfy the structural safety or
1365 aesthetic concerns that are to be protected by the setback or
1366 distance separation.

1367 3. A local government may exclude the placement of wireless
1368 communications facilities in a residential area or residential

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1369 zoning district but only in a manner that does not constitute an
 1370 actual or effective prohibition of the provider's service in
 1371 that residential area or zoning district. If a wireless provider
 1372 demonstrates to the satisfaction of the local government that
 1373 the provider cannot reasonably provide its service to the
 1374 residential area or zone from outside the residential area or
 1375 zone, the municipality or county and provider shall cooperate to
 1376 determine an appropriate location for a wireless communications
 1377 facility of an appropriate design within the residential area or
 1378 zone. The local government may require that the wireless
 1379 provider reimburse the reasonable costs incurred by the local
 1380 government for this cooperative determination. An application
 1381 for such cooperative determination may not be considered an
 1382 application under paragraph (d).

1383 4. A local government may impose a reasonable fee on
 1384 applications to place, construct, or modify a wireless
 1385 communications facility only if a similar fee is imposed on
 1386 applicants seeking other similar types of zoning, land use, or
 1387 building permit review. A local government may impose fees for
 1388 the review of applications for wireless communications
 1389 facilities by consultants or experts who conduct code compliance
 1390 review for the local government but any fee is limited to
 1391 specifically identified reasonable expenses incurred in the
 1392 review. A local government may impose reasonable surety
 1393 requirements to ensure the removal of wireless communications
 1394 facilities that are no longer being used.

1395 5. A local government may impose design requirements, such
 1396 as requirements for designing towers to support colocation or
 1397 aesthetic requirements, except as otherwise limited in this

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1398 section, but may not impose or require information on compliance
 1399 with building code type standards for the construction or
 1400 modification of wireless communications facilities beyond those
 1401 adopted by the local government under chapter 553 and that apply
 1402 to all similar types of construction.

1403 Reviser's note.—Amended to conform to the general usage of
 1404 "antennas" when referencing transducers and "antennae" when
 1405 referencing insect parts.

1406 Section 35. Subsection (9) of section 373.250, Florida
 1407 Statutes, is amended to read:

1408 373.250 Reuse of reclaimed water.—

1409 (9) To promote the use of reclaimed water and encourage
 1410 quantifiable potable water offsets that produce significant
 1411 water savings beyond those required in a consumptive use permit,
 1412 each water management district, in coordination with the
 1413 department, shall develop rules by December 31, 2025, which
 1414 provide all of the following:

1415 (a) If an applicant proposes a water supply development or
 1416 water resource development project using reclaimed water, that
 1417 meets the advanced waste treatment standards for total nitrogen
 1418 and total phosphorus ~~phosphorous~~ as defined in s. 403.086(4)(a),
 1419 as part of an application for consumptive use, the applicant is
 1420 eligible for a permit duration of up to 30 years if there is
 1421 sufficient data to provide reasonable assurance that the
 1422 conditions for permit issuance will be met for the duration of
 1423 the permit. Rules developed pursuant to this paragraph must
 1424 include, at a minimum:

1425 1. A requirement that the permittee demonstrate how
 1426 quantifiable groundwater or surface water savings associated

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with the new water supply development or water resource development project either meet water demands beyond a 20-year permit duration or are completed for the purpose of meeting the requirements of an adopted recovery or prevention strategy; and

2. Guidelines for a district to follow in determining the permit duration based on the project's implementation.

This paragraph does not limit the existing authority of a water management district to issue a shorter duration permit to protect from harm the water resources or ecology of the area, or to otherwise ensure compliance with the conditions for permit issuance.

(b) Authorization for a consumptive use permittee to seek a permit extension of up to 10 years if the permittee proposes a water supply development or water resource development project using reclaimed water, that meets the advanced waste treatment standards for total nitrogen and total phosphorus ~~phosphorous~~ as defined in s. 403.086(4)(a), during the term of its permit which results in the reduction of groundwater or surface water withdrawals or is completed to benefit a waterbody with a minimum flow or minimum water level with a recovery or prevention strategy. Rules associated with this paragraph must include, at a minimum:

1. A requirement that the permittee be in compliance with the permittee's consumptive use permit;

2. A requirement that the permittee demonstrate how the quantifiable groundwater or surface water savings associated with the new water supply development or water resource development project either meet water demands beyond the issued

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permit duration or are completed for the purpose of meeting the requirements of an adopted recovery or prevention strategy;

3. A requirement that the permittee demonstrate a water demand for the permit's allocation through the term of the extension; and

4. Guidelines for a district to follow in determining the number of years extended, including a minimum year requirement, based on the project implementation.

This paragraph does not limit the existing authority of a water management district to protect from harm the water resources or ecology of the area, or to otherwise ensure compliance with the conditions for permit issuance.

Reviser's note.—Amended to confirm an editorial substitution to conform to context.

Section 36. Paragraph (d) of subsection (8) of section 393.12, Florida Statutes, is amended to read:

393.12 Capacity; appointment of guardian advocate.—

(8) COURT ORDER.—If the court finds the person with a developmental disability requires the appointment of a guardian advocate, the court shall enter a written order appointing the guardian advocate and containing the findings of facts and conclusions of law on which the court made its decision, including:

(d) The identity of existing alternatives and a finding as to the validity or sufficiency of such alternatives ~~alternative~~ to alleviate the need for the appointment of a guardian advocate;

Reviser's note.—Amended to conform to context.

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1485 Section 37. Section 394.467, Florida Statutes, is reenacted
1486 and amended to read:

1487 394.467 Involuntary inpatient placement and involuntary
1488 outpatient services.—

1489 (1) DEFINITIONS.—As used in this section, the term:

1490 (a) "Court" means a circuit court or, for commitments only
1491 to involuntary outpatient services as defined in paragraph (c)
1492 ~~s. 394.4655~~, a county court.

1493 (b) "Involuntary inpatient placement" means placement in a
1494 secure receiving or treatment facility providing stabilization
1495 and treatment services to a person 18 years of age or older who
1496 does not voluntarily consent to services under this chapter, or
1497 a minor who does not voluntarily assent to services under this
1498 chapter.

1499 (c) "Involuntary outpatient services" means services
1500 provided in the community to a person who does not voluntarily
1501 consent to or participate in services under this chapter.

1502 (d) "Services plan" means an individualized plan detailing
1503 the recommended behavioral health services and supports based on
1504 a thorough assessment of the needs of the patient, to safeguard
1505 and enhance the patient's health and well-being in the
1506 community.

1507 (2) CRITERIA FOR INVOLUNTARY SERVICES.—A person may be
1508 ordered by a court to be provided involuntary services upon a
1509 finding of the court, by clear and convincing evidence, that the
1510 person meets the following criteria:

1511 (a) *Involuntary outpatient services*.—A person ordered to
1512 involuntary outpatient services must meet the following
1513 criteria:

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1514 1. The person has a mental illness and, because of his or
1515 her mental illness:

1516 a. He or she is unlikely to voluntarily participate in a
1517 recommended services plan and has refused voluntary services for
1518 treatment after sufficient and conscientious explanation and
1519 disclosure of why the services are necessary; or

1520 b. Is unable to determine for himself or herself whether
1521 services are necessary.

1522 2. The person is unlikely to survive safely in the
1523 community without supervision, based on a clinical
1524 determination.

1525 3. The person has a history of lack of compliance with
1526 treatment for mental illness.

1527 4. In view of the person's treatment history and current
1528 behavior, the person is in need of involuntary outpatient
1529 services in order to prevent a relapse or deterioration that
1530 would be likely to result in serious bodily harm to himself or
1531 herself or others, or a substantial harm to his or her well-
1532 being as set forth in s. 394.463(1).

1533 5. It is likely that the person will benefit from
1534 involuntary outpatient services.

1535 6. All available less restrictive alternatives that would
1536 offer an opportunity for improvement of the person's condition
1537 have been deemed to be inappropriate or unavailable.

1538 (b) *Involuntary inpatient placement*.—A person ordered to
1539 involuntary inpatient placement must meet the following
1540 criteria:

1541 1. The person has a mental illness and, because of his or
1542 her mental illness:

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1543 a. He or she has refused voluntary inpatient placement for
 1544 treatment after sufficient and conscientious explanation and
 1545 disclosure of the purpose of treatment; or

1546 b. Is unable to determine for himself or herself whether
 1547 inpatient placement is necessary; and

1548 2.a. He or she is incapable of surviving alone or with the
 1549 help of willing, able, and responsible family or friends,
 1550 including available alternative services, and, without
 1551 treatment, is likely to suffer from neglect or refuse to care
 1552 for himself or herself, and such neglect or refusal poses a real
 1553 and present threat of substantial harm to his or her well-being;
 1554 or

1555 b. Without treatment, there is a substantial likelihood
 1556 that in the near future the person will inflict serious bodily
 1557 harm on self or others, as evidenced by recent behavior causing,
 1558 attempting to cause, or threatening to cause such harm; and

1559 3. All available less restrictive treatment alternatives
 1560 that would offer an opportunity for improvement of the person's
 1561 condition have been deemed to be inappropriate or unavailable.

1562 (3) RECOMMENDATION FOR INVOLUNTARY SERVICES AND TREATMENT.—
 1563 A patient may be recommended for involuntary inpatient
 1564 placement, involuntary outpatient services, or a combination of
 1565 both.

1566 (a) A patient may be retained by the facility that examined
 1567 the patient for involuntary services until the completion of the
 1568 patient's court hearing upon the recommendation of the
 1569 administrator of the facility where the patient has been
 1570 examined and after adherence to the notice and hearing
 1571 procedures provided in s. 394.4599. However, if a patient who is

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1572 being recommended for only involuntary outpatient services has
 1573 been stabilized and no longer meets the criteria for involuntary
 1574 examination pursuant to s. 394.463(1), the patient must be
 1575 released from the facility while awaiting the hearing for
 1576 involuntary outpatient services.

1577 (b) The recommendation that the involuntary services
 1578 criteria reasonably appear to have been met must be supported by
 1579 the opinion of a psychiatrist and the second opinion of a
 1580 clinical psychologist with at least 3 years of clinical
 1581 experience, another psychiatrist, or a psychiatric nurse
 1582 practicing within the framework of an established protocol with
 1583 a psychiatrist, who personally examined the patient. For
 1584 involuntary inpatient placement, the patient must have been
 1585 examined within the preceding 72 hours. For involuntary
 1586 outpatient services, the patient must have been examined within
 1587 the preceding 30 days.

1588 (c) If a psychiatrist, a clinical psychologist with at
 1589 least 3 years of clinical experience, or a psychiatric nurse
 1590 practicing within the framework of an established protocol with
 1591 a psychiatrist is not available to provide a second opinion, the
 1592 petitioner must certify as such and the second opinion may be
 1593 provided by a licensed physician who has postgraduate training
 1594 and experience in diagnosis and treatment of mental illness, a
 1595 clinical psychologist with less than 3 years of clinical
 1596 experience, or a psychiatric nurse.

1597 (d) Any opinion authorized in this subsection may be
 1598 conducted through a face-to-face or in-person examination, or by
 1599 electronic means. Recommendations for involuntary services must
 1600 be entered on a petition for involuntary services, which shall

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1601 be made a part of the patient's clinical record. The filing of
 1602 the petition authorizes the facility to retain the patient
 1603 pending transfer to a treatment facility or completion of a
 1604 hearing.

1605 (4) PETITION FOR INVOLUNTARY SERVICES.—

1606 (a) A petition for involuntary services may be filed by:

- 1607 1. The administrator of a receiving facility;
- 1608 2. The administrator of a treatment facility; or
- 1609 3. A service provider who is treating the person being
 1610 petitioned.

1611 (b) A petition for involuntary inpatient placement, or
 1612 inpatient placement followed by outpatient services, must be
 1613 filed in the court in the county where the patient is located.

1614 (c) A petition for involuntary outpatient services must be
 1615 filed in the county where the patient is located, unless the
 1616 patient is being placed from a state treatment facility, in
 1617 which case the petition must be filed in the county where the
 1618 patient will reside.

1619 (d) 1. The petitioner must state in the petition:

1620 a. Whether the petitioner is recommending inpatient
 1621 placement, outpatient services, or both.

1622 b. The length of time recommended for each type of
 1623 involuntary services.

1624 c. The reasons for the recommendation.

1625 2. If recommending involuntary outpatient services, or a
 1626 combination of involuntary inpatient placement and outpatient
 1627 services, the petitioner must identify the service provider that
 1628 has agreed to provide services for the person under an order for
 1629 involuntary outpatient services, unless he or she is otherwise

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1630 participating in outpatient psychiatric treatment and is not in
 1631 need of public financing for that treatment, in which case the
 1632 individual, if eligible, may be ordered to involuntary treatment
 1633 pursuant to the existing psychiatric treatment relationship.

1634 3. When recommending an order to involuntary outpatient
 1635 services, the petitioner shall prepare a written proposed
 1636 services plan in consultation with the patient or the patient's
 1637 guardian advocate, if appointed, for the court's consideration
 1638 for inclusion in the involuntary outpatient services order that
 1639 addresses the nature and extent of the mental illness and any
 1640 co-occurring substance use disorder that necessitate involuntary
 1641 outpatient services. The services plan must specify the likely
 1642 needed level of care, including the use of medication, and
 1643 anticipated discharge criteria for terminating involuntary
 1644 outpatient services. The services in the plan must be deemed
 1645 clinically appropriate by a physician, clinical psychologist,
 1646 psychiatric nurse, mental health counselor, marriage and family
 1647 therapist, or clinical social worker who consults with, or is
 1648 employed or contracted by, the service provider. If the services
 1649 in the proposed services plan are not available, the petitioner
 1650 may not file the petition. The petitioner must notify the
 1651 managing entity if the requested services are not available. The
 1652 managing entity must document such efforts to obtain the
 1653 requested service. The service provider who accepts the patient
 1654 for involuntary outpatient services is responsible for the
 1655 development of a comprehensive treatment plan.

1656 (e) Each required criterion for the recommended involuntary
 1657 services must be alleged and substantiated in the petition. A
 1658 copy of the recommended services plan, if applicable, must be

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attached to the petition. The court must accept petitions and other documentation with electronic signatures.

(f) When the petition has been filed, the clerk of the court shall provide copies of the petition and the recommended services plan, if applicable, to the department, the managing entity, the patient, the patient's guardian or representative, the state attorney, and the public defender or the patient's private counsel. A fee may not be charged for the filing of a petition under this subsection.

(5) APPOINTMENT OF COUNSEL.—Within 1 court working day after the filing of a petition for involuntary services, the court shall appoint the public defender to represent the person who is the subject of the petition, unless the person is otherwise represented by counsel or ineligible. The clerk of the court shall immediately notify the public defender of such appointment. The public defender shall represent the person until the petition is dismissed, the court order expires, the patient is discharged from involuntary services, or the public defender is otherwise discharged by the court. Any attorney who represents the patient shall be provided access to the patient, witnesses, and records relevant to the presentation of the patient's case and shall represent the interests of the patient, regardless of the source of payment to the attorney.

(6) CONTINUANCE OF HEARING.—The patient and the state are independently entitled to seek a continuance of the hearing. The patient shall be granted a request for an initial continuance for up to 7 calendar days. The patient may request additional continuances for up to 21 calendar days in total, which shall only be granted by a showing of good cause and due diligence by

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the patient and the patient's counsel before requesting the continuance. The state may request one continuance of up to 7 calendar days, which shall only be granted by a showing of good cause and due diligence by the state before requesting the continuance. The state's failure to timely review any readily available document or failure to attempt to contact a known witness does not warrant a continuance.

(7) HEARING ON INVOLUNTARY SERVICES.—

(a)1. The court shall hold a hearing on the involuntary services petition within 5 court working days after the filing of the petition, unless a continuance is granted.

2. The court must hold any hearing on involuntary outpatient services in the county where the petition is filed. A hearing on involuntary inpatient placement, or a combination of involuntary inpatient placement and involuntary outpatient services, must be held in the county or the facility, as appropriate, where the patient is located, except for good cause documented in the court file.

3. A hearing on involuntary services must be as convenient to the patient as is consistent with orderly procedure, and shall be conducted in physical settings not likely to be injurious to the patient's condition. If the court finds that the patient's attendance at the hearing is not consistent with the best interests of the patient, or the patient knowingly, intelligently, and voluntarily waives his or her right to be present, and if the patient's counsel does not object, the court may waive the attendance of the patient from all or any portion of the hearing. The state attorney for the circuit in which the patient is located shall represent the state, rather than the

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1717 petitioner, as the real party in interest in the proceeding. The
 1718 facility or service provider shall make the patient's clinical
 1719 records available to the state attorney and the patient's
 1720 attorney so that the state can evaluate and prepare its case.
 1721 However, these records shall remain confidential, and the state
 1722 attorney may not use any record obtained under this part for
 1723 criminal investigation or prosecution purposes, or for any
 1724 purpose other than the patient's civil commitment under this
 1725 chapter.

1726 (b) The court may appoint a magistrate to preside at the
 1727 hearing. The state attorney and witnesses may remotely attend
 1728 and, as appropriate, testify at the hearing under oath via
 1729 audio-video teleconference. A witness intending to attend
 1730 remotely and testify must provide the parties with all relevant
 1731 documents by the close of business on the day before the
 1732 hearing. One of the professionals who executed the involuntary
 1733 services certificate shall be a witness. The patient and the
 1734 patient's guardian or representative shall be informed by the
 1735 court of the right to an independent expert examination. If the
 1736 patient cannot afford such an examination, the court shall
 1737 ensure that one is provided, as otherwise provided for by law.
 1738 The independent expert's report is confidential and not
 1739 discoverable, unless the expert is to be called as a witness for
 1740 the patient at the hearing. The court shall allow testimony from
 1741 persons, including family members, deemed by the court to be
 1742 relevant under state law, regarding the person's prior history
 1743 and how that prior history relates to the person's current
 1744 condition. The testimony in the hearing must be given under
 1745 oath, and the proceedings must be recorded. The patient may

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1746 refuse to testify at the hearing.

1747 (c) At the hearing, the court shall consider testimony and
 1748 evidence regarding the patient's competence to consent to
 1749 services and treatment. If the court finds that the patient is
 1750 incompetent to consent to treatment, it must appoint a guardian
 1751 advocate as provided in s. 394.4598.

1752 (8) ORDERS OF THE COURT.—

1753 (a)1. If the court concludes that the patient meets the
 1754 criteria for involuntary services, the court may order a patient
 1755 to involuntary inpatient placement, involuntary outpatient
 1756 services, or a combination of involuntary services depending on
 1757 the criteria met and which type of involuntary services best
 1758 meet the needs of the patient. However, if the court orders the
 1759 patient to involuntary outpatient services, the court may not
 1760 order the department or the service provider to provide services
 1761 if the program or service is not available in the patient's
 1762 local community, if there is no space available in the program
 1763 or service for the patient, or if funding is not available for
 1764 the program or service. The petitioner must notify the managing
 1765 entity if the requested services are not available. The managing
 1766 entity must document such efforts to obtain the requested
 1767 services. A copy of the order must be sent to the managing
 1768 entity by the service provider within 1 working day after it is
 1769 received from the court.

1770 2. The order must specify the nature and extent of the
 1771 patient's mental illness and the reasons the appropriate
 1772 involuntary services criteria are satisfied.

1773 3. An order for only involuntary outpatient services,
 1774 involuntary inpatient placement, or of a combination of

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1775 involuntary services may be for a period of up to 6 months.

1776 4. An order for a combination of involuntary services must
1777 specify the length of time the patient shall be ordered for
1778 involuntary inpatient placement and involuntary outpatient
1779 services.

1780 5. The order of the court and the patient's services plan,
1781 if applicable, must be made part of the patient's clinical
1782 record.

1783 (b) If the court orders a patient into involuntary
1784 inpatient placement, the court may order that the patient be
1785 retained at a receiving facility while awaiting transfer
1786 ~~transferred~~ to a treatment facility; or, if the patient is at a
1787 treatment facility, that the patient be retained there or be
1788 treated at any other appropriate facility; or that the patient
1789 receive services on an involuntary basis for up to 6 months. The
1790 court may not order an individual with a developmental
1791 disability as defined in s. 393.063 or a traumatic brain injury
1792 or dementia who lacks a co-occurring mental illness to be
1793 involuntarily placed in a state treatment facility.

1794 (c) If at any time before the conclusion of a hearing on
1795 involuntary services, it appears to the court that the patient
1796 instead meets the criteria for involuntary admission or
1797 treatment pursuant to s. 397.675, then the court may order the
1798 person to be admitted for involuntary assessment pursuant to s.
1799 397.6757. Thereafter, all proceedings are governed by chapter
1800 397.

1801 (d) The administrator of the petitioning facility or the
1802 designated department representative shall provide a copy of the
1803 court order and adequate documentation of a patient's mental

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1804 illness to the service provider for involuntary outpatient
1805 services or the administrator of a treatment facility if the
1806 patient is ordered for involuntary inpatient placement. The
1807 documentation must include any advance directives made by the
1808 patient, a psychiatric evaluation of the patient, and any
1809 evaluations of the patient performed by a psychiatric nurse, a
1810 clinical psychologist, a marriage and family therapist, a mental
1811 health counselor, or a clinical social worker. The administrator
1812 of a treatment facility may refuse admission to any patient
1813 directed to its facilities on an involuntary basis, whether by
1814 civil or criminal court order, who is not accompanied by
1815 adequate orders and documentation.

1816 (e) In cases resulting in an order for involuntary
1817 outpatient services, the court shall retain jurisdiction over
1818 the case and the parties for entry of further orders as
1819 circumstances may require, including, but not limited to,
1820 monitoring compliance with treatment or ordering inpatient
1821 treatment to stabilize a person who decompensates while under
1822 court-ordered outpatient treatment and meets the commitment
1823 criteria of this section.

1824 (9) SERVICES PLAN MODIFICATION.—After the order for
1825 involuntary outpatient services is issued, the service provider
1826 and the patient may modify the services plan as provided by
1827 department rule.

1828 (10) NONCOMPLIANCE WITH INVOLUNTARY OUTPATIENT SERVICES.—

1829 (a) If, in the clinical judgment of a physician, a
1830 psychiatrist, a clinical psychologist with at least 3 years of
1831 clinical experience, or a psychiatric nurse practicing within
1832 the framework of an established protocol with a psychiatrist, a

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1833 patient receiving involuntary outpatient services has failed or
 1834 has refused to comply with the services plan ordered by the
 1835 court, and efforts were made to solicit compliance, the service
 1836 provider must report such noncompliance to the court. The
 1837 involuntary outpatient services order shall remain in effect
 1838 unless the service provider determines that the patient no
 1839 longer meets the criteria for involuntary outpatient services or
 1840 until the order expires. The service provider must determine
 1841 whether modifications should be made to the existing services
 1842 plan and must attempt to continue to engage the patient in
 1843 treatment. For any material modification of the services plan to
 1844 which the patient or the patient's guardian advocate, if
 1845 applicable, agrees, the service provider shall send notice of
 1846 the modification to the court. Any material modifications of the
 1847 services plan which are contested by the patient or the
 1848 patient's guardian advocate, if applicable, must be approved or
 1849 disapproved by the court.

1850 (b) A county court may not use incarceration as a sanction
 1851 for noncompliance with the services plan, but it may order an
 1852 individual evaluated for possible inpatient placement if there
 1853 is significant, or are multiple instances of, noncompliance.

1854 (11) PROCEDURE FOR CONTINUED INVOLUNTARY SERVICES.—

1855 (a) A petition for continued involuntary services must be
 1856 filed if the patient continues to meets the criteria for
 1857 involuntary services.

1858 (b)1. If a patient receiving involuntary outpatient
 1859 services continues to meet the criteria for involuntary
 1860 outpatient services, the service provider must file in the court
 1861 that issued the initial order for involuntary outpatient

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1862 services a petition for continued involuntary outpatient
 1863 services.

1864 2. If a patient in involuntary inpatient placement
 1865 continues to meet the criteria for involuntary services and is
 1866 being treated at a receiving facility, the administrator must,
 1867 before the expiration of the period the receiving facility is
 1868 authorized to retain the patient, file in the court that issued
 1869 the initial order for involuntary inpatient placement, a
 1870 petition requesting authorization for continued involuntary
 1871 services. The administrator may petition for inpatient or
 1872 outpatient services.

1873 3. If a patient in inpatient placement continues to meet
 1874 the criteria for involuntary services and is being treated at a
 1875 treatment facility, the administrator must, before expiration of
 1876 the period the treatment facility is authorized to retain the
 1877 patient, file a petition requesting authorization for continued
 1878 involuntary services. The administrator may petition for
 1879 inpatient or outpatient services. Hearings on petitions for
 1880 continued involuntary services of an individual placed at any
 1881 treatment facility are administrative hearings and must be
 1882 conducted in accordance with s. 120.57(1), except that any order
 1883 entered by the judge is final and subject to judicial review in
 1884 accordance with s. 120.68. Orders concerning patients committed
 1885 after successfully pleading not guilty by reason of insanity are
 1886 governed by s. 916.15.

1887 4. The court shall immediately schedule a hearing on the
 1888 petition to be held within 15 days after the petition is filed.

1889 5. The existing involuntary services order shall remain in
 1890 effect until disposition on the petition for continued

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1891 involuntary services.

1892 (c) The petition must be accompanied by a statement from
 1893 the patient's physician, psychiatrist, psychiatric nurse, or
 1894 clinical psychologist justifying the request, a brief
 1895 description of the patient's treatment during the time he or she
 1896 was receiving involuntary services, and an individualized plan
 1897 of continued treatment developed in consultation with the
 1898 patient or the patient's guardian advocate, if applicable. If
 1899 the petition is for involuntary outpatient services, it must
 1900 comply with the requirements of subparagraph (4)(d)3. When the
 1901 petition has been filed, the clerk of the court shall provide
 1902 copies of the petition and the individualized plan of continued
 1903 services to the department, the patient, the patient's guardian
 1904 advocate, the state attorney, and the patient's private counsel
 1905 or the public defender.

1906 (d) The court shall appoint counsel to represent the person
 1907 who is the subject of the petition for continued involuntary
 1908 services in accordance with ~~to~~ the provisions set forth in
 1909 subsection (5), unless the person is otherwise represented by
 1910 counsel or ineligible.

1911 (e) Hearings on petitions for continued involuntary
 1912 outpatient services must be before the court that issued the
 1913 order for involuntary outpatient services. However, the patient
 1914 and the patient's attorney may agree to a period of continued
 1915 outpatient services without a court hearing.

1916 (f) Hearings on petitions for continued involuntary
 1917 inpatient placement in receiving facilities, or involuntary
 1918 outpatient services following involuntary inpatient services,
 1919 must be held in the county or the facility, as appropriate,

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1920 where the patient is located.

1921 (g) The court may appoint a magistrate to preside at the
 1922 hearing. The procedures for obtaining an order pursuant to this
 1923 paragraph must meet the requirements of subsection (7).

1924 (h) Notice of the hearing must be provided as set forth in
 1925 s. 394.4599.

1926 (i) If a patient's attendance at the hearing is voluntarily
 1927 waived, the judge must determine that the patient knowingly,
 1928 intelligently, and voluntarily waived his or her right to be
 1929 present, before waiving the presence of the patient from all or
 1930 a portion of the hearing. Alternatively, if at the hearing the
 1931 judge finds that attendance at the hearing is not consistent
 1932 with the best interests of the patient, the judge may waive the
 1933 presence of the patient from all or any portion of the hearing,
 1934 unless the patient, through counsel, objects to the waiver of
 1935 presence. The testimony in the hearing must be under oath, and
 1936 the proceedings must be recorded.

1937 (j) If at a hearing it is shown that the patient continues
 1938 to meet the criteria for involuntary services, the court shall
 1939 issue an order for continued involuntary outpatient services,
 1940 involuntary inpatient placement, or a combination of involuntary
 1941 services for up to 6 months. The same procedure shall be
 1942 repeated before the expiration of each additional period the
 1943 patient is retained.

1944 (k) If the patient has been ordered to undergo involuntary
 1945 services and has previously been found incompetent to consent to
 1946 treatment, the court shall consider testimony and evidence
 1947 regarding the patient's competence. If the patient's competency
 1948 to consent to treatment is restored, the discharge of the

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guardian advocate is governed by s. 394.4598. If the patient has been ordered to undergo involuntary inpatient placement only and the patient's competency to consent to treatment is restored, the administrative law judge may issue a recommended order, to the court that found the patient incompetent to consent to treatment, that the patient's competence be restored and that any guardian advocate previously appointed be discharged.

(1) If continued involuntary inpatient placement is necessary for a patient in involuntary inpatient placement who was admitted while serving a criminal sentence, but his or her sentence is about to expire, or for a minor involuntarily placed, but who is about to reach the age of 18, the administrator shall petition the administrative law judge for an order authorizing continued involuntary inpatient placement.

The procedure required in this subsection must be followed before the expiration of each additional period the patient is involuntarily receiving services.

(12) RETURN TO FACILITY.—If a patient has been ordered to undergo involuntary inpatient placement at a receiving or treatment facility under this part and leaves the facility without the administrator's authorization, the administrator may authorize a search for the patient and his or her return to the facility. The administrator may request the assistance of a law enforcement agency in this regard.

(13) DISCHARGE.—The patient shall be discharged upon expiration of the court order or at any time the patient no longer meets the criteria for involuntary services, unless the patient has transferred to voluntary status. Upon discharge, the

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service provider or facility shall send a certificate of discharge to the court.

Reviser's note.—Reenacted to conform to the fact that s. 11, ch.

2024-245, Laws of Florida, purported to amend s. 394.467 but did not publish paragraphs (7)(f) and (g), which were intended to be stricken. Similar material now appears in paragraph (11)(k). Paragraph (1)(a) is amended to conform to the fact that s. 394.4655(1) defines "involuntary outpatient placement" as "involuntary outpatient services as defined in s. 394.467," and s. 394.467(1)(c) specifically defines "involuntary outpatient services." Paragraph (8)(b) is amended to confirm an editorial deletion to correct a drafting error. Paragraph (11)(d) is amended to confirm an editorial substitution to conform to context.

Section 38. 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) Follow-up behavioral health appointments;

(b) Information on how to obtain prescribed medications;

~~and~~

(c) Information pertaining to:

1. Available living arrangements; ~~+~~

2. Transportation; and

(d) Referral to:

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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. Reviser's note.—Amended to conform to statutes formatting.

Section 39. Paragraph (a) of subsection (2) of section 395.901, Florida Statutes, is amended to read:

395.901 Definitions; legislative findings and intent.—

(2) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that there is a critical shortage of behavioral health professionals and recognizes the urgent need to expand the existing behavioral health workforce, prepare for an aging workforce, incentivize entry into behavioral health professions, and train a modernized workforce in innovative and integrated care.

Reviser's note.—Amended to confirm an editorial insertion to conform to language elsewhere in the section.

Section 40. Subsection (3) of section 397.68141, Florida Statutes, is amended to read:

397.68141 Contents of petition for involuntary treatment services.—A petition for involuntary services must contain the name of the respondent; the name of the petitioner; the relationship between the respondent and the petitioner; the name of the respondent's attorney, if known; and the factual allegations presented by the petitioner establishing the need for involuntary services for substance abuse impairment.

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(3) If there is an emergency, the petition must also describe the respondent's exigent circumstances and include a request for an ex parte assessment and stabilization order that must be executed pursuant to s. 397.6818 ~~397.68151~~.

Reviser's note.—Amended to conform to the fact that s. 397.68151 relates to duties of the court upon filing of a petition for involuntary services; execution of court orders for involuntary assessment and stabilization are referenced in s. 397.6818.

Section 41. Subsection (7) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(7) "Nutrient or nutrient-related standards" means water quality standards and criteria established for total nitrogen and total phosphorus ~~phosphorous~~, or their organic or inorganic forms; biological variables, such as chlorophyll a, biomass, or the structure of the phytoplankton, periphyton, or vascular plant community, that respond to a nutrient load or concentration in a predictable and measurable manner; or dissolved oxygen if it is demonstrated for the waterbody that dissolved oxygen conditions result in a biological imbalance and the dissolved oxygen responds to a nutrient load or concentration in a predictable and measurable manner.

Reviser's note.—Amended to confirm an editorial substitution to conform to context.

Section 42. Paragraph (c) of subsection (1) of section

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2065 403.086, Florida Statutes, is amended to read:

2066 403.086 Sewage disposal facilities; advanced and secondary
2067 waste treatment.—

2068 (1)

2069 (c)1. Notwithstanding this chapter or chapter 373, sewage
2070 disposal facilities may not dispose any wastes into the
2071 following waters without providing advanced waste treatment, as
2072 defined in subsection (4), as approved by the department or a
2073 more stringent treatment standard if the department determines
2074 the more stringent standard is necessary to achieve the total
2075 maximum daily load or applicable water quality criteria:

2076 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega
2077 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little
2078 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
2079 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
2080 sound, or other water tributary thereto.

2081 b. Beginning July 1, 2025, Indian River Lagoon, or any
2082 river, stream, channel, canal, bay, bayou, sound, or other water
2083 tributary thereto.

2084 c. By January 1, 2033, waterbodies that are currently not
2085 attaining nutrient or nutrient-related standards or that are
2086 subject to a nutrient or nutrient-related basin management
2087 action plan adopted pursuant to s. 403.067 or adopted reasonable
2088 assurance plan.

2089 2. For any waterbody determined not to be attaining
2090 nutrient or nutrient-related standards after July 1, 2023, or
2091 subject to a nutrient or nutrient-related basin management
2092 action plan adopted pursuant to s. 403.067 or adopted reasonable
2093 assurance plan after July 1, 2023, sewage disposal facilities

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2094 are prohibited from disposing any wastes into such waters
2095 without providing advanced waste treatment, as defined in
2096 subsection (4), as approved by the department within 10 years
2097 after such determination or adoption.

2098 3. By July 1, 2034, any wastewater treatment facility
2099 providing reclaimed water that will be used for commercial or
2100 residential irrigation or be otherwise land applied within a
2101 nutrient basin management action plan or a reasonable assurance
2102 plan area must meet the advanced waste treatment standards for
2103 total nitrogen and total ~~phosphorus~~ phosphorous as defined in
2104 paragraph (4)(a) if the department has determined in an
2105 applicable basin management action plan or reasonable assurance
2106 plan that the use of reclaimed water as described in this
2107 subparagraph is causing or contributing to the nutrient
2108 impairment being addressed in such plan. For such department
2109 determinations made in a nutrient basin management action plan
2110 or reasonable assurance plan after July 1, 2024, an applicable
2111 wastewater treatment facility must meet the requisite advanced
2112 waste treatment standards described in this subparagraph within
2113 10 years after such determination. This subparagraph does not
2114 prevent the department from requiring an alternative treatment
2115 standard, including a more stringent treatment standard, if the
2116 department determines the alternative standard is necessary to
2117 achieve the total maximum daily load or applicable water quality
2118 criteria. This subparagraph does not apply to reclaimed water
2119 that is otherwise land applied as part of a water quality
2120 restoration project or water resource development project
2121 approved by the department or water management district to meet
2122 a total maximum daily load or minimum flow or level and where

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2123 such reclaimed water will be at or below the advanced waste
 2124 treatment standards described above prior to entering
 2125 groundwater or surface water.
 2126 Reviser's note.—Amended to confirm an editorial substitution to
 2127 conform to context.
 2128 Section 43. Paragraph (a) of subsection (3) of section
 2129 403.121, Florida Statutes, is amended to read:
 2130 403.121 Enforcement; procedure; remedies.—The department
 2131 shall have the following judicial and administrative remedies
 2132 available to it for violations of this chapter, as specified in
 2133 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for
 2134 purposes of onsite sewage treatment and disposal systems, part
 2135 III of chapter 489, or any rule promulgated thereunder.
 2136 (3) Except for violations involving hazardous wastes,
 2137 asbestos, or underground injection, administrative penalties
 2138 must be calculated according to the following schedule:
 2139 (a) For a drinking water contamination violation, the
 2140 department shall assess a penalty of \$3,000 for a Maximum
 2141 Contaminant ~~Containment~~ Level (MCL) violation; plus \$1,500 if
 2142 the violation is for a primary inorganic, organic, or
 2143 radiological Maximum Contaminant Level or it is a fecal coliform
 2144 bacteria violation; plus \$1,500 if the violation occurs at a
 2145 community water system; and plus \$1,500 if any Maximum
 2146 Contaminant Level is exceeded by more than 100 percent. For
 2147 failure to obtain a clearance letter before placing a drinking
 2148 water system into service when the system would not have been
 2149 eligible for clearance, the department shall assess a penalty of
 2150 \$4,500.
 2151 Reviser's note.—Amended to confirm an editorial substitution to

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2152 conform to context.
 2153 Section 44. Subsection (5) of section 408.051, Florida
 2154 Statutes, is amended to read:
 2155 408.051 Florida Electronic Health Records Exchange Act.—
 2156 (5) HOSPITAL DATA.—A hospital as defined in s. 395.002(12)
 2157 which maintains certified electronic health record technology
 2158 must make available admission ~~admit~~, transfer, and discharge
 2159 data to the agency's Florida Health Information Exchange program
 2160 for the purpose of supporting public health data registries and
 2161 patient care coordination. The agency may adopt rules to
 2162 implement this subsection.
 2163 Reviser's note.—Amended to improve clarity and facilitate
 2164 correct interpretation.
 2165 Section 45. Paragraph (d) of subsection (9) of section
 2166 409.909, Florida Statutes, is amended to read:
 2167 409.909 Statewide Medicaid Residency Program.—
 2168 (9) The Graduate Medical Education Committee is created
 2169 within the agency.
 2170 (d) The committee shall convene its first meeting by July
 2171 1, 2024, and shall meet as often as necessary to conduct its
 2172 business, but at least twice annually, at the call of the chair.
 2173 The committee may conduct its meetings through ~~though~~
 2174 teleconference or other electronic means. A majority of the
 2175 members of the committee constitutes a quorum, and a meeting may
 2176 not be held with less than a quorum present. The affirmative
 2177 vote of a majority of the members of the committee present is
 2178 necessary for any official action by the committee.
 2179 Reviser's note.—Amended to confirm an editorial substitution to
 2180 conform to context.

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2181 Section 46. Paragraph (j) of subsection (1) of section
 2182 409.988, Florida Statutes, is amended to read:
 2183 409.988 Community-based care lead agency duties; general
 2184 provisions.—
 2185 (1) DUTIES.—A lead agency:
 2186 (j)1. May subcontract for the provision of services,
 2187 excluding subcontracts with a related party for officer-level or
 2188 director-level staffing to perform management functions,
 2189 required by the contract with the lead agency and the
 2190 department; however, the subcontracts must specify how the
 2191 provider will contribute to the lead agency meeting the
 2192 performance standards established pursuant to the child welfare
 2193 results-oriented accountability system required by s. 409.997.
 2194 Any contract with an unrelated entity for officer-level or
 2195 director-level staffing to perform management functions must
 2196 adhere to the executive compensation provision in s. 409.992(3).
 2197 2. Shall directly provide no more than 35 percent of all
 2198 child welfare services provided unless it can demonstrate a need
 2199 within the lead agency's geographic service area where there is
 2200 a lack of qualified providers available to perform necessary
 2201 services. The approval period for an exemption to exceed the 35
 2202 percent threshold is limited to 2 years. To receive approval,
 2203 the lead agency must create and submit to the department through
 2204 the lead agency's local community alliance a detailed report of
 2205 all efforts to recruit a qualified provider to perform the
 2206 necessary services in that geographic service area. The local
 2207 community alliance in the geographic service area in which the
 2208 lead agency is seeking to exceed the threshold shall review the
 2209 lead agency's justification for need and recommend to the

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2210 department whether the department should approve or deny the
 2211 lead agency's request for an exemption from the services
 2212 threshold. If there is not a community alliance operating in the
 2213 geographic service area in which the lead agency is seeking to
 2214 exceed the threshold, such review and recommendation shall be
 2215 made by representatives of local stakeholders, including at
 2216 least one representative from each of the following:
 2217 a. The department.
 2218 b. The county government.
 2219 c. The school district.
 2220 d. The county United Way.
 2221 e. The county sheriff's office.
 2222 f. The circuit court corresponding to the county.
 2223 g. The county children's board, if one exists.
 2224
 2225 The lead agency may request a renewal of the exemption allowing
 2226 the lead agency to directly provide child welfare services by
 2227 following the process outlined in this subparagraph. The
 2228 approval period for an exemption renewal is limited to 2 years.
 2229 If, after the expiration of the exemption, the department
 2230 determines the lead agency is not making a good faith effort to
 2231 recruit a qualified provider, the department may deny the
 2232 renewal request and require reprocurement.
 2233 3. Shall, upon the department approving any exemption that
 2234 allows a lead agency to directly provide more than 40 percent of
 2235 all child welfare services provided, be required by the
 2236 department to undergo an operational audit by the Auditor
 2237 General to examine the lead agency's procurement of and
 2238 financial arrangements for providing such services. ~~Upon~~

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2239 ~~approving any exemption that allows a lead agency to directly~~
 2240 ~~provide more than 40 percent of all child welfare services~~
 2241 ~~provided, the department shall require the lead agency to~~
 2242 ~~undergo an operational audit by the Auditor General to examine~~
 2243 ~~the lead agency's procurement of and financial arrangements for~~
 2244 ~~providing such services.~~ The audit shall, at a minimum, examine
 2245 the costs incurred and any payments made by the lead agency to
 2246 itself for services directly provided by the lead agency
 2247 compared to any procurement solicitations by the lead agency,
 2248 and assess the adequacy of the efforts to obtain services from
 2249 subcontractors and the resulting cost and cost-effectiveness of
 2250 the services provided directly by the lead agency. The Auditor
 2251 General shall conduct such audits upon notification by the
 2252 department.

2253 Reviser's note.—Amended to confirm an editorial substitution to
 2254 conform to the introductory text of subsection (1) and to
 2255 provide contextual consistency with the other subunits
 2256 within that subsection.

2257 Section 47. Paragraph (a) of subsection (3) of section
 2258 420.606, Florida Statutes, is amended to read:

2259 420.606 Training and technical assistance program.—

2260 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The
 2261 Department of Commerce shall be responsible for securing the
 2262 necessary expertise to provide training and technical assistance
 2263 to:

2264 (a) Staff of local governments; ~~to~~ staff of state agencies,
 2265 as appropriate; ~~to~~ community-based organizations; and ~~to~~ persons
 2266 forming such organizations, which are formed for the purpose of
 2267 developing new housing and rehabilitating existing housing that

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2268 is affordable for very-low-income persons, low-income persons,
 2269 and moderate-income persons.

2270 1. The training component of the program shall be designed
 2271 to build the housing development capacity of community-based
 2272 organizations and local governments as a permanent resource for
 2273 the benefit of communities in this state.

2274 a. The scope of training must include, but need not be
 2275 limited to, real estate development skills related to affordable
 2276 housing, including the construction process and property
 2277 management and disposition, the development of public-private
 2278 partnerships to reduce housing costs, model housing projects,
 2279 and management and board responsibilities of community-based
 2280 organizations.

2281 b. Training activities may include, but are not limited to,
 2282 materials for self-instruction, workshops, seminars,
 2283 internships, coursework, and special programs developed in
 2284 conjunction with state universities and community colleges.

2285 2. The technical assistance component of the program shall
 2286 be designed to assist applicants for state-administered programs
 2287 in developing applications and in expediting project
 2288 implementation. Technical assistance activities for the staffs
 2289 of community-based organizations and local governments who are
 2290 directly involved in the production of affordable housing may
 2291 include, but are not limited to, workshops for program
 2292 applicants, onsite visits, guidance in achieving project
 2293 completion, and a newsletter to community-based organizations
 2294 and local governments.

2295 Reviser's note.—Amended to eliminate redundancy.

2296 Section 48. Paragraph (b) of subsection (4) of section

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2297 420.6241, Florida Statutes, is amended to read:
 2298 420.6241 Persons with lived experience.—
 2299 (4) BACKGROUND SCREENING.—
 2300 (b) The background screening conducted under this
 2301 subsection must ensure that the qualified applicant has not been
 2302 arrested for and is not awaiting final disposition of, has not
 2303 been found guilty of, regardless of adjudication, or entered a
 2304 plea of nolo contendere or guilty to, or has not been
 2305 adjudicated delinquent and the record has been sealed or
 2306 expunged for, any offense prohibited under any of the following
 2307 state laws or similar laws of another jurisdiction:
 2308 1. Section 393.135, relating to sexual misconduct with
 2309 certain developmentally disabled clients and reporting of such
 2310 sexual misconduct.
 2311 2. Section 394.4593, relating to sexual misconduct with
 2312 certain mental health patients and reporting of such sexual
 2313 misconduct.
 2314 3. Section 409.920, relating to Medicaid provider fraud, if
 2315 the offense is a felony of the first or second degree.
 2316 4. Section 415.111, relating to criminal penalties for
 2317 abuse, neglect, or exploitation of vulnerable adults.
 2318 5. Any offense that constitutes domestic violence, as
 2319 defined in s. 741.28.
 2320 6. Section 777.04, relating to attempts, solicitation, and
 2321 conspiracy to commit an offense listed in this paragraph.
 2322 7. Section 782.04, relating to murder.
 2323 8. Section 782.07, relating to manslaughter, aggravated
 2324 manslaughter of an elderly person or a disabled adult,
 2325 aggravated manslaughter of a child, or aggravated manslaughter

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2326 of an officer, a firefighter, an emergency medical technician,
 2327 or a paramedic.
 2328 9. Section 782.071, relating to vehicular homicide.
 2329 10. Section 782.09, relating to killing of an unborn child
 2330 by injury to the mother.
 2331 11. Chapter 784, relating to assault, battery, and culpable
 2332 negligence, if the offense is a felony.
 2333 12. Section 787.01, relating to kidnapping.
 2334 13. Section 787.02, relating to false imprisonment.
 2335 14. Section 787.025, relating to luring or enticing a
 2336 child.
 2337 15. Section 787.04(2), relating to leading, taking,
 2338 enticing, or removing a minor beyond the state limits, or
 2339 concealing the location of a minor, with criminal intent pending
 2340 custody proceedings.
 2341 16. Section 787.04(3), relating to leading, taking,
 2342 enticing, or removing a minor beyond the state limits, or
 2343 concealing the location of a minor, with criminal intent pending
 2344 dependency proceedings or proceedings concerning alleged abuse
 2345 or neglect of a minor.
 2346 17. Section 790.115(1), relating to exhibiting firearms or
 2347 weapons within 1,000 feet of a school.
 2348 18. Section 790.115(2)(b), relating to possessing an
 2349 electric weapon or device, a destructive device, or any other
 2350 weapon on school property.
 2351 19. Section 794.011, relating to sexual battery.
 2352 20. Former s. 794.041, relating to prohibited acts of
 2353 persons in familial or custodial authority.
 2354 21. Section 794.05, relating to unlawful sexual activity

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2355 with certain minors.

2356 22. Section 794.08, relating to female genital mutilation.

2357 23. Section 796.07, relating to procuring another to commit

2358 prostitution, except for those offenses expunged pursuant to s.

2359 943.0583.

2360 24. Section 798.02, relating to lewd and lascivious

2361 behavior.

2362 25. Chapter 800, relating to lewdness and indecent

2363 exposure.

2364 26. Section 806.01, relating to arson.

2365 27. Section 810.02, relating to burglary, if the offense is

2366 a felony of the first degree.

2367 28. Section 810.14, relating to voyeurism, if the offense

2368 is a felony.

2369 29. Section 810.145, relating to digital ~~video~~ voyeurism,

2370 if the offense is a felony.

2371 30. Section 812.13, relating to robbery.

2372 31. Section 812.131, relating to robbery by sudden

2373 snatching.

2374 32. Section 812.133, relating to carjacking.

2375 33. Section 812.135, relating to home-invasion robbery.

2376 34. Section 817.034, relating to communications fraud, if

2377 the offense is a felony of the first degree.

2378 35. Section 817.234, relating to false and fraudulent

2379 insurance claims, if the offense is a felony of the first or

2380 second degree.

2381 36. Section 817.50, relating to fraudulently obtaining

2382 goods or services from a health care provider and false reports

2383 of a communicable disease.

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2384 37. Section 817.505, relating to patient brokering.

2385 38. Section 817.568, relating to fraudulent use of personal

2386 identification, if the offense is a felony of the first or

2387 second degree.

2388 39. Section 825.102, relating to abuse, aggravated abuse,

2389 or neglect of an elderly person or a disabled adult.

2390 40. Section 825.1025, relating to lewd or lascivious

2391 offenses committed upon or in the presence of an elderly person

2392 or a disabled person.

2393 41. Section 825.103, relating to exploitation of an elderly

2394 person or a disabled adult, if the offense is a felony.

2395 42. Section 826.04, relating to incest.

2396 43. Section 827.03, relating to child abuse, aggravated

2397 child abuse, or neglect of a child.

2398 44. Section 827.04, relating to contributing to the

2399 delinquency or dependency of a child.

2400 45. Former s. 827.05, relating to negligent treatment of

2401 children.

2402 46. Section 827.071, relating to sexual performance by a

2403 child.

2404 47. Section 831.30, relating to fraud in obtaining

2405 medicinal drugs.

2406 48. Section 831.31, relating to the sale, manufacture,

2407 delivery, or possession with intent to sell, manufacture, or

2408 deliver any counterfeit controlled substance, if the offense is

2409 a felony.

2410 49. Section 843.01, relating to resisting arrest with

2411 violence.

2412 50. Section 843.025, relating to depriving a law

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2413 enforcement, correctional, or correctional probation officer of
 2414 the means of protection or communication.

2415 51. Section 843.12, relating to aiding in an escape.

2416 52. Section 843.13, relating to aiding in the escape of
 2417 juvenile inmates of correctional institutions.

2418 53. Chapter 847, relating to obscenity.

2419 54. Section 874.05, relating to encouraging or recruiting
 2420 another to join a criminal gang.

2421 55. Chapter 893, relating to drug abuse prevention and
 2422 control, if the offense is a felony of the second degree or
 2423 greater severity.

2424 56. Section 895.03, relating to racketeering and collection
 2425 of unlawful debts.

2426 57. Section 896.101, relating to the Florida Money
 2427 Laundering Act.

2428 58. Section 916.1075, relating to sexual misconduct with
 2429 certain forensic clients and reporting of such sexual
 2430 misconduct.

2431 59. Section 944.35(3), relating to inflicting cruel or
 2432 inhuman treatment on an inmate, resulting in great bodily harm.

2433 60. Section 944.40, relating to escape.

2434 61. Section 944.46, relating to harboring, concealing, or
 2435 aiding an escaped prisoner.

2436 62. Section 944.47, relating to introduction of contraband
 2437 into a correctional institution.

2438 63. Section 985.701, relating to sexual misconduct in
 2439 juvenile justice programs.

2440 64. Section 985.711, relating to introduction of contraband
 2441 into a detention facility.

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2442 Reviser's note.—Amended to conform to the amendment of s.
 2443 810.145 by s. 1, ch. 2024-132, Laws of Florida, which
 2444 redesignated the offense of "video voyeurism" as "digital
 2445 voyeurism."

2446 Section 49. Paragraph (c) of subsection (2) of section
 2447 456.0145, Florida Statutes, is amended to read:

2448 456.0145 Mobile Opportunity by Interstate Licensure
 2449 Endorsement (MOBILE) Act.—

2450 (2) LICENSURE BY ENDORSEMENT.—

2451 (c) A person is ineligible for a license under this section
 2452 if ~~the~~ he or she:

2453 1. Has a complaint, an allegation, or an investigation
 2454 pending before a licensing entity in another state, the District
 2455 of Columbia, or a possession or territory of the United States;

2456 2. Has been convicted of or pled nolo contendere to,
 2457 regardless of adjudication, any felony or misdemeanor related to
 2458 the practice of a health care profession;

2459 3. Has had a health care provider license revoked or
 2460 suspended by another state, the District of Columbia, or a
 2461 territory of the United States, or has voluntarily surrendered
 2462 any such license in lieu of having disciplinary action taken
 2463 against the license; or

2464 4. Has been reported to the National Practitioner Data
 2465 Bank, unless the applicant has successfully appealed to have his
 2466 or her name removed from the data bank.

2467 Reviser's note.—Amended to confirm an editorial deletion to
 2468 facilitate correct interpretation.

2469 Section 50. Section 7 of section 456.4501, Florida
 2470 Statutes, is amended to read:

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2471 456.4501 Interstate Medical Licensure Compact.—The
 2472 Interstate Medical Licensure Compact is hereby enacted into law
 2473 and entered into by this state with all other jurisdictions
 2474 legally joining therein in the form substantially as follows:

2475

2476

2477

2478

SECTION 7
 COORDINATED INFORMATION SYSTEM

2479 (1) The Interstate Commission shall establish a database of
 2480 all physicians licensed, or who have applied for licensure,
 2481 under Section 5.

2482 (2) Notwithstanding any other provision of law, member
 2483 boards shall report to the Interstate Commission any public
 2484 action or complaints against a licensed physician who has
 2485 applied for or received an expedited license through the
 2486 compact.

2487 (3) Member boards shall report to the Interstate Commission
 2488 disciplinary or investigatory information determined as
 2489 necessary and proper by rule of the Interstate Commission.

2490 (4) Member boards may report to the Interstate Commission
 2491 any nonpublic complaint, disciplinary, or investigatory
 2492 information not required by subsection (3).

2493 (5) Member boards shall share complaint or disciplinary
 2494 information about a physician upon request of another member
 2495 board.

2496 (6) All information provided to the Interstate Commission
 2497 or distributed by member boards shall be confidential, filed
 2498 under seal, and used only for investigatory or disciplinary
 2499 matters.

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2500 (7) The Interstate Commission may develop rules for
 2501 mandated or discretionary sharing of information by member
 2502 boards.

2503 Reviser's note.—Amended to confirm an editorial insertion to
 2504 improve clarity.

2505 Section 51. Paragraph (c) of subsection (2) of section
 2506 459.0075, Florida Statutes, is amended to read:

2507 459.0075 Limited licenses.—

2508 (2) GRADUATE ASSISTANT PHYSICIANS.—A graduate assistant
 2509 physician is a medical school graduate who meets the
 2510 requirements of this subsection and has obtained a limited
 2511 license from the board for the purpose of practicing temporarily
 2512 under the direct supervision of a physician who has a full,
 2513 active, and unencumbered license issued under this chapter,
 2514 pending the graduate's entrance into a residency under the
 2515 National Resident Match Program.

2516 (c) A graduate assistant physician limited licensee may
 2517 apply for a one-time renewal of his or her limited license
 2518 ~~licensed~~ by submitting a board-approved application,
 2519 documentation of actual practice under the required protocol
 2520 during the initial limited licensure period, and documentation
 2521 of applications he or she has submitted for accredited graduate
 2522 medical education training programs. The one-time renewal
 2523 terminates after 1 year. A graduate assistant physician who has
 2524 received a limited license under this subsection is not eligible
 2525 to apply for another limited license, regardless of whether he
 2526 or she received a one-time renewal under this paragraph.

2527 Reviser's note.—Amended to confirm an editorial substitution to
 2528 facilitate correct interpretation.

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2529 Section 52. Subsection (4) of section 465.022, Florida
 2530 Statutes, is amended to read
 2531 465.022 Pharmacies; general requirements; fees.—
 2532 (4) An application for a pharmacy permit must include the
 2533 applicant's written policies and procedures for preventing
 2534 controlled substance dispensing based on fraudulent
 2535 representations or invalid practitioner-patient relationships.
 2536 The board must review the policies and procedures and may deny a
 2537 permit if the policies and procedures are insufficient to
 2538 reasonably prevent such dispensing. ~~The department may phase in~~
 2539 ~~the submission and review of policies and procedures over one~~
 2540 ~~18-month period beginning July 1, 2011.~~
 2541 Reviser's note.—Amended to delete obsolete language.
 2542 Section 53. Subsection (3) of section 466.016, Florida
 2543 Statutes, is amended to read:
 2544 466.016 License to be displayed.—
 2545 (3) Any partnership, corporation, or other business entity
 2546 that advertises dental services shall designate with the board a
 2547 dentist of record and provide each patient with the name,
 2548 contact telephone number, after-hours contact information for
 2549 emergencies, and, upon the patient's request, license
 2550 information of the dentist of record. The designated dentist
 2551 shall have a full, active, and unencumbered license under this
 2552 chapter or a registration pursuant to s. 456.47.
 2553 Reviser's note.—Amended to confirm an editorial insertion to
 2554 improve clarity.
 2555 Section 54. Paragraphs (t)-(v), (aa), and (mm) of
 2556 subsection (1) of section 466.028, Florida Statutes, are amended
 2557 to read:

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2558 466.028 Grounds for disciplinary action; action by the
 2559 board.—
 2560 (1) The following acts constitute grounds for denial of a
 2561 license or disciplinary action, as specified in s. 456.072(2):
 2562 (t) Committing fraud, deceit, or misconduct in the practice
 2563 of dentistry or dental hygiene.
 2564 (u) Failing ~~Failure~~ to provide and maintain reasonable
 2565 sanitary facilities and conditions.
 2566 (v) Failing ~~Failure~~ to provide adequate radiation
 2567 safeguards.
 2568 (aa) Violating ~~The violation of~~ a lawful order of the board
 2569 or department previously entered in a disciplinary hearing; or
 2570 failure to comply with a lawfully issued subpoena of the board
 2571 or department.
 2572 (mm) Failing ~~Failure~~ by the dentist of record, before the
 2573 initial diagnosis and correction of a malposition of human teeth
 2574 or initial use of an orthodontic appliance, to perform an in-
 2575 person examination of the patient or obtain records from an in-
 2576 person examination within the last 12 months and to perform a
 2577 review of the patient's most recent diagnostic digital or
 2578 conventional radiographs or other equivalent bone imaging
 2579 suitable for orthodontia.
 2580 Reviser's note.—Amended to provide grammatical consistency with
 2581 the other paragraphs in this subsection.
 2582 Section 55. Section 466.0281, Florida Statutes, is amended
 2583 to read:
 2584 466.0281 Initial examination for orthodontic appliance.—
 2585 Before the initial diagnosis and correction of a malposition of
 2586 human teeth or initial use of an orthodontic appliance, a

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2587 dentist must perform an in-person examination of the patient or
 2588 obtain records from an in-person examination within the previous
 2589 12 months and ~~to~~ perform a review of the patient's most recent
 2590 diagnostic digital or conventional radiographs or other
 2591 equivalent bone imaging suitable for orthodontia. The term "in-
 2592 person examination" means an examination conducted by a dentist
 2593 while the dentist is physically present in the same room as the
 2594 patient.

2595 Reviser's note.—Amended to confirm an editorial deletion to
 2596 improve clarity.

2597 Section 56. Subsection (1) of section 493.6127, Florida
 2598 Statutes, is amended to read:

2599 493.6127 Appointment of tax collectors to accept
 2600 applications and renewals for licenses; fees; penalties.—

2601 (1) The department may appoint a tax collector, a county
 2602 officer as described in s. 1(d), Art. VIII of the State
 2603 Constitution, to accept new, renewal, and replacement license
 2604 applications on behalf of the department for licenses issued
 2605 under this chapter. Such appointment shall be for specified
 2606 locations that will best serve the public interest and
 2607 convenience of ~~in~~ persons applying for these licenses. The
 2608 department shall establish by rule the type of new, renewal, or
 2609 replacement licenses a tax collector appointed under this
 2610 section is authorized to accept.

2611 Reviser's note.—Amended to confirm an editorial substitution to
 2612 improve clarity.

2613 Section 57. Paragraph (b) of subsection (6) of section
 2614 516.15, Florida Statutes, is amended to read:

2615 516.15 Duties of licensee.—Every licensee shall:

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2616 (6) Offer the borrower at the time a loan is made a credit
 2617 education program or seminar provided, in writing or by
 2618 electronic means, by the licensee or a third-party provider. The
 2619 credit education program or seminar may address, but need not be
 2620 limited to, any of the following topics:

2621 (b) The impact of, value of, and ways to improve a credit
 2622 score.

2623
 2624 A credit education program or seminar offered under this
 2625 subsection must be offered at no cost to the borrower. A
 2626 licensee may not require a borrower to participate in a credit
 2627 education program or seminar as a condition of receiving a loan.
 2628 Reviser's note.—Amended to confirm an editorial insertion to
 2629 improve clarity.

2630 Section 58. Paragraph (f) of subsection (2) of section
 2631 516.38, Florida Statutes, is amended to read:

2632 516.38 Annual reports by licensees.—

2633 (2) The report must include the following information for
 2634 the preceding calendar year:

2635 (f) The total number of loans, separated by principal
 2636 amount, in the following ranges as of December 31 of the
 2637 preceding calendar year:

- 2638 1. Up to and including \$5,000.
- 2639 2. From \$5,001 ~~Five thousand and one dollars~~ to \$10,000.
- 2640 3. From \$10,001 ~~Ten thousand and one dollars~~ to \$15,000.
- 2641 4. From \$15,001 ~~Fifteen thousand and one dollars~~ to
 2642 \$20,000.
- 2643 5. From \$20,001 ~~Twenty thousand and one dollars~~ to \$25,000.

2644 Reviser's note.—Amended to confirm editorial insertions, and

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2645 editorial substitutions of dollar amounts to figures, to
 2646 conform to style elsewhere in the section.
 2647 Section 59. Paragraph (b) of subsection (5) of section
 2648 517.131, Florida Statutes, is amended to read:
 2649 517.131 Securities Guaranty Fund.—
 2650 (5) An eligible person, or a receiver on behalf of the
 2651 eligible person, seeking payment from the Securities Guaranty
 2652 Fund must file with the office a written application on a form
 2653 that the commission may prescribe by rule. The commission may
 2654 adopt by rule procedures for filing documents by electronic
 2655 means, provided that such procedures provide the office with the
 2656 information and data required by this section. The application
 2657 must be filed with the office within 1 year after the date of
 2658 the final judgment, the date on which a restitution order has
 2659 been ripe for execution, or the date of any appellate decision
 2660 thereon, and, at minimum, must contain all of the following
 2661 information:
 2662 (b) The name of the person ordered to pay restitution.
 2663 Reviser's note.—Amended to improve clarity.
 2664 Section 60. Paragraph (b) of subsection (6) of section
 2665 550.0351, Florida Statutes, is amended to read:
 2666 550.0351 Charity days.—
 2667 (6)
 2668 (b) The funds derived from the operation of the additional
 2669 scholarship day shall be allocated as provided in this section
 2670 and paid to Pasco-Hernando State College ~~Pasco-Hernando~~
 2671 ~~Community College~~.
 2672 Reviser's note.—Amended to confirm an editorial substitution to
 2673 conform to the renaming of the college by s. 1, ch. 2014-8,

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2674 Laws of Florida.
 2675 Section 61. Subsection (7) of section 553.8991, Florida
 2676 Statutes, is amended to read:
 2677 553.8991 Resiliency and Safe Structures Act.—
 2678 (7) APPLICATION AND CONSTRUCTION.—This section applies
 2679 retroactively to any law adopted contrary to this section or its
 2680 intent and must be liberally construed to effectuate its intent.
 2681 This section does not apply to or affect s. 553.79(25)
 2682 ~~553.79(26)~~.
 2683 Reviser's note.—Amended to conform to the deletion of former s.
 2684 553.79(16) by s. 3, ch. 2024-191, Laws of Florida.
 2685 Section 62. Section 569.31, Florida Statutes, is reenacted
 2686 to read:
 2687 569.31 Definitions.—As used in this part, the term:
 2688 (1) "Dealer" is synonymous with the term "retail nicotine
 2689 products dealer."
 2690 (2) "Division" means the Division of Alcoholic Beverages
 2691 and Tobacco of the Department of Business and Professional
 2692 Regulation.
 2693 (3) "FDA" means the United States Food and Drug
 2694 Administration.
 2695 (4) "Nicotine dispensing device" means any product that
 2696 employs an electronic, chemical, or mechanical means to produce
 2697 vapor or aerosol from a nicotine product, including, but not
 2698 limited to, an electronic cigarette, electronic cigar,
 2699 electronic cigarillo, electronic pipe, or other similar device
 2700 or product, any replacement cartridge for such device, and any
 2701 other container of nicotine in a solution or other form intended
 2702 to be used with or within an electronic cigarette, electronic

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2703 cigar, electronic cigarillo, electronic pipe, or other similar
 2704 device or product. For purposes of this definition, each
 2705 individual stock keeping unit is considered a separate nicotine
 2706 dispensing device.

2707 (5) "Nicotine product" means any product that contains
 2708 nicotine, including liquid nicotine, which is intended for human
 2709 consumption, whether inhaled, chewed, absorbed, dissolved, or
 2710 ingested by any means. The term also includes any nicotine
 2711 dispensing device. The term does not include a:

2712 (a) Tobacco product, as defined in s. 569.002;
 2713 (b) Product regulated as a drug or device by the United
 2714 States Food and Drug Administration under Chapter V of the
 2715 Federal Food, Drug, and Cosmetic Act; or

2716 (c) Product that contains incidental nicotine.

2717 (6) "Nicotine products manufacturer" means any person or
 2718 entity that manufactures nicotine products.

2719 (7) "Permit" is synonymous with the term "retail nicotine
 2720 products dealer permit."

2721 (8) "Retail nicotine products dealer" means the holder of a
 2722 retail nicotine products dealer permit.

2723 (9) "Retail nicotine products dealer permit" means a permit
 2724 issued by the division under s. 569.32.

2725 (10) "Self-service merchandising" means the open display of
 2726 nicotine products, whether packaged or otherwise, for direct
 2727 retail customer access and handling before purchase without the
 2728 intervention or assistance of the dealer or the dealer's owner,
 2729 employee, or agent. An open display of such products and devices
 2730 includes the use of an open display unit.

2731 (11) "Sell" or "sale" means, in addition to its common

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2732 usage meaning, any sale, transfer, exchange, barter, gift, or
 2733 offer for sale and distribution, in any manner or by any means.

2734 (12) "Any person under the age of 21" does not include any
 2735 person under the age of 21 who:

2736 (a) Is in the military reserve or on active duty in the
 2737 Armed Forces of the United States; or

2738 (b) Is acting in his or her scope of lawful employment.

2739 Reviser's note.—Section 1, ch. 2024-127, Laws of Florida,
 2740 purported to amend s. 569.31, but did not publish
 2741 subsection (9), which was published and redesignated as
 2742 subsection (12) by the editors to conform to the subsection
 2743 redesignations by s. 1, ch. 2024-127. Absent affirmative
 2744 evidence of legislative intent to repeal it, s. 569.31 is
 2745 reenacted to confirm that the omission was not intended.

2746 Section 63. Paragraph (a) of subsection (6) of section
 2747 581.189, Florida Statutes, is amended to read:

2748 581.189 Dealing in, buying, transporting, and processing
 2749 saw palmetto berries.—

2750 (6)(a) A harvester that exchanges or offers to exchange saw
 2751 palmetto berries with a saw palmetto dealer, seller, or
 2752 processor for money or any other valuable consideration without
 2753 first presenting to the saw palmetto berry dealer, seller, or
 2754 processor the person's entire permit, as provided in s. 581.185,
 2755 or the landowner's written permission commits a misdemeanor of
 2756 the first degree, punishable as provided in s. 775.082 or s.
 2757 775.083.

2758 Reviser's note.—Amended to confirm an editorial insertion to
 2759 improve clarity.

2760 Section 64. Paragraph (a) of subsection (6) of section

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2761 605.0115, Florida Statutes, is amended to read:
 2762 605.0115 Resignation of registered agent.—
 2763 (6)(a) If a registered agent is resigning as registered
 2764 agent from more than one limited liability company that each has
 2765 been dissolved, either voluntarily, administratively, or by
 2766 court action, for a continuous period of 10 years or longer, the
 2767 registered agent may elect to file the statement of resignation
 2768 separately for each such limited liability company or may elect
 2769 to file a single composite statement of resignation covering two
 2770 or more limited liability companies. Any such composite
 2771 statement of resignation must set forth, for each such limited
 2772 liability company covered by the statement of resignation, the
 2773 name of the respective limited liability company and the date
 2774 dissolution became effective for the respective limited
 2775 liability company.
 2776 Reviser's note.—Amended to confirm an editorial insertion to
 2777 conform to context.
 2778 Section 65. Subsection (4) of section 607.0149, Florida
 2779 Statutes, is amended to read:
 2780 607.0149 Notice requirements.—
 2781 (4) Notice under this section is not required with respect
 2782 to any action required to be submitted to shareholders for
 2783 approval pursuant to s. 607.0147(3) if notice is given in
 2784 accordance with s. 607.0148(2).
 2785 Reviser's note.—Amended to confirm an editorial insertion to
 2786 improve clarity.
 2787 Section 66. Paragraph (b) of subsection (1) of section
 2788 624.27, Florida Statutes, is amended to read:
 2789 624.27 Direct health care agreements; exemption from code.—

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2790 (1) As used in this section, the term:
 2791 (b) "Health care provider" means a health care provider
 2792 licensed under chapter 458, chapter 459, chapter 460, chapter
 2793 461, chapter 464, ~~or~~ chapter 466, chapter 490, or chapter 491,
 2794 or a health care group practice, who provides health care
 2795 services to patients.
 2796 Reviser's note.—Amended to confirm an editorial deletion to
 2797 conform to context.
 2798 Section 67. Paragraph (c) of subsection (10) of section
 2799 624.307, Florida Statutes, is amended to read:
 2800 624.307 General powers; duties.—
 2801 (10)
 2802 (c) Each insurer issued a certificate of authority or made
 2803 an eligible surplus lines insurer shall file with the department
 2804 an e-mail address to which requests for response to consumer
 2805 complaints shall be directed pursuant to paragraph (b). Such
 2806 insurer shall also designate a contact person for escalated
 2807 complaint issues and shall provide the name, e-mail address, and
 2808 telephone number of such person. A licensee of the department,
 2809 including an agency or a firm, may elect to designate ~~designated~~
 2810 an e-mail address to which requests for response to consumer
 2811 complaints shall be directed pursuant to paragraph (b). If a
 2812 licensee, including an agency or a firm, elects not to designate
 2813 an e-mail address, the department shall direct requests for
 2814 response to consumer complaints to the e-mail address of record
 2815 for the licensee in the department's licensing system. An
 2816 insurer or a licensee, including an agency or a firm, may change
 2817 the designated contact information at any time by submitting the
 2818 new information to the department using the method designated by

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2819 rule by the department.
 2820 Reviser's note.—Amended to confirm an editorial substitution to
 2821 conform to context.
 2822 Section 68. Paragraph (c) of subsection (1) of section
 2823 624.413, Florida Statutes, is amended to read:
 2824 624.413 Application for certificate of authority.—
 2825 (1) To apply for a certificate of authority, an insurer
 2826 shall file its application therefor with the office, upon a form
 2827 adopted by the commission and furnished by the office, showing
 2828 its name; location of its home office and, if an alien insurer,
 2829 its principal office in the United States; kinds of insurance to
 2830 be transacted; state or country of domicile; and such additional
 2831 information as the commission reasonably requires, together with
 2832 the following documents:
 2833 (c) If a foreign or alien reciprocal insurer, a copy of the
 2834 power of attorney of its attorney in fact and of its
 2835 subscribers' agreement, if any, certified by the attorney in
 2836 fact; and, if a domestic reciprocal insurer, the permit
 2837 application declaration provided for in s. 629.081.
 2838 Reviser's note.—Amended to conform to s. 15, ch. 2024-182, Laws
 2839 of Florida, which replaced references to a declaration in
 2840 s. 629.081 with language related to a permit application.
 2841 Section 69. Paragraph (c) of subsection (1) of section
 2842 624.4213, Florida Statutes, is amended to read:
 2843 624.4213 Trade secret documents.—
 2844 (1) If any person who is required to submit documents or
 2845 other information to the office or department pursuant to the
 2846 insurance code or by rule or order of the office, department, or
 2847 commission claims that such submission contains a trade secret,

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2848 such person may file with the office or department a notice of
 2849 trade secret as provided in this section. Failure to do so
 2850 constitutes a waiver of any claim by such person that the
 2851 document or information is a trade secret.
 2852 (c) In submitting a notice of trade secret to the office or
 2853 department, the submitting party must include an affidavit
 2854 certifying under oath to the truth of the following statements
 2855 concerning all documents or information that are claimed to be
 2856 trade secrets:
 2857 1. ...(I consider/My company considers)... ~~{I consider/My~~
 2858 ~~company considers}~~ this information a trade secret that has
 2859 value and provides an advantage or an opportunity to obtain an
 2860 advantage over those who do not know or use it.
 2861 2. ...(I have/My company has)... ~~{I have/My company has}~~
 2862 taken measures to prevent the disclosure of the information to
 2863 anyone other than those who have been selected to have access
 2864 for limited purposes, and ...(I intend/my company intends)... ~~{I~~
 2865 ~~intend/my company intends}~~ to continue to take such measures.
 2866 3. The information is not, and has not been, reasonably
 2867 obtainable without ...(my/our)... ~~{my/our}~~ consent by other
 2868 persons by use of legitimate means.
 2869 4. The information is not publicly available elsewhere.
 2870 Reviser's note.—Amended to conform to general style in forms.
 2871 Section 70. Paragraph (d) of subsection (8) of section
 2872 624.424, Florida Statutes, is amended to read:
 2873 624.424 Annual statement and other information.—
 2874 (8)
 2875 (d) Upon creation of the continuing education required
 2876 under this paragraph, the certified public accountant who ~~that~~

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2877 prepares the audit must be licensed to practice pursuant to
 2878 chapter 473 and must have completed at least 4 hours of
 2879 insurance-related continuing education during each 2-year
 2880 continuing education cycle. An insurer may not use the same
 2881 accountant or partner of an accounting firm responsible for
 2882 preparing the report required by this subsection for more than 5
 2883 consecutive years. Following this period, the insurer may not
 2884 use such accountant or partner for a period of 5 years, but may
 2885 use another accountant or partner of the same firm. An insurer
 2886 may request the office to waive this prohibition based upon an
 2887 unusual hardship to the insurer and a determination that the
 2888 accountant is exercising independent judgment that is not unduly
 2889 influenced by the insurer considering such factors as the number
 2890 of partners, expertise of the partners or the number of
 2891 insurance clients of the accounting firm; the premium volume of
 2892 the insurer; and the number of jurisdictions in which the
 2893 insurer transacts business.

2894 Reviser's note.—Amended to confirm an editorial substitution to
 2895 conform to context.

2896 Section 71. Paragraph (b) of subsection (1) of section
 2897 624.470, Florida Statutes, is amended to read:

2898 624.470 Annual reports.—

2899 (1)

2900 (b) For financial statements filed on or after January 1,
 2901 1998, future investment income may only be reported as an
 2902 admitted asset by an Assessable Mutual or Self-Insurance Fund
 2903 which reported future investment income in financial statements
 2904 filed with the former Department of Insurance prior to January
 2905 1, 1998.

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2906 Reviser's note.—Amended to conform to the fact that the duties
 2907 of the Department of Insurance were transferred to the
 2908 Department of Financial Services or the Financial Services
 2909 Commission by ch. 2002-404, Laws of Florida, effective
 2910 January 7, 2003. Section 3, ch. 2003-1, Laws of Florida,
 2911 and s. 1978, ch. 2003-261, Laws of Florida, repealed s.
 2912 20.13, which created the Department of Insurance.

2913 Section 72. Subsection (3) of section 626.878, Florida
 2914 Statutes, is amended to read:

2915 626.878 Rules; code of ethics.—

2916 (3) An adjuster who has had his or her license ~~licensed~~
 2917 revoked or suspended may not participate in any part of an
 2918 insurance claim or in the insurance claims adjusting process,
 2919 including estimating, completing, filing, negotiating,
 2920 appraising, mediating, umpiring, or effecting settlement of a
 2921 claim for loss or damage covered under an insurance contract. A
 2922 person who provides these services while the person's license is
 2923 revoked or suspended acts as an unlicensed adjuster.

2924 Reviser's note.—Amended to confirm an editorial substitution to
 2925 conform to context.

2926 Section 73. Paragraph (d) of subsection (6) of section
 2927 627.410, Florida Statutes, is amended to read:

2928 627.410 Filing, approval of forms.—

2929 (6)

2930 (d) Every filing made pursuant to this subsection, except
 2931 disability income policies and accidental death policies, is
 2932 prohibited from applying the following rating practices:

2933 1. Select and ultimate premium schedules.

2934 2. Premium class definitions that classify insureds ~~insured~~

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based on year of issue or duration since issue.

3. Attained age premium structures on policy forms under which more than 50 percent of the policies are issued to persons age 65 or over.

Reviser's note.—Amended to conform to context.

Section 74. Subsection (1) of section 629.121, Florida Statutes, is amended to read:

629.121 Attorney's bond.—

(1) Concurrently with the filing of the permit application ~~declaration~~ provided for in s. 629.081, the attorney of a domestic reciprocal insurer shall file with the office a bond in favor of this state for the benefit of all persons damaged as a result of breach by the attorney of the conditions of his or her bond as set forth in subsection (2). The bond shall be executed by the attorney and by an authorized corporate surety and shall be subject to the approval of the office.

Reviser's note.—Amended to conform to s. 15, ch. 2024-182, Laws of Florida, which replaced references to a declaration in s. 629.081 with language related to a permit application.

Section 75. Subsection (9) of section 648.25, Florida Statutes, is amended to read:

648.25 Definitions.—As used in this chapter, the term:

(9) "Referring bail bond agent" means ~~is~~ the limited surety agent who is requesting the transfer bond. The referring bail bond agent is the agent held liable for the transfer bond, along with the issuing surety company.

Reviser's note.—Amended to confirm an editorial substitution to conform to the style used in the section.

Section 76. Paragraph (c) of subsection (1) of section

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655.0591, Florida Statutes, is amended to read:

655.0591 Trade secret documents.—

(1) If any person who is required to submit documents or other information to the office pursuant to the financial institutions codes, or by rule or order of the office or commission, claims that such submission contains a trade secret, such person may file with the office a notice of trade secret when the information is submitted to the office as provided in this section. Failure to file such notice constitutes a waiver of any claim by such person that the document or information is a trade secret. The notice must provide the contact information of the person claiming ownership of the trade secret. The person claiming the trade secret is responsible for updating the contact information with the office.

(c) In submitting a notice of trade secret to the office or the Department of Financial Services, the submitting party shall include an affidavit certifying under oath to the truth of the following statements concerning all documents or information that are claimed to be trade secrets:

1. ...(I consider/my company considers)... ~~{...I consider/my company considers...}~~ this information a trade secret that has value and provides an advantage or an opportunity to obtain an advantage over those who do not know or use it.

2. ...(I have/my company has)... ~~{...I have/my company has...}~~ taken measures to prevent the disclosure of the information to anyone other than those who have been selected to have access for limited purposes, and ...(I intend/my company intends)... ~~{...I intend/my company intends...}~~ to continue to

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2993 take such measures.

2994 3. The information is not, and has not been, reasonably
2995 obtainable without ...(my/our)... ~~{...my/our...}~~ consent by
2996 other persons by use of legitimate means.

2997 4. The information is not publicly available elsewhere.
2998 Reviser's note.—Amended to conform to general style in forms.

2999 Section 77. Subsection (1) of section 683.06, Florida
3000 Statutes, is amended to read:

3001 683.06 Pascua Florida Day.—

3002 (1) April 2 of each year is hereby designated as "Florida
3003 State Day." The day is to be known as "Pascua Florida Day."
3004 Reviser's note.—Amended to confirm an editorial insertion to
3005 improve sentence structure.

3006 Section 78. Subsection (4) of section 709.2209, Florida
3007 Statutes, is amended to read:

3008 709.2209 Supported decisionmaking agreements.—

3009 (4) A communication made by the principal with the
3010 assistance of or through an agent under a supported
3011 decisionmaking agreement that is within the authority granted to
3012 the agent may be recognized ~~for~~ as a communication of the
3013 principal.

3014 Reviser's note.—Amended to confirm an editorial deletion to
3015 improve clarity.

3016 Section 79. Subsection (1) of section 715.105, Florida
3017 Statutes, is amended to read:

3018 715.105 Form of notice concerning abandoned property to
3019 former tenant.—

3020 (1) A notice to the former tenant which is in substantially
3021 the following form satisfies the requirements of s. 715.104:

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3022

3023 Notice of Right to Reclaim Abandoned Property

3024 To: ...(Name of former tenant)...

3025 ...(Address of former tenant)...

3026 When you vacated the premises at ...(address of premises,
3027 including room or apartment number, if any)..., the following
3028 personal property remained: ...(insert description of personal
3029 property)....

3030 You may claim this property at ...(address where property
3031 may be claimed)....

3032 Unless you pay the reasonable costs of storage and
3033 advertising, if any, for all the above-described property and
3034 take possession of the property which you claim, not later than
3035 ...(insert date not fewer than 10 days after notice is
3036 personally delivered or, if mailed, not fewer than 15 days after
3037 notice is deposited in the mail)..., this property may be
3038 disposed of pursuant to s. 715.109, Florida Statutes.

3039 ...(Insert here the statement required by subsection
3040 (2))...

3041 Dated:.... ...(Signature of landlord)...

3042 ...(Type or print name of landlord)...

3043 ...(Telephone number)...

3044 ...(Address)...

3045 Reviser's note.—Amended to conform to general style in forms.

3046 Section 80. Subsections (4) and (11) of section 717.101,
3047 Florida Statutes, are amended to read:

3048 717.101 Definitions.—As used in this chapter, unless the
3049 context otherwise requires:

3050 (4) "Audit agent" means a person with whom the department

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3051 enters into a contract ~~with~~ to conduct an audit or examination.
 3052 The term includes an independent contractor of the person and
 3053 each individual participating in the audit on behalf of the
 3054 person or contractor.

3055 (11) "Domicile" means the state of incorporation for a
 3056 corporation; the state of filing for a business association,
 3057 other than a corporation, whose formation or organization
 3058 requires a filing with a state; the state of organization for a
 3059 business association, other than a corporation, whose formation
 3060 or organization does not require a filing with a state; or the
 3061 state of home office for a federally chartered entity.

3062 Reviser's note.—Subsection (4) is amended to confirm an
 3063 editorial deletion to improve sentence structure.

3064 Subsection (11) is amended to confirm an editorial
 3065 insertion to improve clarity.

3066 Section 81. Paragraph (a) of subsection (1) of section
 3067 717.1201, Florida Statutes, is amended to read:

3068 717.1201 Custody by state; holder liability; reimbursement
 3069 of holder paying claim; reclaiming for owner; payment of safe-
 3070 deposit box or repository charges.—

3071 (1) Upon the good faith payment or delivery of unclaimed
 3072 property to the department, the state assumes custody and
 3073 responsibility for the safekeeping of the property. Any person
 3074 who pays or delivers unclaimed property to the department in
 3075 good faith is relieved of all liability to the extent of the
 3076 value of the property paid or delivered for any claim then
 3077 existing or which thereafter may arise or be made in respect to
 3078 the property.

3079 (a) A holder's substantial compliance with s. 717.117(6)

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3080 and good faith payment or delivery of unclaimed property to the
 3081 department releases the holder from liability that may arise
 3082 from such payment or delivery, and such delivery and payment may
 3083 be pleaded ~~plead~~ as a defense in any suit or action brought by
 3084 reason of such delivery or payment. This section does not
 3085 relieve a fiduciary of his or her duties under the Florida Trust
 3086 Code or Florida Probate Code.

3087 Reviser's note.—Amended to confirm an editorial substitution to
 3088 conform to context.

3089 Section 82. Paragraphs (c) and (f) of subsection (12) of
 3090 section 718.111, Florida Statutes, are amended to read:

3091 718.111 The association.—

3092 (12) OFFICIAL RECORDS.—

3093 (c)1.a. The official records of the association are open to
 3094 inspection by any association member and any person authorized
 3095 by an association member as a representative of such member at
 3096 all reasonable times. The right to inspect the records includes
 3097 the right to make or obtain copies, at the reasonable expense,
 3098 if any, of the member and of the person authorized by the
 3099 association member as a representative of such member. A renter
 3100 of a unit has a right to inspect and copy only the declaration
 3101 of condominium, the association's bylaws and rules, and the
 3102 inspection reports described in ss. 553.899 and 718.301(4)(p).
 3103 The association may adopt reasonable rules regarding the
 3104 frequency, time, location, notice, and manner of record
 3105 inspections and copying but may not require a member to
 3106 demonstrate any purpose or state any reason for the inspection.
 3107 The failure of an association to provide the records within 10
 3108 working days after receipt of a written request creates a

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3109 rebuttable presumption that the association willfully failed to
 3110 comply with this paragraph. A unit owner who is denied access to
 3111 official records is entitled to the actual damages or minimum
 3112 damages for the association's willful failure to comply. Minimum
 3113 damages are \$50 per calendar day for up to 10 days, beginning on
 3114 the 11th working day after receipt of the written request. The
 3115 failure to permit inspection entitles any person prevailing in
 3116 an enforcement action to recover reasonable attorney fees from
 3117 the person in control of the records who, directly or
 3118 indirectly, knowingly denied access to the records. If the
 3119 requested records are posted on an association's website, or are
 3120 available for download through an application on a mobile
 3121 device, the association may fulfill its obligations under this
 3122 paragraph by directing to the website or the application all
 3123 persons authorized to request access.

3124 b. In response to a written request to inspect records, the
 3125 association must simultaneously provide to the requestor a
 3126 checklist of all records made available for inspection and
 3127 copying. The checklist must also identify any of the
 3128 association's official records that were not made available to
 3129 the requestor. An association must maintain a checklist provided
 3130 under this sub-subparagraph for 7 years. An association
 3131 delivering a checklist pursuant to this sub-subparagraph creates
 3132 a rebuttable presumption that the association has complied with
 3133 this paragraph.

3134 2. A director or member of the board or association or a
 3135 community association manager who knowingly, willfully, and
 3136 repeatedly violates subparagraph 1. commits a misdemeanor of the
 3137 second degree, punishable as provided in s. 775.082 or s.

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3138 775.083, and must be removed from office and a vacancy declared.
 3139 For purposes of this subparagraph, the term "repeatedly" means
 3140 two or more violations within a 12-month period.

3141 3. Any person who knowingly or intentionally defaces or
 3142 destroys accounting records that are required by this chapter to
 3143 be maintained during the period for which such records are
 3144 required to be maintained, or who knowingly or intentionally
 3145 fails to create or maintain accounting records that are required
 3146 to be created or maintained, with the intent of causing harm to
 3147 the association or one or more of its members, commits a
 3148 misdemeanor of the first degree, punishable as provided in s.
 3149 775.082 or s. 775.083; is personally subject to a civil penalty
 3150 pursuant to s. 718.501(1)(e) ~~718.501(1)(d)~~; and must be removed
 3151 from office and a vacancy declared.

3152 4. A person who willfully and knowingly refuses to release
 3153 or otherwise produce association records with the intent to
 3154 avoid or escape detection, arrest, trial, or punishment for the
 3155 commission of a crime, or to assist another person with such
 3156 avoidance or escape, commits a felony of the third degree,
 3157 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 3158 and must be removed from office and a vacancy declared.

3159 5. The association shall maintain an adequate number of
 3160 copies of the declaration, articles of incorporation, bylaws,
 3161 and rules, and all amendments to each of the foregoing, as well
 3162 as the question and answer sheet as described in s. 718.504 and
 3163 year-end financial information required under this section, on
 3164 the condominium property to ensure their availability to unit
 3165 owners and prospective purchasers, and may charge its actual
 3166 costs for preparing and furnishing these documents to those

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3167 requesting the documents. An association shall allow a member or
 3168 his or her authorized representative to use a portable device,
 3169 including a smartphone, tablet, portable scanner, or any other
 3170 technology capable of scanning or taking photographs, to make an
 3171 electronic copy of the official records in lieu of the
 3172 association's providing the member or his or her authorized
 3173 representative with a copy of such records. The association may
 3174 not charge a member or his or her authorized representative for
 3175 the use of a portable device. Notwithstanding this paragraph,
 3176 the following records are not accessible to unit owners:

3177 a. Any record protected by the lawyer-client privilege as
 3178 described in s. 90.502 and any record protected by the work-
 3179 product privilege, including a record prepared by an association
 3180 attorney or prepared at the attorney's express direction, which
 3181 reflects a mental impression, conclusion, litigation strategy,
 3182 or legal theory of the attorney or the association, and which
 3183 was prepared exclusively for civil or criminal litigation or for
 3184 adversarial administrative proceedings, or which was prepared in
 3185 anticipation of such litigation or proceedings until the
 3186 conclusion of the litigation or proceedings.

3187 b. Information obtained by an association in connection
 3188 with the approval of the lease, sale, or other transfer of a
 3189 unit.

3190 c. Personnel records of association or management company
 3191 employees, including, but not limited to, disciplinary, payroll,
 3192 health, and insurance records. For purposes of this sub-
 3193 subparagraph, the term "personnel records" does not include
 3194 written employment agreements with an association employee or
 3195 management company, or budgetary or financial records that

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3196 indicate the compensation paid to an association employee.

3197 d. Medical records of unit owners.

3198 e. Social security numbers, driver license numbers, credit
 3199 card numbers, e-mail addresses, telephone numbers, facsimile
 3200 numbers, emergency contact information, addresses of a unit
 3201 owner other than as provided to fulfill the association's notice
 3202 requirements, and other personal identifying information of any
 3203 person, excluding the person's name, unit designation, mailing
 3204 address, property address, and any address, e-mail address, or
 3205 facsimile number provided to the association to fulfill the
 3206 association's notice requirements. Notwithstanding the
 3207 restrictions in this sub-subparagraph, an association may print
 3208 and distribute to unit owners a directory containing the name,
 3209 unit address, and all telephone numbers of each unit owner.
 3210 However, an owner may exclude his or her telephone numbers from
 3211 the directory by so requesting in writing to the association. An
 3212 owner may consent in writing to the disclosure of other contact
 3213 information described in this sub-subparagraph. The association
 3214 is not liable for the inadvertent disclosure of information that
 3215 is protected under this sub-subparagraph if the information is
 3216 included in an official record of the association and is
 3217 voluntarily provided by an owner and not requested by the
 3218 association.

3219 f. Electronic security measures that are used by the
 3220 association to safeguard data, including passwords.

3221 g. The software and operating system used by the
 3222 association which allow the manipulation of data, even if the
 3223 owner owns a copy of the same software used by the association.
 3224 The data is part of the official records of the association.

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3225 h. All affirmative acknowledgments made pursuant to s.
 3226 718.121(4)(c).
 3227 (f) An outgoing board or committee member must relinquish
 3228 all official records and property of the association in his or
 3229 her possession or under his or her control to the incoming board
 3230 within 5 days after the election. The division shall impose a
 3231 civil penalty as set forth in s. 718.501(1)(e)6. ~~718.501(1)(d)6.~~
 3232 against an outgoing board or committee member who willfully and
 3233 knowingly fails to relinquish such records and property.
 3234 Reviser's note.—Amended to correct cross-references to conform
 3235 to the redesignation of s. 718.501(1)(d) as s.
 3236 718.501(1)(e) by s. 21, ch. 2024-244, Laws of Florida.
 3237 Section 83. Paragraph (c) of subsection (4) of section
 3238 719.108, Florida Statutes, is amended to read:
 3239 719.108 Rents and assessments; liability; lien and
 3240 priority; interest; collection; cooperative ownership.—
 3241 (4) The association has a lien on each cooperative parcel
 3242 for any unpaid rents and assessments, plus interest, and any
 3243 administrative late fees. If authorized by the cooperative
 3244 documents, the lien also secures reasonable attorney fees
 3245 incurred by the association incident to the collection of the
 3246 rents and assessments or enforcement of such lien. The lien is
 3247 effective from and after recording a claim of lien in the public
 3248 records in the county in which the cooperative parcel is located
 3249 which states the description of the cooperative parcel, the name
 3250 of the unit owner, the amount due, and the due dates. Except as
 3251 otherwise provided in this chapter, a lien may not be filed by
 3252 the association against a cooperative parcel until 45 days after
 3253 the date on which a notice of intent to file a lien has been

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3254 delivered to the owner.
 3255 (c) By recording a notice in substantially the following
 3256 form, a unit owner or the unit owner's agent or attorney may
 3257 require the association to enforce a recorded claim of lien
 3258 against his or her cooperative parcel:
 3259
 3260 NOTICE OF CONTEST OF LIEN
 3261
 3262 TO: ...(Name and address of association)...+
 3263
 3264 You are notified that the undersigned contests the
 3265 claim of lien filed by you on, ...(year)...., and
 3266 recorded in Official Records Book at Page,
 3267 of the public records of County, Florida, and
 3268 that the time within which you may file suit to
 3269 enforce your lien is limited to 90 days from the date
 3270 of service of this notice. Executed this day of
 3271, ...(year)....
 3272 Signed: ...(Owner or Attorney)...
 3273
 3274 After notice of contest of lien has been recorded, the clerk of
 3275 the circuit court shall mail a copy of the recorded notice to
 3276 the association by certified mail, return receipt requested, at
 3277 the address shown in the claim of lien or most recent amendment
 3278 to it and shall certify to the service on the face of the
 3279 notice. Service is complete upon mailing. After service, the
 3280 association has 90 days in which to file an action to enforce
 3281 the lien. If the action is not filed within the 90-day period,
 3282 the lien is void. However, the 90-day period shall be extended

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3283 for any length of time during which the association is prevented
 3284 from filing its action because of an automatic stay resulting
 3285 from the filing of a bankruptcy petition by the unit owner or by
 3286 any other person claiming an interest in the parcel.

3287 Reviser's note.—Amended to remove extraneous punctuation.

3288 Section 84. Subsection (1) of section 720.303, Florida
 3289 Statutes, is amended to read:

3290 720.303 Association powers and duties; meetings of board;
 3291 official records; budgets; financial reporting; association
 3292 funds; recalls.—

3293 (1) POWERS AND DUTIES.—An association that operates a
 3294 community as defined in s. 720.301 must be operated by an
 3295 association that is a Florida corporation. After October 1,
 3296 1995, the association must be incorporated and the initial
 3297 governing documents must be recorded in the official records of
 3298 the county in which the community is located. An association may
 3299 operate more than one community. The officers and directors of
 3300 an association are subject to s. 617.0830 and have a fiduciary
 3301 relationship to the members who are served by the association.
 3302 The powers and duties of an association include those set forth
 3303 in this chapter and, except as expressly limited or restricted
 3304 in this chapter, those set forth in the governing documents.
 3305 After control of the association is obtained by members other
 3306 than the developer, the association may institute, maintain,
 3307 settle, or appeal actions or hearings in its name on behalf of
 3308 all members concerning matters of common interest to the
 3309 members, including, but not limited to, the common areas; roof
 3310 or structural components of a building, or other improvements
 3311 for which the association is responsible; mechanical,

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3312 electrical, or plumbing elements serving an improvement or
 3313 building for which the association is responsible;
 3314 representations of the developer pertaining to any existing or
 3315 proposed commonly used facility; and protest of ~~protesting~~ ad
 3316 valorem taxes on commonly used facilities. The association may
 3317 defend actions in eminent domain or bring inverse condemnation
 3318 actions. Before commencing litigation against any party in the
 3319 name of the association involving amounts in controversy in
 3320 excess of \$100,000, the association must obtain the affirmative
 3321 approval of a majority of the voting interests at a meeting of
 3322 the membership at which a quorum has been attained. This
 3323 subsection does not limit any statutory or common-law right of
 3324 any individual member or class of members to bring any action
 3325 without participation by the association. A member does not have
 3326 authority to act for the association by virtue of being a
 3327 member. An association may have more than one class of members
 3328 and may issue membership certificates. An association of 15 or
 3329 fewer parcel owners may enforce only the requirements of those
 3330 deed restrictions established prior to the purchase of each
 3331 parcel upon an affected parcel owner or owners.

3332 Reviser's note.—Amended to improve clarity.

3333 Section 85. Paragraph (a) of subsection (1) of section
 3334 720.3033, Florida Statutes, is amended to read:

3335 720.3033 Officers and directors.—

3336 (1)(a) Within 90 days after being elected or appointed to
 3337 the board, each director must submit a certificate of having
 3338 satisfactorily completed the educational curriculum administered
 3339 by a department-approved education provider.

3340 1. The newly elected or appointed director must complete

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3341 the department-approved education for newly elected or appointed
3342 directors within 90 days after being elected or appointed.

3343 2. The certificate of completion is valid for ~~a~~ up to 4
3344 years.

3345 3. A director must complete the education specific to newly
3346 elected or appointed directors at least every 4 years.

3347 4. The department-approved educational curriculum specific
3348 to newly elected or appointed directors must include training
3349 relating to financial literacy and transparency, recordkeeping,
3350 levying of fines, and notice and meeting requirements.

3351 5. In addition to the educational curriculum specific to
3352 newly elected or appointed directors:

3353 a. A director of an association that has fewer than 2,500
3354 parcels must complete at least 4 hours of continuing education
3355 annually.

3356 b. A director of an association that has 2,500 parcels or
3357 more must complete at least 8 hours of continuing education
3358 annually.

3359 Reviser's note.—Amended to confirm an editorial deletion to
3360 improve clarity.

3361 Section 86. Paragraph (d) of subsection (3) of section
3362 720.3075, Florida Statutes, is amended to read:

3363 720.3075 Prohibited clauses in association documents.—

3364 (3) Homeowners' association documents, including
3365 declarations of covenants, articles of incorporation, or bylaws,
3366 may not preclude:

3367 (d) A property owner or a tenant, a guest, or an invitee of
3368 the property owner from parking his or her personal vehicle,
3369 including a pickup truck, in the property owner's driveway, or

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3370 in any other area in ~~at~~ which the property owner or the property
3371 owner's tenant, guest, or invitee has a right to park as
3372 governed by state, county, and municipal regulations. The
3373 homeowners' association documents, including declarations of
3374 covenants, articles of incorporation, or bylaws, may not
3375 prohibit, regardless of any official insignia or visible
3376 designation, a property owner or a tenant, a guest, or an
3377 invitee of the property owner from parking his or her work
3378 vehicle, which is not a commercial motor vehicle as defined in
3379 s. 320.01(25), in the property owner's driveway.

3380 Reviser's note.—Amended to confirm an editorial substitution to
3381 conform to context.

3382 Section 87. Subsection (3) of section 738.505, Florida
3383 Statutes, is amended to read:

3384 738.505 Reimbursement of principal from income.—

3385 (3) If an asset whose ownership gives rise to a principal
3386 disbursement becomes subject to a successive interest after an
3387 income interest ends, the fiduciary may ~~to~~ make transfers under
3388 subsection (1).

3389 Reviser's note.—Amended to confirm an editorial deletion to
3390 improve clarity.

3391 Section 88. Paragraph (a) of subsection (1) of section
3392 812.141, Florida Statutes, is amended to read:

3393 812.141 Offenses involving critical infrastructure;
3394 improper tampering; civil remedies; trespass on critical
3395 infrastructure; computer offenses involving critical
3396 infrastructure.—

3397 (1) For purposes of this section, the term:

3398 (a) "Critical infrastructure" means:

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- 3399 1. Any linear asset; or
 3400 2. Any of the following for which the owner or operator
 3401 thereof has employed measures designed to exclude unauthorized
 3402 persons, including, but not limited to, fences, barriers, guard
 3403 posts, or signs prohibiting trespass:
 3404 a. An electric power generation, transmission, or
 3405 distribution facility, or a substation, a switching station, or
 3406 an electrical control center.
 3407 b. A chemical or rubber manufacturing or storage facility.
 3408 c. A mining facility.
 3409 d. A natural gas or compressed gas compressor station or
 3410 storage facility.
 3411 e. A gas processing plant, including a plant used in the
 3412 processing, treatment, or fractionation of natural gas.
 3413 f. A liquid natural gas or propane gas terminal or storage
 3414 facility with a capacity of 4,000 gallons or more.
 3415 g. A wireless or wired communications facility, including
 3416 the tower, antennas ~~antennae~~, support structures, and all
 3417 associated ground-based equipment.
 3418 h. A water intake structure, water treatment facility,
 3419 wastewater treatment plant, pump station, or lift station.
 3420 i. A seaport listed in s. 311.09.
 3421 j. A railroad switching yard, trucking terminal, or other
 3422 freight transportation facility.
 3423 k. An airport as defined in s. 330.27.
 3424 l. A spaceport territory as defined in s. 331.303.
 3425 m. A transmission facility used by a federally licensed
 3426 radio or television station.
 3427 n. A military base or military facility conducting research

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- 3428 and development of military weapons systems, subsystems,
 3429 components, or parts.
 3430 o. A civilian defense industrial base conducting research
 3431 and development of military weapons systems, subsystems,
 3432 components, or parts.
 3433 p. A dam as defined in s. 373.403(1), or other water
 3434 control structures such as locks, floodgates, or dikes that are
 3435 designed to maintain or control the level of navigable
 3436 waterways.
 3437 Reviser's note.—Amended to conform to the general usage of
 3438 "antennas" when referencing transducers and "antennae" when
 3439 referencing insect parts.
 3440 Section 89. Paragraph (b) of subsection (1) of section
 3441 828.30, Florida Statutes, is amended to read:
 3442 828.30 Rabies vaccination of dogs, cats, and ferrets.—
 3443 (1)
 3444 (b) Acting under the indirect supervision of a
 3445 veterinarian, an employee, an agent, or a contractor of a county
 3446 or municipal animal control authority or sheriff may vaccinate
 3447 against rabies dogs, cats, and ferrets that are in the custody
 3448 of an animal control authority or a sheriff and which ~~that~~ will
 3449 be transferred, rescued, fostered, adopted, or reclaimed by the
 3450 owner. The supervising veterinarian assumes responsibility for
 3451 any person vaccinating animals at his or her direction or under
 3452 his or her direct or indirect supervision. As used in this
 3453 paragraph, the term "indirect supervision" means that the
 3454 supervising veterinarian is required to be available for
 3455 consultation through telecommunications but is not required to
 3456 be physically present during such consultation.

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3457 Reviser's note.—Amended to confirm an editorial insertion and an
 3458 editorial substitution to improve clarity.

3459 Section 90. Subsection (8) of section 895.02, Florida
 3460 Statutes, as amended by section 12 of chapter 2025-1, Laws of
 3461 Florida, is reenacted to read:

3462 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

3463 (8) "Racketeering activity" means to commit, to attempt to
 3464 commit, to conspire to commit, or to solicit, coerce, or
 3465 intimidate another person to commit:

3466 (a) Any crime that is chargeable by petition, indictment,
 3467 or information under the following provisions of the Florida
 3468 Statutes:

3469 1. Section 104.155(2), relating to aiding or soliciting a
 3470 noncitizen in voting.

3471 2. Section 210.18, relating to evasion of payment of
 3472 cigarette taxes.

3473 3. Section 316.1935, relating to fleeing or attempting to
 3474 elude a law enforcement officer and aggravated fleeing or
 3475 eluding.

3476 4. Chapter 379, relating to the illegal sale, purchase,
 3477 collection, harvest, capture, or possession of wild animal life,
 3478 freshwater aquatic life, or marine life, and related crimes.

3479 5. Section 403.727(3)(b), relating to environmental
 3480 control.

3481 6. Section 409.920 or s. 409.9201, relating to Medicaid
 3482 fraud.

3483 7. Section 414.39, relating to public assistance fraud.

3484 8. Section 440.105 or s. 440.106, relating to workers'
 3485 compensation.

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3486 9. Section 443.071(4), relating to creation of a fictitious
 3487 employer scheme to commit reemployment assistance fraud.

3488 10. Section 465.0161, relating to distribution of medicinal
 3489 drugs without a permit as an Internet pharmacy.

3490 11. Section 499.0051, relating to crimes involving
 3491 contraband, adulterated, or misbranded drugs.

3492 12. Part IV of chapter 501, relating to telemarketing.

3493 13. Chapter 517, relating to sale of securities and
 3494 investor protection.

3495 14. Section 550.235 or s. 550.3551, relating to dogracing
 3496 and horseracing.

3497 15. Chapter 550, relating to jai alai frontons.

3498 16. Section 551.109, relating to slot machine gaming.

3499 17. Chapter 552, relating to the manufacture, distribution,
 3500 and use of explosives.

3501 18. Chapter 560, relating to money transmitters, if the
 3502 violation is punishable as a felony.

3503 19. Chapter 562, relating to beverage law enforcement.

3504 20. Section 624.401, relating to transacting insurance
 3505 without a certificate of authority, s. 624.437(4)(c)1., relating
 3506 to operating an unauthorized multiple-employer welfare
 3507 arrangement, or s. 626.902(1)(b), relating to representing or
 3508 aiding an unauthorized insurer.

3509 21. Section 655.50, relating to reports of currency
 3510 transactions, when such violation is punishable as a felony.

3511 22. Chapter 687, relating to interest and usurious
 3512 practices.

3513 23. Section 721.08, s. 721.09, or s. 721.13, relating to
 3514 real estate timeshare plans.

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- 3515 24. Section 775.13(5)(b), relating to registration of
 3516 persons found to have committed any offense for the purpose of
 3517 benefiting, promoting, or furthering the interests of a criminal
 3518 gang.
- 3519 25. Section 777.03, relating to commission of crimes by
 3520 accessories after the fact.
- 3521 26. Chapter 782, relating to homicide.
- 3522 27. Chapter 784, relating to assault and battery.
- 3523 28. Chapter 787, relating to kidnapping, human smuggling,
 3524 or human trafficking.
- 3525 29. Chapter 790, relating to weapons and firearms.
- 3526 30. Chapter 794, relating to sexual battery, but only if
 3527 such crime was committed with the intent to benefit, promote, or
 3528 further the interests of a criminal gang, or for the purpose of
 3529 increasing a criminal gang member's own standing or position
 3530 within a criminal gang.
- 3531 31. Former s. 796.03, former s. 796.035, s. 796.04, s.
 3532 796.05, or s. 796.07, relating to prostitution.
- 3533 32. Chapter 806, relating to arson and criminal mischief.
- 3534 33. Chapter 810, relating to burglary and trespass.
- 3535 34. Chapter 812, relating to theft, robbery, and related
 3536 crimes.
- 3537 35. Chapter 815, relating to computer-related crimes.
- 3538 36. Chapter 817, relating to fraudulent practices, false
 3539 pretenses, fraud generally, credit card crimes, and patient
 3540 brokering.
- 3541 37. Chapter 825, relating to abuse, neglect, or
 3542 exploitation of an elderly person or disabled adult.
- 3543 38. Section 827.071, relating to commercial sexual

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- 3544 exploitation of children.
- 3545 39. Section 828.122, relating to fighting or baiting
 3546 animals.
- 3547 40. Chapter 831, relating to forgery and counterfeiting.
- 3548 41. Chapter 832, relating to issuance of worthless checks
 3549 and drafts.
- 3550 42. Section 836.05, relating to extortion.
- 3551 43. Chapter 837, relating to perjury.
- 3552 44. Chapter 838, relating to bribery and misuse of public
 3553 office.
- 3554 45. Chapter 843, relating to obstruction of justice.
- 3555 46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 3556 s. 847.07, relating to obscene literature and profanity.
- 3557 47. Chapter 849, relating to gambling, lottery, gambling or
 3558 gaming devices, slot machines, or any of the provisions within
 3559 that chapter.
- 3560 48. Chapter 874, relating to criminal gangs.
- 3561 49. Chapter 893, relating to drug abuse prevention and
 3562 control.
- 3563 50. Chapter 896, relating to offenses related to financial
 3564 transactions.
- 3565 51. Sections 914.22 and 914.23, relating to tampering with
 3566 or harassing a witness, victim, or informant, and retaliation
 3567 against a witness, victim, or informant.
- 3568 52. Sections 918.12 and 918.13, relating to tampering with
 3569 jurors and evidence.
- 3570 (b) Any conduct defined as "racketeering activity" under 18
 3571 U.S.C. s. 1961(1).
- 3572 (c) Any violation of Title 68, Florida Administrative Code,

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3573 relating to the illegal sale, purchase, collection, harvest,
 3574 capture, or possession of wild animal life, freshwater aquatic
 3575 life, or marine life, and related crimes.

3576 Reviser's note.—Section 12, ch. 2025-1, Laws of Florida,
 3577 purported to amend subsection (8), without publishing
 3578 paragraphs (b) and (c). Absent affirmative evidence of
 3579 legislative intent to repeal the omitted paragraphs,
 3580 subsection (8) is reenacted here to confirm that the
 3581 omission was not intended.

3582 Section 91. Paragraph (e) of subsection (3) of section
 3583 921.0022, Florida Statutes, is amended to read:

3584 921.0022 Criminal Punishment Code; offense severity ranking
 3585 chart.—

3586 (3) OFFENSE SEVERITY RANKING CHART
 3587 (e) LEVEL 5
 3588

Florida Statute	Felony Degree	Description
3589 316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3590 316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
3591 316.80(2)	2nd	Unlawful conveyance of

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3592 fuel; obtaining fuel
fraudulently.

322.34(6) 3rd Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

3593 327.30(5) 3rd Vessel accidents
involving personal
injury; leaving scene.

3594 379.365(2)(c)1. 3rd Violation of rules
relating to: willful
molestation of stone
crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,

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or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or
imitation stone crab
trap tags; and engaging
in the commercial
harvest of stone crabs
while license is
suspended or revoked.

3595

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

3596

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

3597

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

3598

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

3599

440.105(5)

2nd

Unlawful solicitation

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for the purpose of
making workers'
compensation claims.

3600

440.381(2)

3rd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

3601

624.401(4)(b)2.

2nd

Transacting insurance
without a certificate or
authority; premium
collected \$20,000 or
more but less than
\$100,000.

3602

626.902(1)(c)

2nd

Representing an
unauthorized insurer;
repeat offender.

3603

790.01(3)

3rd

Unlawful carrying of a
concealed firearm.

3604

790.162

2nd

Threat to throw or
discharge destructive
device.

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3605	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3606	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
3607	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3608	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
3609	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3610	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3611	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with

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			intent to damage any structure or property.
3612	<u>810.145(4)</u> 810.145(4)(e)	3rd	Commercial digital voyeurism dissemination.
3613	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
3614	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
3615	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
3616	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3617	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
3618	812.015(8)(f)	3rd	Retail theft; multiple

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	28-00527A-25		202542__	
			thefts within specified period.	
3619	812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.	
3620	812.019(1)	2nd	Stolen property; dealing in or trafficking in.	
3621	812.081(3)	2nd	Trafficking in trade secrets.	
3622	812.131(2)(b)	3rd	Robbery by sudden snatching.	
3623	812.16(2)	3rd	Owning, operating, or conducting a chop shop.	
3624	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	
3625	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.	
3626	817.2341(1),	3rd	Filing false financial	

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	(2)(a) & (3)(a)		statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.	
3627	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.	
3628	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	
3629	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or	

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reencoder.

3630

825.1025(4)

3rd

Lewd or lascivious
exhibition in the
presence of an elderly
person or disabled
adult.

3631

828.12(2)

3rd

Tortures any animal with
intent to inflict
intense pain, serious
physical injury, or
death.

3632

836.14(4)

2nd

Person who willfully
promotes for financial
gain a sexually explicit
image of an identifiable
person without consent.

3633

839.13(2)(b)

2nd

Falsifying records of an
individual in the care
and custody of a state
agency involving great
bodily harm or death.

3634

843.01(1)

3rd

Resist officer with
violence to person;
resist arrest with

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violence.

3635

847.0135(5)(b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

3636

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

3637

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

3638

874.05(1)(b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.

3639

874.05(2)(a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

3640

893.13(1)(a)1.

2nd

Sell, manufacture, or

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deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs).

3641

893.13(1)(c)2.

2nd

Sell, manufacture, or
deliver cannabis (or
other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

3642

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs) within 1,000 feet
of university.

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3643

893.13(1)(e)2.

2nd

Sell, manufacture, or
deliver cannabis or
other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

3644

893.13(1)(f)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), or
(2)(a), (2)(b), or
(2)(c)5. drugs) within
1,000 feet of public
housing facility.

3645

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

3646

893.1351(1)

3rd

Ownership, lease, or

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rental for trafficking
in or manufacturing of
controlled substance.

Reviser's note.—Amended to correct a cross-reference to conform
to the redesignation by the editors of s. 810.145(4)(c) as
a reversion.

Section 92. Subsection (2) of section 938.10, Florida
Statutes, is amended to read:

938.10 Additional court cost imposed in cases of certain
crimes.—

(2) Each month the clerk of the court shall transfer \$50
from the proceeds of the court cost to the Department of Revenue
for deposit into the Department of Children and Families' Grants
and Donations Trust Fund for disbursement to the Statewide
Guardian ad Litem Office ~~Office of the Statewide Guardian Ad~~
~~Litem~~ and \$100 to the Department of Revenue for deposit into the
Department of Children and Families' Grants and Donations Trust
Fund for disbursement to the Florida Network of Children's
Advocacy Centers, Inc., for the purpose of funding children's
advocacy centers that are members of the network. The clerk
shall retain \$1 from each sum collected as a service charge.

Reviser's note.—Amended to confirm an editorial substitution to
conform to the correct name of the office.

Section 93. Paragraph (d) of subsection (7) of section
985.433, Florida Statutes, is amended to read:

985.433 Disposition hearings in delinquency cases.—When a
child has been found to have committed a delinquent act, the
following procedures shall be applicable to the disposition of

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the case:

(7) If the court determines that the child should be
adjudicated as having committed a delinquent act and should be
committed to the department, such determination shall be in
writing or on the record of the hearing. The determination shall
include a specific finding of the reasons for the decision to
adjudicate and to commit the child to the department, including
any determination that the child was a member of a criminal
gang.

(d) Any child adjudicated by the court and committed to the
department under a restrictiveness level described in s.
985.03(44)(a)-(c) ~~985.03(44)(a)-(d)~~ for any offense or attempted
offense involving a firearm must be placed on conditional
release, as defined in s. 985.03, for a period of 1 year
following his or her release from a commitment program. Such
term of conditional release shall include electronic monitoring
of the child by the department for the initial 6 months
following his or her release and at times and under terms and
conditions set by the department.

Reviser's note.—Amended to correct a cross-reference. Section 9,
ch. 2024-133, Laws of Florida, deleted s. 985.03(44)(a) and
redesignated paragraphs (b)-(d) as paragraphs (a)-(c).

Section 94. Paragraph (c) of subsection (2) of section
1001.372, Florida Statutes, is amended to read:

1001.372 District school board meetings.—

(2) PLACE OF MEETINGS.—

(c) For the purpose of this section, due public notice
shall consist of, at least 2 days prior to the meeting:
continuous publication on a publicly accessible website as

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3702 provided in s. 50.0311 or the official district school board
 3703 website; ~~by~~ publication in a newspaper of general circulation in
 3704 the county, or in each county where there is no newspaper of
 3705 general circulation in the county, an announcement over at least
 3706 one radio station whose signal is generally received in the
 3707 county, a reasonable number of times daily during the 48 hours
 3708 immediately preceding the date of such meeting; or ~~by~~ posting a
 3709 notice at the courthouse door if no newspaper is published in
 3710 the county.

3711 Reviser's note.—Amended to confirm editorial deletions to
 3712 conform to context.

3713 Section 95. Subsection (3) of section 1001.47, Florida
 3714 Statutes, is amended to read:

3715 1001.47 District school superintendent; salary.—

3716 (3) The adjusted base salaries of elected district school
 3717 superintendents shall be increased annually as provided for in
 3718 s. 145.19. ~~Any salary previously paid to elected~~
 3719 ~~superintendents, including the salary calculated for fiscal~~
 3720 ~~years 2002-2003 and 2003-2004, which was consistent with chapter~~
 3721 ~~145 and s. 230.303, Florida Statutes (2001), is hereby ratified~~
 3722 ~~and validated.~~

3723 Reviser's note.—Amended to delete obsolete language.

3724 Section 96. Subsection (9) of section 1001.706, Florida
 3725 Statutes, is amended to read:

3726 1001.706 Powers and duties of the Board of Governors.—

3727 (9) COOPERATION WITH OTHER BOARDS.—The Board of Governors
 3728 shall implement a plan for working on a regular basis with the
 3729 State Board of Education, the Commission for Independent
 3730 Education, the Office of Reimagining Education and Career Help

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3731 ~~Florida Talent Development Council~~, the Articulation
 3732 Coordinating Committee, the university boards of trustees,
 3733 representatives of the Florida College System institution boards
 3734 of trustees, representatives of the private colleges and
 3735 universities, and representatives of the district school boards
 3736 to achieve a seamless education system.

3737 Reviser's note.—Amended to conform to the fact that s. 1004.015,
 3738 which created the Florida Talent Development Council, was
 3739 repealed by s. 9, ch. 2024-125, Laws of Florida. The duties
 3740 of the former Florida Talent Development Council now fall
 3741 under the purview of the Office of Reimagining Education
 3742 and Career Help per the revision of its duties by s. 1, ch.
 3743 2024-125.

3744 Section 97. Paragraph (b) of subsection (17) of section
 3745 1002.33, Florida Statutes, is amended to read:

3746 1002.33 Charter schools.—

3747 (17) FUNDING.—Students enrolled in a charter school,
 3748 regardless of the sponsorship, shall be funded based upon the
 3749 applicable program pursuant to s. 1011.62(1)(c), the same as
 3750 students enrolled in other public schools in a school district.
 3751 Funding for a charter lab school shall be as provided in s.
 3752 1002.32.

3753 (b)1. Funding for students enrolled in a charter school
 3754 sponsored by a school district shall be the sum of the school
 3755 district's operating funds from the Florida Education Finance
 3756 Program as defined in s. 1011.61(5) and the General
 3757 Appropriations Act, including gross state and local funds, and
 3758 funds from the school district's current operating discretionary
 3759 millage levy; divided by total funded weighted full-time

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equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including the student transportation allocation and the educational enrichment allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. For charter schools operated by a not-for-profit entity, any unrestricted current or capital assets identified in the charter school's annual audit may be used for other charter schools operated by the not-for-profit entity which are located outside of the originating charter school's school district, but within the state, through an unforgivable loan that must be repaid within 5 years to the originating charter school by the receiving charter school. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Funding for students enrolled in a charter school

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sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be provided in the Florida Education Finance Program as defined in s. 1011.61(5) and as specified in the General Appropriations Act. The calculation to determine the amount of state funds includes the sum of the basic amount for current operations established in s. 1011.62(1)(s), the discretionary millage compression supplement established in s. 1011.62(5), and the state-funded discretionary contribution established in s. 1011.62(6). Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program. The Florida College System institution or state university sponsoring the charter school shall be the fiscal agent for these funds, and all rules of the institution governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education.

(I) The nonvoted required local millage established pursuant to s. 1011.71(1) that would otherwise be required for the charter schools shall be allocated from state funds.

(II) An equivalent amount of funds for the operating discretionary millage authorized pursuant to s. 1011.71(1) shall be allocated to each charter school through a state-funded discretionary contribution established pursuant to s. 1011.62(6).

(III) The comparable wage factor as provided in s. 1011.62(2) shall be established as 1.000.

b. Total funding for each charter school shall be

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3818 recalculated during the year to reflect the revised calculations
 3819 under the Florida Education Finance Program by the state and the
 3820 actual weighted full-time equivalent students reported by the
 3821 charter school during the full-time equivalent student survey
 3822 periods designated by the Commissioner of Education.

3823 c. The Department of Education shall develop a tool that
 3824 each state university or Florida College System institution
 3825 sponsoring a charter school shall use for purposes of
 3826 calculating the funding amount for each eligible charter school
 3827 student. The total amount obtained from the calculation must be
 3828 appropriated from state funds in the General Appropriations Act
 3829 to the charter school.

3830 d. Capital outlay funding for a charter school sponsored by
 3831 a state university or Florida College System institution
 3832 pursuant to paragraph (5)(a) is determined as follows: multiply
 3833 the maximum allowable nonvoted discretionary millage under s.
 3834 1011.71(2) by 96 percent of the current year's taxable value for
 3835 school purposes for the district in which the charter school is
 3836 located; divide the result by the total full-time equivalent
 3837 student membership; and multiply the result by the full-time
 3838 equivalent student membership of the charter school. The amount
 3839 obtained shall be the discretionary capital improvement funds
 3840 and shall be appropriated from state funds in the General
 3841 Appropriations Act.

3842 Reviser's note.—Amended to confirm an editorial insertion to
 3843 improve clarity.

3844 Section 98. Paragraph (c) of subsection (6), paragraph (b)
 3845 of subsection (9), and paragraph (b) of subsection (10) of
 3846 section 1002.394, Florida Statutes, are amended to read:

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3847 1002.394 The Family Empowerment Scholarship Program.—

3848 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
 3849 a Family Empowerment Scholarship while he or she is:

3850 (c) Receiving any other educational scholarship pursuant to
 3851 this chapter. However, an eligible public school student
 3852 receiving a scholarship under s. 1002.411 may receive a stipend
 3853 ~~scholarship~~ for transportation pursuant to s. 1002.31(7)
 3854 ~~subparagraph (4)(a)2;~~

3855 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 3856 eligible to participate in the Family Empowerment Scholarship
 3857 Program, a private school may be sectarian or nonsectarian and
 3858 must:

3859 (b) Provide to the organization all documentation required
 3860 for a student's participation, including confirmation of the
 3861 student's admission to the private school, the private school's
 3862 and student's fee schedules, and any other information required
 3863 by the organization to process scholarship payment under
 3864 subparagraph (12)(a)3. ~~(12)(a)4.~~ Such information must be
 3865 provided by the deadlines established by the organization and in
 3866 accordance with the requirements of this section. A student is
 3867 not eligible to receive a quarterly scholarship payment if the
 3868 private school fails to meet the deadline.

3869 If a private school fails to meet the requirements of this
 3870 subsection or s. 1002.421, the commissioner may determine that
 3871 the private school is ineligible to participate in the
 3872 scholarship program.

3874 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 3875 PARTICIPATION.—

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3876 (b) A parent who applies for a scholarship under paragraph
 3877 (3)(b) is exercising his or her parental option to determine the
 3878 appropriate placement or the services that best meet the needs
 3879 of his or her child and must:

3880 1. Apply to an eligible nonprofit scholarship-funding
 3881 organization to participate in the program by a date set by the
 3882 organization. The request must be communicated directly to the
 3883 organization in a manner that creates a written or electronic
 3884 record of the request and the date of receipt of the request.

3885 2.a. Beginning with new applications for the 2025-2026
 3886 school year and thereafter, notify the organization by December
 3887 15 that the scholarship is being accepted or declined.

3888 b. Beginning with renewal applications for the 2025-2026
 3889 school year and thereafter, notify the organization by May 31
 3890 that the scholarship is being renewed or declined.

3891 3. Sign an agreement with the organization and annually
 3892 submit a sworn compliance statement to the organization to
 3893 satisfy or maintain program eligibility, including eligibility
 3894 to receive and spend program payments by:

3895 a. Affirming that the student is enrolled in a program that
 3896 meets regular school attendance requirements as provided in s.
 3897 1003.01(16)(b), (c), or (d).

3898 b. Affirming that the program funds are used only for
 3899 authorized purposes serving the student's educational needs, as
 3900 described in paragraph (4)(b); that any prepaid college plan or
 3901 college savings plan funds contributed pursuant to subparagraph
 3902 (4)(b)6. will not be transferred to another beneficiary while
 3903 the plan contains funds contributed pursuant to this section;
 3904 and that they will not receive a payment, refund, or rebate of

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3905 any funds provided under this section.

3906 c. Affirming that the parent is responsible for all
 3907 eligible expenses in excess of the amount of the scholarship and
 3908 for the education of his or her student by, as applicable:

3909 (I) Requiring the student to take an assessment in
 3910 accordance with paragraph (9)(c);

3911 (II) Providing an annual evaluation in accordance with s.
 3912 1002.41(1)(f); or

3913 (III) Requiring the child to take any preassessments and
 3914 postassessments selected by the provider if the child is 4 years
 3915 of age and is enrolled in a program provided by an eligible
 3916 Voluntary Prekindergarten Education Program provider. A student
 3917 with disabilities for whom the physician or psychologist who
 3918 issued the diagnosis or the IEP team determines that a
 3919 preassessment and postassessment is not appropriate is exempt
 3920 from this requirement. A participating provider shall report a
 3921 student's scores to the parent.

3922 d. Affirming that the student remains in good standing with
 3923 the provider or school if those options are selected by the
 3924 parent.

3925 e. Enrolling his or her child in a program from a Voluntary
 3926 Prekindergarten Education Program provider authorized under s.
 3927 1002.55, a school readiness provider authorized under s.
 3928 1002.88, a prekindergarten program offered by an eligible
 3929 private school, or an eligible private school if selected by the
 3930 parent.

3931 f. Comply with the scholarship application and renewal
 3932 processes and requirements established by the organization. A
 3933 student whose participation in the program is not renewed may

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3934 continue to spend scholarship funds that are in his or her
 3935 account from prior years unless the account must be closed
 3936 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
 3937 the student's IEP, a student who was previously eligible for
 3938 participation in the program shall remain eligible to apply for
 3939 renewal. However, for a high-risk child to continue to
 3940 participate in the program in the school year after he or she
 3941 reaches 6 years of age, the child's application for renewal of
 3942 program participation must contain documentation that the child
 3943 has a disability defined in paragraph (2)(e) other than high-
 3944 risk status.

3945 g. Procuring the services necessary to educate the student.
 3946 If such services include enrollment in an eligible private
 3947 school, the parent must meet with the private school's principal
 3948 or the principal's designee to review the school's academic
 3949 programs and policies, specialized services, code of student
 3950 conduct, and attendance policies before his or her student is
 3951 enrolled. The parent must also approve each payment to the
 3952 eligible private school before the scholarship funds may be
 3953 deposited by funds transfer pursuant to subparagraph (12)(a)3.
 3954 ~~(12)(a)4.~~ The parent may not designate any entity or individual
 3955 associated with the eligible private school as the parent's
 3956 attorney in fact to approve a funds transfer. When the student
 3957 receives a scholarship, the district school board is not
 3958 obligated to provide the student with a free appropriate public
 3959 education. For purposes of s. 1003.57 and the Individuals with
 3960 Disabilities in Education Act, a participating student has only
 3961 those rights that apply to all other unilaterally parentally
 3962 placed students, except that, when requested by the parent,

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3963 school district personnel must develop an IEP or matrix level of
 3964 services.

3965 Reviser's note.—Paragraph (6)(c) is amended to facilitate
 3966 correct interpretation and to correct a cross-reference.
 3967 Section 6, ch. 2024-230, Laws of Florida, deleted
 3968 subparagraph (4)(a)2., relating to program funds used for
 3969 transportation to a Florida public school in which a
 3970 student is enrolled and that is different from the school
 3971 to which the student was assigned or to a lab school as
 3972 defined in s. 1002.32; similar material relating to
 3973 stipends for transportation can be found at s. 1002.31(7),
 3974 created by s. 2, ch. 2024-230. Paragraphs (9)(b) and
 3975 (10)(b) are amended to conform to the redesignation of
 3976 subparagraph (12)(a)4. as subparagraph (12)(a)3. by s. 6,
 3977 ch. 2024-230.

3978 Section 99. Paragraph (b) of subsection (2), paragraph (c)
 3979 of subsection (4), paragraph (1) of subsection (6), and
 3980 paragraph (b) of subsection (7) of section 1002.395, Florida
 3981 Statutes, are amended to read:

3982 1002.395 Florida Tax Credit Scholarship Program.—
 3983 (2) DEFINITIONS.—As used in this section, the term:
 3984 (b) "Choice navigator" means an individual who meets the
 3985 requirements of sub-subparagraph (6)(d)4.g. ~~(6)(d)2.h.~~ and who
 3986 provides consultations, at a mutually agreed upon location, on
 3987 the selection of, application for, and enrollment in educational
 3988 options addressing the academic needs of a student; curriculum
 3989 selection; and advice on career and postsecondary education
 3990 opportunities. However, nothing in this section authorizes a
 3991 choice navigator to oversee or exercise control over the

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3992 curricula or academic programs of a personalized education
3993 program.

3994 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
3995 a scholarship while he or she is:

3996 (c) Receiving any other educational scholarship pursuant to
3997 this chapter. However, an eligible public school student
3998 receiving a scholarship under s. 1002.411 may receive a stipend
3999 ~~scholarship~~ for transportation pursuant to s. 1002.31(7)
4000 ~~subparagraph (6) (d) 4.~~;

4001 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
4002 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
4003 organization:

4004 (1)1. May use eligible contributions received pursuant to
4005 this section and ss. 212.099, 212.1831, and 212.1832 during the
4006 state fiscal year in which such contributions are collected for
4007 administrative expenses if the organization has operated as an
4008 eligible nonprofit scholarship-funding organization for at least
4009 the preceding 3 fiscal years and did not have any findings of
4010 material weakness or material noncompliance in its most recent
4011 audit under paragraph (o) or is in good standing in each state
4012 in which it administers a scholarship program and the audited
4013 financial statements for the preceding 3 fiscal years are free
4014 of material misstatements and going concern issues.

4015 Administrative expenses from eligible contributions may not
4016 exceed 3 percent of the total amount of all scholarships and
4017 stipends funded by an eligible scholarship-funding organization
4018 under this chapter. Such administrative expenses must be
4019 reasonable and necessary for the organization's management and
4020 distribution of scholarships funded under this chapter.

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4021 Administrative expenses may include developing or contracting
4022 with rideshare programs or facilitating carpool strategies for
4023 recipients of a transportation stipend ~~scholarship~~ under s.
4024 1002.31(7) ~~1002.394~~. No funds authorized under this subparagraph
4025 shall be used for lobbying or political activity or expenses
4026 related to lobbying or political activity. Up to one-third of
4027 the funds authorized for administrative expenses under this
4028 subparagraph may be used for expenses related to the recruitment
4029 of contributions from taxpayers. An eligible nonprofit
4030 scholarship-funding organization may not charge an application
4031 fee.

4032 2. Must expend for annual or partial-year scholarships 100
4033 percent of any eligible contributions from the prior fiscal
4034 year.

4035 3. Must expend for annual or partial-year scholarships an
4036 amount equal to or greater than 75 percent of all net eligible
4037 contributions, as defined in subsection (2), remaining after
4038 administrative expenses during the state fiscal year in which
4039 such eligible contributions are collected. No more than 25
4040 percent of such net eligible contributions may be carried
4041 forward to the following state fiscal year. All amounts carried
4042 forward, for audit purposes, must be specifically identified for
4043 particular students, by student name and the name of the school
4044 to which the student is admitted, subject to the requirements of
4045 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the
4046 applicable rules and regulations issued pursuant thereto. Any
4047 amounts carried forward shall be expended for annual or partial-
4048 year scholarships in the following state fiscal year. Eligible
4049 contributions remaining on June 30 of each year that are in

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excess of the 25 percent that may be carried forward shall be used to provide scholarships to eligible students or transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (o).

4. Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(b) A parent whose student will not be enrolled full time in a public or private school must:

1. Apply to an eligible nonprofit scholarship-funding organization to participate in the program as a personalized education student by a date set by the organization. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and

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the date of receipt of the request. Beginning with new and renewal applications for the 2025-2026 school year and thereafter, a parent must notify the organization by May 31 that the scholarship is being accepted, renewed, or declined.

2. Sign an agreement with the organization and annually submit a sworn compliance statement to the organization to satisfy or maintain program eligibility, including eligibility to receive and spend program payments, by:

a. Affirming that the program funds are used only for authorized purposes serving the student's educational needs, as described in paragraph (6)(d), and that they will not receive a payment, refund, or rebate of any funds provided under this section.

b. Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student.

c. Submitting a student learning plan to the organization and revising the plan at least annually before program renewal.

d. Requiring his or her student to take a nationally norm-referenced test identified by the Department of Education, or a statewide assessment under s. 1008.22, and provide assessment results to the organization before the student's program renewal.

e. Complying with the scholarship application and renewal processes and requirements established by the organization. A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed pursuant to s. 1002.394(5)(a)2.

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4108 f. Procuring the services necessary to educate the student.
 4109 When the student receives a scholarship, the district school
 4110 board is not obligated to provide the student with a free
 4111 appropriate public education.

4112
 4113 For purposes of this paragraph, full-time enrollment does not
 4114 include enrollment at a private school that addresses regular
 4115 and direct contact with teachers through the student learning
 4116 plan in accordance with s. 1002.421(1)(i).

4117
 4118 An eligible nonprofit scholarship-funding organization may not
 4119 further regulate, exercise control over, or require
 4120 documentation beyond the requirements of this subsection unless
 4121 the regulation, control, or documentation is necessary for
 4122 participation in the program.

4123 Reviser's note.—Paragraph (2)(b) is amended to confirm an
 4124 editorial substitution to conform to the redesignation of
 4125 subparagraph (6)(d)2. as subparagraph (6)(d)4. by s. 4, ch.
 4126 2024-163, Laws of Florida, and the redesignation of sub-
 4127 subparagraph h. of that subparagraph as sub-subparagraph g.
 4128 by s. 7, ch. 2024-230, Laws of Florida. Paragraphs (4)(c)
 4129 and (6)(l) are amended to facilitate correct interpretation
 4130 and to correct cross-references. Section 6, ch. 2024-230,
 4131 deleted s. 1002.394(4)(a)2., and s. 7, ch. 2024-230,
 4132 deleted s. 1002.395(6)(d)2.b., both relating to program
 4133 funds used for transportation to a Florida public school in
 4134 which a student is enrolled and that is different from the
 4135 school to which the student was assigned or to a lab school
 4136 as defined in s. 1002.32; similar material relating to

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4137 stipends for transportation can be found at s. 1002.31(7),
 4138 created by s. 2, ch. 2024-230. Paragraph (7)(b) is amended
 4139 to confirm an editorial insertion to improve clarity.

4140 Section 100. Section 1003.485, Florida Statutes, is
 4141 reenacted to read:

4142 1003.485 The New Worlds Reading Initiative.—

4143 (1) DEFINITIONS.—As used in this section, the term:

4144 (a) "Administrator" means the University of Florida
 4145 Lastinger Center for Learning.

4146 (b) "Annual tax credit amount" means, for any state fiscal
 4147 year, the sum of the amount of tax credits approved under
 4148 paragraph (5)(b), including tax credits to be taken under s.
 4149 211.0252, s. 212.1833, s. 220.1876, s. 561.1212, or s.
 4150 624.51056, which are approved for taxpayers whose taxable years
 4151 begin on or after January 1 of the calendar year preceding the
 4152 start of the applicable state fiscal year.

4153 (c) "Department" means the Department of Education.

4154 (d) "Division" means the Division of Alcoholic Beverages
 4155 and Tobacco of the Department of Business and Professional
 4156 Regulation.

4157 (e) "Eligible contribution" means a monetary contribution
 4158 from a taxpayer, subject to the restrictions provided in this
 4159 section, to the administrator.

4160 (f) "Initiative" means the New Worlds Reading Initiative.

4161 (g) "Micro-credential" means evidence-based professional
 4162 learning activities grounded in the science of reading which are
 4163 competency-based, personalized, and on-demand. Educators must
 4164 demonstrate their competence via evidence submitted and reviewed
 4165 by trained evaluators.

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4166 (2) NEW WORLDS READING INITIATIVE; PURPOSE.—The purpose of
 4167 the New Worlds Reading Initiative established under the
 4168 department is to instill a love of reading by providing high-
 4169 quality, free books to students in prekindergarten through grade
 4170 5 who are reading below grade level and to improve the literacy
 4171 skills of students in prekindergarten through grade 12. The New
 4172 Worlds Reading Initiative shall consist of:

4173 (a) The program established under this section to provide
 4174 high-quality, free books to students.

4175 (b) The New Worlds Scholarship Program under s. 1002.411.

4176 (c) The New Worlds Scholar program under s. 1008.365, which
 4177 rewards high school students who instill a love of reading and
 4178 improve the literacy skills of students in kindergarten through
 4179 grade 3.

4180 (d) The New Worlds micro-credential program established
 4181 under this section which emphasizes strong core instruction and
 4182 a tiered model of reading interventions for struggling readers.

4183 (3) DEPARTMENT RESPONSIBILITIES.—The department shall:

4184 (a) Publish information about the initiative and tax
 4185 credits under subsection (5) on its website, including the
 4186 process for a taxpayer to select the administrator as the
 4187 recipient of funding through a tax credit.

4188 (b) Annually report on its website the number of students
 4189 participating in the initiative in each school district,
 4190 information from the annual financial report under paragraph
 4191 (4)(j), and the academic achievement and learning gains, as
 4192 applicable, of participating students based on data provided by
 4193 school districts as permitted under s. 1002.22. The department
 4194 shall establish a date by which the administrator and each

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4195 school district must annually provide the data necessary to
 4196 complete the report.

4197 (c) Provide the administrator with progress monitoring data
 4198 for eligible prekindergarten through grade 12 students within 30
 4199 days after the close of each progress monitoring period.

4200 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
 4201 shall:

4202 (a) Develop, in consultation with the Just Read, Florida!
 4203 Office under s. 1001.215, a selection of high-quality books
 4204 encompassing diverse subjects and genres for each grade level to
 4205 be mailed to students in the initiative.

4206 (b) Distribute books at no cost to students as provided in
 4207 paragraph (6)(c) either directly or through an agreement with a
 4208 book distribution company.

4209 (c) Assist local implementation of the initiative by
 4210 providing marketing materials to school districts and any
 4211 partnering nonprofit organizations to assist with public
 4212 awareness campaigns and other activities designed to increase
 4213 family engagement and instill a love of reading in students.

4214 (d) Maintain a clearinghouse for information on national,
 4215 state, and local nonprofit organizations that support efforts to
 4216 improve literacy and provide books to children.

4217 (e) Develop, for parents of students in the initiative,
 4218 resources and training materials that engage families in reading
 4219 and support the reading achievement of their students. The
 4220 administrator shall periodically send to parents hyperlinks to
 4221 these resources and materials, including video modules, via text
 4222 message and e-mail.

4223 (f) Provide professional learning and resources to teachers

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4224 that correlate with the books provided through the initiative.

4225 (g) Develop, in consultation with the Just Read, Florida!
4226 Office under s. 1001.215, an online repository of digital
4227 science of reading materials and science of reading
4228 instructional resources that is accessible to public school
4229 teachers, school leaders, parents, and educator preparation
4230 programs and associated faculty.

4231 (h) Develop a micro-credential that requires teachers to
4232 demonstrate competency to:

4233 1. Diagnose literacy difficulties and determine the
4234 appropriate range of literacy interventions based upon the age
4235 and literacy deficiency of the student;

4236 2. Use evidence-based instructional and intervention
4237 practices grounded in the science of reading, including
4238 strategies identified by the Just Read, Florida! Office pursuant
4239 to s. 1001.215(7); and

4240 3. Effectively use progress monitoring and intervention
4241 materials.

4242 (i) Administer the early literacy micro-credential program
4243 established under this section, which must include components on
4244 content, student learning, pedagogy, and professional learning
4245 and must build on a strong foundation of scientifically
4246 researched and evidence-based reading instructional and
4247 intervention programs that incorporate explicit, systematic, and
4248 sequential approaches to teaching phonemic awareness, phonics,
4249 vocabulary, fluency, and text comprehension and incorporate
4250 decodable or phonetic text instructional strategies, as
4251 identified by the Just Read, Florida! Office, pursuant to s.
4252 1001.215(7).

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4253 1. At a minimum, the micro-credential curriculum must be
4254 designed specifically for instructional personnel in
4255 prekindergarten through grade 3 based upon the strategies and
4256 techniques identified in s. 1002.59 and address foundational
4257 literacy skills of students in grades 4 through 12.

4258 2. The micro-credential must be competency based and
4259 designed for eligible instructional personnel to complete the
4260 credentialing process in no more than 60 hours, in an online
4261 format. The micro-credential may be delivered in an in-person
4262 format. Eligible instructional personnel may receive the micro-
4263 credential once competency is demonstrated even if it is before
4264 the completion of 60 hours.

4265 3. The micro-credential must be available by December 31,
4266 2022, at no cost, to instructional personnel as defined in s.
4267 1012.01(2); prekindergarten instructors as specified in ss.
4268 1002.55, 1002.61, and 1002.63; and child care personnel as
4269 defined in ss. 402.302(3) and 1002.88(1)(e).

4270 (j) Annually submit to the department an annual financial
4271 report that includes, at a minimum, the amount of eligible
4272 contributions received by the administrator; the amount spent on
4273 each activity required by this subsection, including
4274 administrative expenses; the number of micro-credentials and
4275 reading endorsements earned; and the number of students and
4276 households served under each component of the initiative, by
4277 school district, including the means by which additional
4278 literacy support was provided to students.

4279 (k) Maintain separate accounts for operating funds and
4280 funds for the purchase and delivery of books.

4281 (l) Expend eligible contributions received only for the

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4282 purchase and delivery of books and to implement the requirements
 4283 of this section, as well as for administrative expenses not to
 4284 exceed 2 percent of total eligible contributions.

4285 Notwithstanding s. 1002.395(6)(l)3., the administrator may carry
 4286 forward up to 25 percent of eligible contributions made before
 4287 January 1 of each state fiscal year and 100 percent of eligible
 4288 contributions made on or after January 1 of each state fiscal
 4289 year to the following state fiscal year for purposes authorized
 4290 by this subsection. Any eligible contributions in excess of the
 4291 allowable carry forward not used to provide additional books
 4292 throughout the year to eligible students shall revert to the
 4293 state treasury.

4294 (m) Upon receipt of a contribution, provide the taxpayer
 4295 that made the contribution with a certificate of contribution. A
 4296 certificate of contribution must include the taxpayer's name
 4297 and, if available, its federal employer identification number;
 4298 the amount contributed; the date of contribution; and the name
 4299 of the administrator.

4300 (5) NEW WORLDS READING INITIATIVE TAX CREDITS;
 4301 APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

4302 (a) The tax credit cap amount is \$10 million for the 2021-
 4303 2022 state fiscal year, \$30 million for the 2022-2023 state
 4304 fiscal year, and \$60 million in each state fiscal year
 4305 thereafter.

4306 (b) Beginning October 1, 2021, a taxpayer may submit an
 4307 application to the Department of Revenue for a tax credit or
 4308 credits to be taken under one or more of s. 211.0252, s.
 4309 212.1833, s. 220.1876, s. 561.1212, or s. 624.51056.

4310 1. The taxpayer shall specify in the application each tax

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4311 for which the taxpayer requests a credit and the applicable
 4312 taxable year for a credit under s. 220.1876 or s. 624.51056 or
 4313 the applicable state fiscal year for a credit under s. 211.0252,
 4314 s. 212.1833, or s. 561.1212. For purposes of s. 220.1876, a
 4315 taxpayer may apply for a credit to be used for a prior taxable
 4316 year before the date the taxpayer is required to file a return
 4317 for that year pursuant to s. 220.222. For purposes of s.
 4318 624.51056, a taxpayer may apply for a credit to be used for a
 4319 prior taxable year before the date the taxpayer is required to
 4320 file a return for that prior taxable year pursuant to ss.
 4321 624.509 and 624.5092. The Department of Revenue shall approve
 4322 tax credits on a first-come, first-served basis and must obtain
 4323 the division's approval before approving a tax credit under s.
 4324 561.1212.

4325 2. Within 10 days after approving or denying an
 4326 application, the Department of Revenue shall provide a copy of
 4327 its approval or denial letter to the administrator.

4328 (c) If a tax credit approved under paragraph (b) is not
 4329 fully used within the specified state fiscal year for credits
 4330 under s. 211.0252, s. 212.1833, or s. 561.1212 or against taxes
 4331 due for the specified taxable year for credits under s. 220.1876
 4332 or s. 624.51056 because of insufficient tax liability on the
 4333 part of the taxpayer, the unused amount must be carried forward
 4334 for a period not to exceed 10 years. For purposes of s.
 4335 220.1876, a credit carried forward may be used in a subsequent
 4336 year after applying the other credits and unused carryovers in
 4337 the order provided in s. 220.02(8).

4338 (d) A taxpayer may not convey, transfer, or assign an
 4339 approved tax credit or a carryforward tax credit to another

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4340 entity unless all of the assets of the taxpayer are conveyed,
 4341 assigned, or transferred in the same transaction. However, a tax
 4342 credit under s. 211.0252, s. 212.1833, s. 220.1876, s. 561.1212,
 4343 or s. 624.51056 may be conveyed, transferred, or assigned
 4344 between members of an affiliated group of corporations if the
 4345 type of tax credit under s. 211.0252, s. 212.1833, s. 220.1876,
 4346 s. 561.1212, or s. 624.51056 remains the same. A taxpayer shall
 4347 notify the Department of Revenue of its intent to convey,
 4348 transfer, or assign a tax credit to another member within an
 4349 affiliated group of corporations. The amount conveyed,
 4350 transferred, or assigned is available to another member of the
 4351 affiliated group of corporations upon approval by the Department
 4352 of Revenue. The Department of Revenue shall obtain the
 4353 division's approval before approving a conveyance, transfer, or
 4354 assignment of a tax credit under s. 561.1212.

4355 (e) Within any state fiscal year, a taxpayer may rescind
 4356 all or part of a tax credit approved under paragraph (b). The
 4357 amount rescinded shall become available for that state fiscal
 4358 year to another eligible taxpayer approved by the Department of
 4359 Revenue if the taxpayer receives notice from the Department of
 4360 Revenue that the rescindment has been accepted by the Department
 4361 of Revenue. The Department of Revenue must obtain the division's
 4362 approval before accepting the rescindment of a tax credit under
 4363 s. 561.1212. Any amount rescinded under this paragraph must
 4364 become available to an eligible taxpayer on a first-come, first-
 4365 served basis based on tax credit applications received after the
 4366 date the rescindment is accepted by the Department of Revenue.

4367 (f) Within 10 days after approving or denying the
 4368 conveyance, transfer, or assignment of a tax credit under

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4369 paragraph (d), or the rescindment of a tax credit under
 4370 paragraph (e), the Department of Revenue shall provide a copy of
 4371 its approval or denial letter to the administrator. The
 4372 Department of Revenue shall also include the administrator on
 4373 all letters or correspondence of acknowledgment for tax credits
 4374 under s. 212.1833.

4375 (g) For purposes of calculating the underpayment of
 4376 estimated corporate income taxes under s. 220.34 and tax
 4377 installment payments for taxes on insurance premiums or
 4378 assessments under s. 624.5092, the final amount due is the
 4379 amount after credits earned under s. 220.1876 or s. 624.51056
 4380 for contributions to the administrator are deducted.

4381 1. For purposes of determining if a penalty or interest
 4382 under s. 220.34(2)(d)1. will be imposed for underpayment of
 4383 estimated corporate income tax, a taxpayer may, after earning a
 4384 credit under s. 220.1876, reduce any estimated payment in that
 4385 taxable year by the amount of the credit.

4386 2. For purposes of determining if a penalty under s.
 4387 624.5092 will be imposed, an insurer, after earning a credit
 4388 under s. 624.51056 for a taxable year, may reduce any
 4389 installment payment for such taxable year of 27 percent of the
 4390 amount of the net tax due as reported on the return for the
 4391 preceding year under s. 624.5092(2)(b) by the amount of the
 4392 credit.

4393 (6) ELIGIBILITY; NOTIFICATION; SCHOOL DISTRICT
 4394 OBLIGATIONS.—

4395 (a) A student in prekindergarten through grade 5 must be
 4396 provided books through the initiative if the student is not yet
 4397 reading on grade level, has a substantial reading deficiency

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4398 identified under s. 1008.25(5)(a), has a substantial deficiency
 4399 in early literacy skills based upon the results of the
 4400 coordinated screening and progress monitoring under s.
 4401 1008.25(9), or scored below a Level 3 on the most recent
 4402 statewide, standardized English Language Arts assessment under
 4403 s. 1008.22.

4404 (b) Each school district shall notify the parent of a
 4405 student who meets the criteria under paragraph (a) that the
 4406 student is eligible to receive books at no cost through the New
 4407 Worlds Reading Initiative and provide the parent with the
 4408 application form developed by the administrator, which must
 4409 allow for the selection of specific book topics or genres for
 4410 the student.

4411 (c) Once an eligible student is identified, the school
 4412 district shall coordinate with the administrator to initiate
 4413 book delivery on a monthly basis during the school year, which
 4414 must begin no later than October and continue through at least
 4415 June.

4416 (d) Upon enrollment and at the beginning of each school
 4417 year, students must be provided options for specific book topics
 4418 or genres in order to maximize student interest in reading.

4419 (e) A student's eligibility for the initiative continues
 4420 until promotion to grade 6 or until the student's parent opts
 4421 out of the initiative.

4422 (f) Each school district shall participate in the
 4423 initiative by partnering with local nonprofit organizations,
 4424 raising awareness of the initiative using marketing materials
 4425 developed by the administrator, coordinating book delivery, and
 4426 identifying students and notifying parents pursuant to this

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4427 subsection.

4428 (g) Each school district shall coordinate with each charter
 4429 school it sponsors for purposes of identifying eligible
 4430 students, notifying parents, coordinating book delivery,
 4431 providing the opportunity to annually select book topics and
 4432 genres, and raising awareness of the initiative as provided by
 4433 this section.

4434 (h) School districts and partnering nonprofit organizations
 4435 shall raise awareness of the initiative, including information
 4436 on eligibility and video training modules under paragraph
 4437 (4)(e), through, at least, the following:

4438 1. The student handbook and the read-at-home plan under s.
 4439 1008.25(5)(d).

4440 2. A parent or curriculum night or separate initiative
 4441 awareness event at each elementary school.

4442 3. Partnering with the county library to host awareness
 4443 events, which should coincide with other initiatives such as
 4444 library card drives, family library nights, summer access
 4445 events, and other family engagement programming.

4446 (i) Each school district shall establish a data sharing
 4447 agreement with the initiative's administrator which allows for a
 4448 streamlined student verification and enrollment process.

4449 (7) ADMINISTRATION; RULES.—

4450 (a) The Department of Revenue, the division, and the
 4451 Department of Education may develop a cooperative agreement to
 4452 assist in the administration of this section, as needed.

4453 (b) The Department of Revenue may adopt rules necessary to
 4454 administer this section and ss. 211.0252, 212.1833, 220.1876,
 4455 561.1212, and 624.51056, including rules establishing

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4456 application forms, procedures governing the approval of tax
4457 credits and carryforward tax credits under subsection (5), and
4458 procedures to be followed by taxpayers when claiming approved
4459 tax credits on their returns.

4460 (c) The division may adopt rules necessary to administer
4461 its responsibilities under this section and s. 561.1212.

4462 (d) The Department of Education may adopt rules necessary
4463 to administer this section.

4464 (e) Notwithstanding any provision of s. 213.053 to the
4465 contrary, sharing information with the division related to this
4466 tax credit is considered the conduct of the Department of
4467 Revenue's official duties as contemplated in s. 213.053(8)(c),
4468 and the Department of Revenue and the division are specifically
4469 authorized to share information as needed to administer this
4470 section.

4471 Reviser's note.—Section 4, ch. 2024-162, Laws of Florida,
4472 purported to amend s. 1003.485, but did not publish
4473 subsection (5). Absent affirmative evidence of legislative
4474 intent to repeal it, s. 1003.485 is reenacted to confirm
4475 that the omission was not intended.

4476 Section 101. Paragraph (b) of subsection (6) of section
4477 1004.44, Florida Statutes, is amended to read:

4478 1004.44 Louis de la Parte Florida Mental Health Institute.—
4479 There is established the Louis de la Parte Florida Mental Health
4480 Institute within the University of South Florida.

4481 (6)

4482 (b) The center may:

4483 1. Convene groups, including, but not limited to,
4484 behavioral health clinicians, professionals, and workers, and

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4485 employers of such individuals; other health care providers;
4486 individuals with behavioral health conditions and their
4487 families; and business and industry leaders, policymakers, and
4488 educators, to assist the center in its work; and

4489 2. Request from any board as defined in s. 456.001 any
4490 information held by the board regarding a behavioral health
4491 professional licensed in this state or holding a multistate
4492 license pursuant to a professional multistate licensure compact
4493 or information reported to the board by employers of such
4494 behavioral health professionals, other than personal identifying
4495 information. The boards must provide such information to the
4496 center upon request.

4497 Reviser's note.—Amended to confirm an editorial insertion to
4498 improve clarity.

4499 Section 102. Subsection (5) of section 1004.647, Florida
4500 Statutes, is amended to read:

4501 1004.647 Florida Catastrophic Storm Risk Management
4502 Center.—The Florida Catastrophic Storm Risk Management Center is
4503 created at the Florida State University, College of Business,
4504 Department of Risk Management. The purpose of the center is to
4505 promote and disseminate research on issues related to
4506 catastrophic storm loss and to assist in identifying and
4507 developing education and research grant funding opportunities
4508 among higher education institutions in this state and the
4509 private sector. The purpose of the activities of the center is
4510 to support the state's ability to prepare for, respond to, and
4511 recover from catastrophic storms. The center shall:

4512 (5) Organize and sponsor conferences, symposiums ~~symposia~~,
4513 and workshops to educate consumers and policymakers.

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4514 Reviser's note.—Amended to conform usage in the Florida Statutes
 4515 to the preferred plural form of "symposium."

4516 Section 103. Paragraph (g) of subsection (2) of section
 4517 1004.6499, Florida Statutes, is amended to read:

4518 1004.6499 Florida Institute for Governance and Civics.—

4519 (2) The goals of the institute are to:

4520 (g) Create through scholarship, original research,
 4521 publications, symposiums ~~symposia~~, testimonials, and other means
 4522 a body of resources that can be accessed by students, scholars,
 4523 and government officials to understand the innovations in public
 4524 policy in this state over a rolling 30-year time period.

4525 Reviser's note.—Amended to conform usage in the Florida Statutes
 4526 to the preferred plural form of "symposium."

4527 Section 104. Paragraphs (c) and (e) of subsection (2) of
 4528 section 1004.64991, Florida Statutes, are amended to read:

4529 1004.64991 The Adam Smith Center for Economic Freedom.—

4530 (2) The goals of the center are to:

4531 (c) Plan and host workshops, symposiums, and conferences to
 4532 allow students, scholars, and guests to engage ~~exchange~~ in civil
 4533 discussion of democracy and capitalism.

4534 (e) Partner with the Institute for Freedom in the Americas
 4535 to support its mission, which includes promoting economic and
 4536 individual freedoms as a means for advancing human progress with
 4537 an emphasis on Latin America ~~American~~ and the Caribbean.

4538 Reviser's note.—Paragraph (2)(c) is amended to improve clarity.

4539 Paragraph (2)(e) is amended to confirm an editorial
 4540 substitution to conform to context.

4541 Section 105. Paragraph (a) of subsection (4) of section
 4542 1004.76, Florida Statutes, is amended to read:

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4543 1004.76 Florida Martin Luther King, Jr., Institute for
 4544 Nonviolence.—

4545 (4) The institute shall have the following powers and
 4546 duties:

4547 (a) To conduct training, provide symposiums ~~symposia~~, and
 4548 develop continuing education and programs to promote skills in
 4549 nonviolent conflict resolution for persons in government,
 4550 private enterprise, community groups, and voluntary
 4551 associations.

4552 Reviser's note.—Amended to conform usage in the Florida Statutes
 4553 to the preferred plural form of "symposium."

4554 Section 106. Paragraphs (a) and (f) of subsection (6) of
 4555 section 1006.07, Florida Statutes, are amended to read:

4556 1006.07 District school board duties relating to student
 4557 discipline and school safety.—The district school board shall
 4558 provide for the proper accounting for all students, for the
 4559 attendance and control of students at school, and for proper
 4560 attention to health, safety, and other matters relating to the
 4561 welfare of students, including:

4562 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 4563 school superintendent shall establish policies and procedures
 4564 for the prevention of violence on school grounds, including the
 4565 assessment of and intervention with individuals whose behavior
 4566 poses a threat to the safety of the school community.

4567 (a) *School safety specialist*.—Each district school
 4568 superintendent shall designate a school safety specialist for
 4569 the district. The school safety specialist must be a school
 4570 administrator employed by the school district or a law
 4571 enforcement officer employed by the sheriff's office located in

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4572 the school district. Any school safety specialist designated
 4573 from the sheriff's office must first be authorized and approved
 4574 by the sheriff employing the law enforcement officer. Any school
 4575 safety specialist designated from the sheriff's office remains
 4576 the employee of the office for purposes of compensation,
 4577 insurance, workers' compensation, and other benefits authorized
 4578 by law for a law enforcement officer employed by the sheriff's
 4579 office. The sheriff and the school superintendent may determine
 4580 by agreement the reimbursement for such costs, or may share the
 4581 costs, associated with employment of the law enforcement officer
 4582 as a school safety specialist. The school safety specialist must
 4583 earn a certificate of completion of the school safety specialist
 4584 training provided by the Office of Safe Schools within 1 year
 4585 after appointment and is responsible for the supervision and
 4586 oversight for all school safety and security personnel,
 4587 policies, and procedures in the school district. The school
 4588 safety specialist, or his or her designee, shall:

4589 1. In conjunction with the district school superintendent,
 4590 annually review school district policies and procedures for
 4591 compliance with state law and rules, including the district's
 4592 timely and accurate submission of school environmental safety
 4593 incident reports to the department pursuant to s. 1001.212(8).
 4594 At least quarterly, the school safety specialist must report to
 4595 the district school superintendent and the district school board
 4596 any noncompliance by the school district with laws or rules
 4597 regarding school safety.

4598 2. Provide the necessary training and resources to students
 4599 and school district staff in matters relating to youth mental
 4600 health awareness and assistance; emergency procedures, including

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4601 active shooter training; and school safety and security.

4602 3. Serve as the school district liaison with local public
 4603 safety agencies and national, state, and community agencies and
 4604 organizations in matters of school safety and security.

4605 4. In collaboration with the appropriate public safety
 4606 agencies, as that term is defined in s. 365.171, by October 1 of
 4607 each year, conduct a school security risk assessment at each
 4608 public school using the Florida Safe Schools Assessment Tool
 4609 developed by the Office of Safe Schools pursuant to s.
 4610 1006.1493. Based on the assessment findings, the district's
 4611 school safety specialist shall provide recommendations to the
 4612 district school superintendent and the district school board
 4613 which identify strategies and activities that the district
 4614 school board should implement in order to address the findings
 4615 and improve school safety and security. Each district school
 4616 board must receive such findings and the school safety
 4617 specialist's recommendations at a publicly noticed district
 4618 school board meeting to provide the public an opportunity to
 4619 hear the district school board members discuss and take action
 4620 on the findings and recommendations. Each school safety
 4621 specialist, through the district school superintendent, shall
 4622 report such findings and school board action to the Office of
 4623 Safe Schools within 30 days after the district school board
 4624 meeting.

4625 5. Conduct annual unannounced inspections, using the form
 4626 adopted by the Office of Safe Schools pursuant to s.
 4627 1001.212(13) ~~1001.212(14)~~, of all public schools, including
 4628 charter schools, while school is in session and investigate
 4629 reports of noncompliance with school safety requirements.

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4630 6. Report violations of paragraph (f) by administrative
4631 personnel and instructional personnel to the district school
4632 superintendent or charter school administrator, as applicable.

4633 (f) *School safety requirements.*—By August 1, 2024, each
4634 school district and charter school governing board shall comply
4635 with the following school safety requirements:

4636 1. All gates or other access points that restrict ingress
4637 to or egress from a school campus shall remain closed and locked
4638 when students are on campus. A gate or other campus access point
4639 may not be open or unlocked, regardless of whether it is during
4640 normal school hours, unless:

4641 a. Attended or actively staffed by a person when students
4642 are on campus;

4643 b. The use is in accordance with a shared use agreement
4644 pursuant to s. 1013.101; or

4645 c. The school safety specialist, or his or her designee,
4646 has documented in the Florida Safe Schools Assessment Tool
4647 portal maintained by the Office of Safe Schools that the gate or
4648 other access point is not subject to this requirement based upon
4649 other safety measures at the school. The office may conduct a
4650 compliance visit pursuant to s. 1001.212(13) ~~1001.212(14)~~ to
4651 review if such determination is appropriate.

4652 2. All school classrooms and other instructional spaces
4653 must be locked to prevent ingress when occupied by students,
4654 except between class periods when students are moving between
4655 classrooms or other instructional spaces. If a classroom or
4656 other instructional space door must be left unlocked or open for
4657 any reason other than between class periods when students are
4658 moving between classrooms or other instructional spaces, the

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4659 door must be actively staffed by a person standing or seated at
4660 the door.

4661 3. All campus access doors, gates, and other access points
4662 that allow ingress to or egress from a school building shall
4663 remain closed and locked at all times to prevent ingress, unless
4664 a person is actively entering or exiting the door, gate, or
4665 other access point or the school safety specialist, or his or
4666 her designee, has documented in the Florida Safe Schools
4667 Assessment Tool portal maintained by the Office of Safe Schools
4668 that the open and unlocked door, gate, or other access point is
4669 not subject to this requirement based upon other safety measures
4670 at the school. The office may conduct a compliance visit
4671 pursuant to s. 1001.212(13) ~~1001.212(14)~~ to review if such
4672 determination is appropriate. All campus access doors, gates,
4673 and other access points may be electronically or manually
4674 controlled by school personnel to allow access by authorized
4675 visitors, students, and school personnel.

4676 4. All school classrooms and other instructional spaces
4677 must clearly and conspicuously mark the safest areas in each
4678 classroom or other instructional space where students must
4679 shelter in place during an emergency. Students must be notified
4680 of these safe areas within the first 10 days of the school year.
4681 If it is not feasible to clearly and conspicuously mark the
4682 safest areas in a classroom or other instructional space, the
4683 school safety specialist, or his or her designee, must document
4684 such determination in the Florida Safe Schools Assessment Tool
4685 portal maintained by the Office of Safe Schools, identifying
4686 where affected students must shelter in place. The office shall
4687 assist the school safety specialist with compliance during the

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inspection required under s. 1001.212(13) ~~1001.212(14)~~.

Persons who are aware of a violation of this paragraph must report the violation to the school principal. The school principal must report the violation to the school safety specialist no later than the next business day after receiving such report. If the person who violated this paragraph is the school principal or charter school administrator, the report must be made directly to the district school superintendent or charter school governing board, as applicable.

Reviser's note.—Amended to correct a cross-reference. Section 5, ch. 2024-155, Laws of Florida, added subsection (14) to s. 1001.212, which was redesignated as subsection (13) to conform to the deletion of former subsection (11) by s. 20, ch. 2024-3, Laws of Florida.

Section 107. Paragraphs (d) and (e) of subsection (2) and paragraph (b) of subsection (4) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(2) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. The district school board also has the following specific duties and responsibilities:

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including

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school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system. ~~Beginning January 1, 2023,~~ School librarians, media specialists, and other personnel involved in the selection of school district library materials must complete the training program developed pursuant to s. 1006.29(6) before reviewing and selecting age-appropriate materials and library resources. Upon written request, a school district shall provide access to any material or book specified in the request that is maintained in a district school system library and is available for review.

1. Each book made available to students through a school district library media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.

2. Each district school board shall adopt procedures for developing library media center collections and post the procedures on the website for each school within the district. The procedures must:

a. Require that book selections meet the criteria in s. 1006.40(3)(c).

b. Require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders.

c. Provide for library media center collections, including classroom libraries, based on reader interest, support of state

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academic standards and aligned curriculum, and the academic needs of students and faculty.

d. Provide for the regular removal or discontinuance of books based on, at a minimum, physical condition, rate of recent circulation, alignment to state academic standards and relevancy to curriculum, out-of-date content, and required removal pursuant to subparagraph (a)2.

3. Each elementary school must publish on its website, in a searchable format prescribed by the department, a list of all materials maintained and accessible in the school library media center or a classroom library or required as part of a school or grade-level reading list.

4. Each district school board shall adopt and publish on its website the process for a parent to limit his or her student's access to materials in the school or classroom library.

(e) *Public participation.*—Publish on its website, in a searchable format prescribed by the department, a list of all instructional materials, including those used to provide instruction required by s. 1003.42. Each district school board must:

1. Provide access to all materials, excluding teacher editions, in accordance with s. 1006.283(2)(b)8.a. before the district school board takes any official action on such materials. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

2. Select, approve, adopt, or purchase all materials as a separate line item on the agenda and provide a reasonable

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opportunity for public comment. The use of materials described in this paragraph may not be selected, approved, or adopted as part of a consent agenda.

3. Annually, on beginning June 30, ~~2023~~, submit to the Commissioner of Education a report that identifies:

a. Each material for which the school district received an objection pursuant to subparagraph (a)2., including the grade level and course the material was used in, for the school year and the specific objections thereto.

b. Each material that was removed or discontinued.

c. Each material that was not removed or discontinued and the rationale for not removing or discontinuing the material.

The department shall publish and regularly update a list of materials that were removed or discontinued, sorted by grade level, as a result of an objection and disseminate the list to school districts for consideration in their selection procedures.

(4) SCHOOL PRINCIPAL.—The school principal has the following duties for the management and care of materials at the school:

(b) *Money collected for lost or damaged instructional materials; enforcement.*—The school principal may collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and ~~to~~ report and transmit the money collected to the district school superintendent. A student who fails to pay such sum may be suspended from participation in extracurricular activities. A student may satisfy the debt

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4804 through community service activities at the school site as
 4805 determined by the school principal, pursuant to policies adopted
 4806 by district school board rule.

4807 Reviser's note.—Paragraphs (2)(d) and (e) are amended to delete
 4808 obsolete language. Paragraph (4)(b) is amended to confirm
 4809 an editorial deletion to conform to context.

4810 Section 108. Paragraph (b) of subsection (3) and subsection
 4811 (5) of section 1008.34, Florida Statutes, are amended to read:
 4812 1008.34 School grading system; school report cards;
 4813 district grade.—

4814 (3) DESIGNATION OF SCHOOL GRADES.—

4815 (b)1. A school's grade shall be based on the following
 4816 components, each worth 100 points:

4817 a. The percentage of eligible students passing statewide,
 4818 standardized assessments in English Language Arts under s.
 4819 1008.22(3).

4820 b. The percentage of eligible students passing statewide,
 4821 standardized assessments in mathematics under s. 1008.22(3).

4822 c. The percentage of eligible students passing statewide,
 4823 standardized assessments in science under s. 1008.22(3).

4824 d. The percentage of eligible students passing statewide,
 4825 standardized assessments in social studies under s. 1008.22(3).

4826 e. The percentage of eligible students who make Learning
 4827 Gains in English Language Arts as measured by statewide,
 4828 standardized assessments administered under s. 1008.22(3).

4829 f. The percentage of eligible students who make Learning
 4830 Gains in mathematics as measured by statewide, standardized
 4831 assessments administered under s. 1008.22(3).

4832 g. The percentage of eligible students in the lowest 25

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4833 percent in English Language Arts, as identified by prior year
 4834 performance on statewide, standardized assessments, who make
 4835 Learning Gains as measured by statewide, standardized English
 4836 Language Arts assessments administered under s. 1008.22(3).

4837 h. The percentage of eligible students in the lowest 25
 4838 percent in mathematics, as identified by prior year performance
 4839 on statewide, standardized assessments, who make Learning Gains
 4840 as measured by statewide, standardized Mathematics assessments
 4841 administered under s. 1008.22(3).

4842 i. For schools comprised of middle grades 6 through 8 or
 4843 grades 7 and 8, the percentage of eligible students passing high
 4844 school level statewide, standardized end-of-course assessments
 4845 or attaining national industry certifications identified in the
 4846 CAPE Industry Certification Funding List pursuant to state board
 4847 rule.

4848 j. ~~Beginning in the 2023-2024 school year,~~ For schools
 4849 comprised of grade levels that include grade 3, the percentage
 4850 of eligible students who score an achievement level 3 or higher
 4851 on the grade 3 statewide, standardized English Language Arts
 4852 assessment administered under s. 1008.22(3).

4853

4854 In calculating Learning Gains for the components listed in sub-
 4855 subparagraphs e.-h., the State Board of Education shall require
 4856 that learning growth toward achievement levels 3, 4, and 5 is
 4857 demonstrated by students who scored below each of those levels
 4858 in the prior year. In calculating the components in sub-
 4859 subparagraphs a.-d., the state board shall include the
 4860 performance of English language learners only if they have been
 4861 enrolled in a school in the United States for more than 2 years.

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4862 2. For a school comprised of grades 9, 10, 11, and 12, or
 4863 grades 10, 11, and 12, the school's grade shall also be based on
 4864 the following components, each worth 100 points:

4865 a. The 4-year high school graduation rate of the school as
 4866 defined by state board rule.

4867 b. The percentage of students who were eligible to earn
 4868 college and career credit through an assessment identified
 4869 pursuant to s. 1007.27(2), College Board Advanced Placement
 4870 examinations, International Baccalaureate examinations, dual
 4871 enrollment courses, including career dual enrollment courses
 4872 resulting in the completion of 300 or more clock hours during
 4873 high school which are approved by the state board as meeting the
 4874 requirements of s. 1007.271, or Advanced International
 4875 Certificate of Education examinations; who, at any time during
 4876 high school, earned national industry certification identified
 4877 in the CAPE Industry Certification Funding List, pursuant to
 4878 rules adopted by the state board; or who earned an Armed
 4879 Services Qualification Test score that falls within Category II
 4880 or higher on the Armed Services Vocational Aptitude Battery and
 4881 earned a minimum of two credits in Junior Reserve Officers'
 4882 Training Corps courses from the same branch of the United States
 4883 Armed Forces.

4884 (5) DISTRICT GRADE. ~~Beginning with the 2014-2015 school~~
 4885 ~~year,~~ A school district's grade shall include a district-level
 4886 calculation of the components under paragraph (3)(b). This
 4887 calculation methodology captures each eligible student in the
 4888 district who may have transferred among schools within the
 4889 district or is enrolled in a school that does not receive a
 4890 grade. The department shall develop a district report card that

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4891 includes the district grade; the information required under s.
 4892 1008.345(3); measures of the district's progress in closing the
 4893 achievement gap between higher-performing student subgroups and
 4894 lower-performing student subgroups; measures of the district's
 4895 progress in demonstrating Learning Gains of its highest-
 4896 performing students; measures of the district's success in
 4897 improving student attendance; the district's grade-level
 4898 promotion of students scoring achievement levels 1 and 2 on
 4899 statewide, standardized English Language Arts and Mathematics
 4900 assessments; and measures of the district's performance in
 4901 preparing students for the transition from elementary to middle
 4902 school, middle to high school, and high school to postsecondary
 4903 institutions and careers.

4904 Reviser's note.—Amended to delete obsolete language.

4905 Section 109. Subsections (3) and (22) of section 1009.23,
 4906 Florida Statutes, are amended to read:

4907 1009.23 Florida College System institution student fees.—

4908 (3)(a) ~~Effective July 1, 2014,~~ For advanced and
 4909 professional, postsecondary vocational, developmental education,
 4910 and educator preparation institute programs, the standard
 4911 tuition shall be \$71.98 per credit hour for residents and
 4912 nonresidents, and the out-of-state fee shall be \$215.94 per
 4913 credit hour.

4914 (b) ~~Effective July 1, 2014,~~ For baccalaureate degree
 4915 programs, the following tuition and fee rates shall apply:

4916 1. The tuition shall be \$91.79 per credit hour for students
 4917 who are residents for tuition purposes.

4918 2. The sum of the tuition and the out-of-state fee per
 4919 credit hour for students who are nonresidents for tuition

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purposes shall be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the Florida College System institution.

(22) Beginning with the 2024-2025 academic year, Miami Dade College, Polk State College, and Tallahassee State College ~~Tallahassee Community College~~ are authorized to charge an amount not to exceed \$290 per credit hour for nonresident tuition and fees for distance learning. Such institutions may phase in this nonresident tuition rate by degree program.

Reviser's note.—Subsection (3) is amended to delete obsolete language. Subsection (22) is amended to confirm an editorial substitution to conform to the redesignation of name of the college by s. 1, ch. 2024-43, Laws of Florida. Section 110. Paragraph (a) of subsection (4) of section 1009.895, Florida Statutes, is amended to read:

1009.895 Open Door Grant Program.—

(4) DISTRIBUTION OF FUNDS.—

(a) ~~For the 2023-2024 fiscal year, funding for eligible institutions must consist of a base amount provided for in the General Appropriations Act plus each institution's proportionate share of full-time equivalent students enrolled in career and technical education programs.~~ Beginning in fiscal year 2024-2025, the funds appropriated for the Open Door Grant Program must be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula must consider at least the prior year's distribution of funds and the number of eligible applicants who did not receive awards.

Reviser's note.—Amended to delete obsolete language.

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Section 111. Subsections (3) and (6) of section 1011.804, Florida Statutes, are amended to read:

1011.804 GATE Startup Grant Program.—

(3) The department may solicit proposals from institutions without programs that meet the requirements of s. 1004.933 ~~1004.933(2)~~. Such institutions must be located in or serve a rural area of opportunity as designated by the Governor.

(6) Grant funds may be used for planning activities and other expenses associated with the creation of the GATE Program, such as expenses related to program instruction, instructional equipment, supplies, instructional personnel, and student services. Grant funds may not be used for indirect costs. Grant recipients must submit an annual report in a format prescribed by the department. The department shall consolidate such annual reports and include the reports in the report required by s. 1004.933(6) ~~1004.933(5)~~.

Reviser's note.—Subsection (3) is amended to revise a cross-reference; s. 1004.933(2) creates the Graduation Alternative to Traditional Education (GATE) Program but does not provide specific requirements. Subsection (6) is amended to correct a cross-reference to conform to the location of reporting requirements in s. 1004.933(6); subsection (5) of that section relates to department responsibilities.

Section 112. Paragraph (h) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe

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4978 qualifications for those positions, and provide for the
 4979 appointment, compensation, promotion, suspension, and dismissal
 4980 of employees as follows, subject to the requirements of this
 4981 chapter:

4982 (h) *Planning and training time for teachers.*—The district
 4983 school board shall adopt rules to make provisions for teachers
 4984 to have time for lunch, professional planning, and professional
 4985 learning ~~time~~ when they will not be directly responsible for the
 4986 children if some adult supervision is furnished for the students
 4987 during such periods.

4988 Reviser's note.—Amended to confirm an editorial deletion to
 4989 eliminate redundancy.

4990 Section 113. Section 1012.315, Florida Statutes, is
 4991 reenacted to read:

4992 1012.315 Screening standards.—A person is ineligible for
 4993 educator certification or employment in any position that
 4994 requires direct contact with students in a district school
 4995 system, a charter school, or a private school that participates
 4996 in a state scholarship program under chapter 1002 if the person:

4997 (1) Is on the disqualification list maintained by the
 4998 department under s. 1001.10(4)(b);

4999 (2) Is registered as a sex offender as described in 42
 5000 U.S.C. s. 9858f(c)(1)(C);

5001 (3) Is ineligible based on a security background
 5002 investigation under s. 435.04(2). Beginning January 1, 2025, or
 5003 a later date as determined by the Agency for Health Care
 5004 Administration, the Agency for Health Care Administration shall
 5005 determine the eligibility of employees in any position that
 5006 requires direct contact with students in a district school

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5007 system, a charter school, or a private school that participates
 5008 in a state scholarship program under chapter 1002;

5009 (4) Would be ineligible for an exemption under s.
 5010 435.07(4)(c); or

5011 (5) Has been convicted or found guilty of, has had
 5012 adjudication withheld for, or has pled guilty or nolo contendere
 5013 to:

5014 (a) Any criminal act committed in another state or under
 5015 federal law which, if committed in this state, constitutes a
 5016 disqualifying offense under s. 435.04(2).

5017 (b) Any delinquent act committed in this state or any
 5018 delinquent or criminal act committed in another state or under
 5019 federal law which, if committed in this state, qualifies an
 5020 individual for inclusion on the Registered Juvenile Sex Offender
 5021 List under s. 943.0435(1)(h)1.d.

5022 Reviser's note.—Section 8, ch. 2024-132, Laws of Florida,
 5023 amended paragraph (1)(y), but failed to incorporate the
 5024 amendment to s. 1012.315 by s. 8, ch. 2023-220, Laws of
 5025 Florida, effective July 1, 2024, which deleted former
 5026 subsection (1), including paragraph (y). Section 1012.315
 5027 is reenacted to conform to the fact that the amendment by
 5028 s. 8, ch. 2024-132, cannot be incorporated into the text of
 5029 the section as amended by s. 8, ch. 2023-220.

5030 Section 114. Paragraph (a) of subsection (2) of section
 5031 1012.55, Florida Statutes, is amended to read:

5032 1012.55 Positions for which certificates required.—

5033 (2)(a)1. Each person who is employed and renders service as
 5034 an athletic coach in any public school in any district of this
 5035 state shall:

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5036 a. Hold a valid temporary or professional certificate or an
5037 athletic coaching certificate. The athletic coaching certificate
5038 may be used for either part-time or full-time positions.

5039 b. Hold and maintain a certification in cardiopulmonary
5040 resuscitation, first aid, and the use of an automated ~~automatic~~
5041 external defibrillator. The certification must be consistent
5042 with national evidence-based emergency cardiovascular care
5043 guidelines.

5044 2. The provisions of this subsection do not apply to any
5045 athletic coach who voluntarily renders service and who is not
5046 employed by any public school district of this state.

5047 Reviser's note.—Amended to confirm an editorial substitution to
5048 conform to the correct name of the device.

5049 Section 115. This act shall take effect on the 60th day
5050 after adjournment sine die of the session of the Legislature in
5051 which enacted.

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 Rules

BILL: CS/SB 50

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

SUBJECT: Nature-based Methods for Improving Coastal Resilience

DATE: March 11, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 50 directs the Florida Flood Hub to:

- Develop guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges; and
- Model the effects of green infrastructure on the state's coastal resilience.

The bill also directs the Department of Environmental Protection (DEP) to adopt rules governing nature-based methods for improving coastal resilience. Among other things, the rules must:

- Encourage participation in mangrove replanting, hydrological restoration programs, and the restoration of oyster reefs, salt marshes, and coral reefs.
- Identify and monitor threats to mangroves and identify ways that new developments can avoid or mitigate their impacts on mangrove stands.
- Assist efforts to improve coastal resilience using green infrastructure, beach renourishment, dune restoration, living seawalls, shoreline and vegetation planting, stormwater planters, permeable pavements, and ecologically sound building materials.
- Identify vulnerable properties along the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs.
- Assist in the development of workforce training, including flood and sea level rise research, prediction, and adaptation and mitigation strategies.
- Encourage green infrastructure projects through the Resilient Florida Grant Program.

- Create permitting incentives for certain green infrastructure projects.

The bill requires a statewide feasibility study and report to determine the value of nature-based methods for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System.

The bill has an indeterminate negative fiscal impact on the DEP related to the costs associated with the rulemaking requirements. For Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds is appropriated from the Resilient Florida Trust Fund the DEP to conduct the feasibility study.

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

II. Present Situation:

Coastal Resilience, Green Infrastructure, and Nature-Based Solutions

Resilience is the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions.¹ Resilience planning includes preparing for hazard events, risk mitigation, and post-event recovery and should be proactive, continuous, and integrated into other community goals and plans.²

Green infrastructure and nature-based solutions are increasingly being integrated into resilience planning. Green infrastructure uses vegetation, soils, and natural processes to manage and treat stormwater runoff water, often in urban environments.³ The scale of green infrastructure ranges from urban installations, such as rain gardens and green roofs, to large tracts of undeveloped natural lands.⁴ The interconnected network of green infrastructure can enhance the resiliency of infrastructure and communities by increasing water supplies, reducing flooding, providing climate adaptability, and improving water quality.⁵

Similarly, nature-based solutions integrate natural features and processes into the built environment to promote adaptation and resilience and protect communities from natural hazards.⁶ Coastal nature-based solutions can stabilize shorelines, reduce erosion, and buffer

¹ Federal Emergency Management Agency (FEMA), *National Risk Index: Community Resilience*, <https://hazards.fema.gov/nri/community-resilience> (last visited Feb. 7, 2025).

² National Institute of Standards and Technology, U.S. Dep't of Commerce, *Community Resilience Planning Guide for Buildings and Infrastructure Systems*, 1 (2016), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1190v1.pdf>.

³ U.S. Environmental Protection Agency (EPA), *Improving Community Resiliency with Green Infrastructure*, 1 (2014), available at https://www.epa.gov/sites/default/files/2014-06/documents/gi_resiliency.pdf.

⁴ *Id.*

⁵ *Id.*

⁶ FEMA, *FEMA Resources for Climate Resilience*, 5 (2021), available at https://www.fema.gov/sites/default/files/documents/fema_resources-climate-resilience.pdf; FEMA, *Nature-Based Solutions: Before, During, and After Disasters*, <https://www.fema.gov/emergency-managers/risk-management/future-conditions/nature-based-solutions> (last visited Feb. 7, 2025).

coastal areas from the impacts of storms, sea level rise, and flooding.⁷ Examples of green infrastructure and nature-based solutions include:

- Conserving existing natural systems like dunes, wetlands, floodplains, and forests;
- Tree canopy preservation and land conservation;
- Floodplain and marsh restoration;
- Bioretention (e.g., planter boxes, bioswales, rain gardens, green roofs);
- Green streets and permeable pavement; and
- Living shorelines.⁸



Stormwater Planter, Permeable Pavement, Living Shoreline, and Bioretention⁹

Living Shorelines and Seawalls

A living shoreline is a nature-based solution that consists of strategically placing natural materials such as plants and stones along a coastal edge.¹⁰ Living shorelines promote and rely on the growth of natural vegetation over time to help reduce erosion, increase resiliency, and filter runoff.¹¹ This natural infrastructure helps maintain the shoreline ecosystem while being an

⁷ FEMA, *Nature-Based Solutions: Before, During, and After Disasters*, <https://www.fema.gov/emergency-managers/risk-management/future-conditions/nature-based-solutions>. See generally EPA, *Climate Resiliency and Green Infrastructure*, <https://www.epa.gov/green-infrastructure/climate-resiliency-and-green-infrastructure> (last visited Feb. 7, 2025); EPA, *Green Infrastructure Opportunities that Arise During Municipal Operations*, 1 (2015), available at https://www.epa.gov/sites/default/files/2015-09/documents/green_infrastructure_roadshow.pdf.

⁸ National Climate Task Force, *Federal Flood Standard Support Tool: Nature-Based Solutions*, <https://floodstandard.climate.gov/pages/nature-based-solutions> (last visited Feb. 7, 2025); EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Feb. 7, 2025).

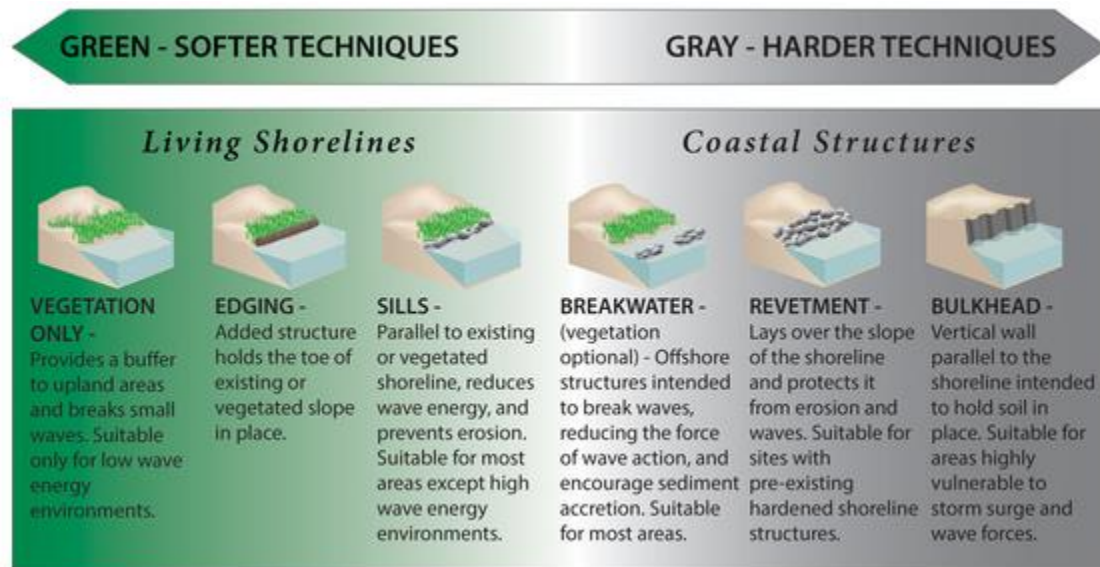
⁹ EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Feb. 7, 2025).

¹⁰ *Id.*

¹¹ *Id.*

innovative coastal management technique.¹² Research indicates that living shorelines are more resilient than bulkheads in protecting against the effects of hurricanes.¹³

A living seawall is designed to encourage underwater habitats and usually consists of naturalistic concrete, rock, and/or shell structures designed to attract fish, oysters, and other living things, absorb wave energy without causing erosion, and improve aesthetics.¹⁴



Mangroves

Florida's estimated 600,000 acres of mangrove forests contribute to the overall health of the state's southern coastal zone and beyond.¹⁵ Mangroves stabilize coastlines, slow the movement of tides, store carbon, and help protect against erosion and damage from storm surges.¹⁶

According to one study by the Nature Conservancy, mangroves prevented \$1.5 billion in direct

¹² *Id.*

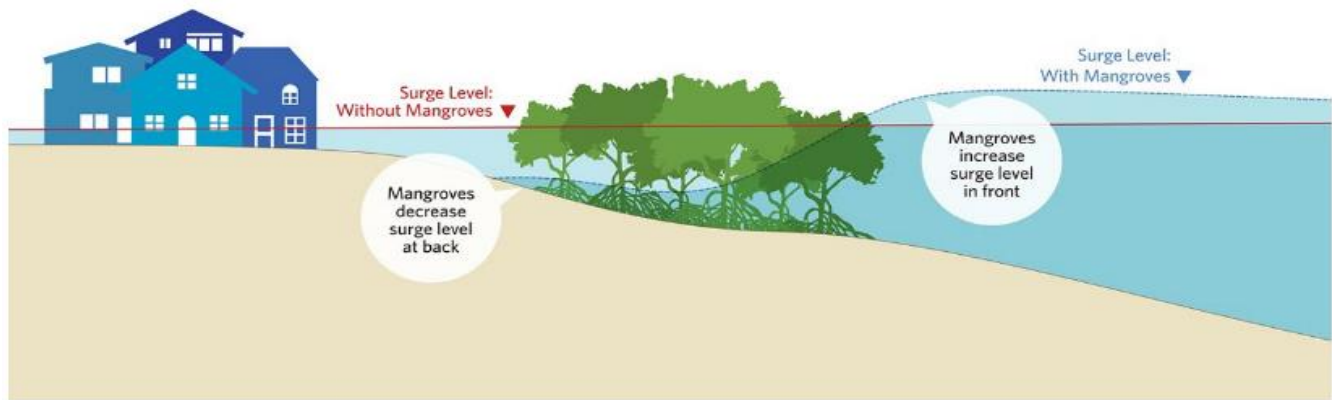
¹³ National Oceanic and Atmospheric Administration (NOAA), *What is a living shoreline?*, <https://oceanservice.noaa.gov/facts/living-shoreline.html> (last visited Feb. 7, 2025). See also NOAA, *Understanding Living Shorelines*, <https://www.fisheries.noaa.gov/insight/understanding-living-shorelines#what-is-a-living-shoreline> (last visited Feb. 7, 2025).

¹⁴ Mote Marine Laboratory and Aquarium, *Mote scientists to study Sarasota's new 'living seawall,'* <https://mote.org/news/mote-scientists-to-study-sarasotas-new-living-seawall/> (last visited Feb. 7, 2025). See also Port of San Francisco, *Living Seawall Pilot*, <https://www.sfport.com/wrp/living-seawall> (last visited Feb. 7, 2025).

¹⁵ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Feb. 7, 2025). Mangroves are gaining ground along their northern Florida habitat limits, and as winter cold snaps decrease, mangroves are expected to expand further north into new territory. Kristen Minogue & Heather Dewar, Smithsonian Environmental Research Center, *With Fewer Hard Frosts, Tropical Mangroves Push North*, 1 (2013), available at <https://sercblog.si.edu/with-fewer-hard-frosts-tropical-mangroves-push-north/>.

¹⁶ NASA, *Mangroves Are Losing Their Resilience*, <https://landsat.gsfc.nasa.gov/article/mangroves-are-losing-their-resilience/> (last visited Feb. 7, 2025). See also, DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>; NASA, *NASA Study Maps the Roots of Global Mangrove Loss*, available at <https://www.nasa.gov/feature/goddard/2020/nasa-study-maps-the-roots-of-global-mangrove-loss>. Mangroves reduce wave heights by 31 percent on average. Siddharth Narayan et al., *The Effectiveness, Costs and Coastal Protection Benefits of Natural and Nature-Based Defenses*, Plos One, 4 (2016), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0154735>.

flood damages and protected over half a million people in Florida during Hurricane Irma in 2017, reducing damages by nearly 25 percent in counties with mangroves.¹⁷ In Collier County, some regions immediately behind the county's mangroves receive annual risk reduction benefits of over \$1 million.¹⁸ Another study found that without the mangroves on Florida's coast, the storm surge of Hurricane Wilma would have extended up to 70 percent further inland.¹⁹



MANGROVE BENEFITS Surge is reduced behind mangroves, helping ease flooding to land and properties. © The Nature Conservancy

The amount of protection afforded by mangroves depends on the width of the forest. A narrow fringe of mangroves offers limited protection, while a wide fringe can considerably reduce wave and flood damage to landward areas by enabling overflowing water to be absorbed into the expanse of forest.²⁰ Notably, the Legislature has found that many areas of mangroves in Florida occur as narrow riparian fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.²¹

Mangroves also play an important ecological role as a habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife,²² including endangered and threatened species such as the manatee, hawksbill sea turtle, American crocodile, Key deer, and Florida panther.²³ Mangrove branches act as bird rookeries and nesting areas for coastal wading birds, and their intricate root systems provide critical nursery habitats for fish, crustaceans, shellfish, and other marine life.²⁴ The roots also make ideal underwater perches for barnacles, oysters,

¹⁷ Siddharth Narayan et al., The Nature Conservancy, *Valuing the Flood Risk Reduction Benefits of Florida's Mangroves*, 2, available at https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove_Report_digital_FINAL.pdf.

¹⁸ *Id.* at 10. Worldwide, mangroves reduce risk to more than 15 million people and prevent more than \$65 billion in property damages each year. Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

¹⁹ Keqi Zhang et al., *The role of mangroves in attenuating storm surges*, *Estuarine, Coastal and Shelf Science*, vols. 102-103, 11, 23 (2012), available at <https://www.sciencedirect.com/science/article/abs/pii/S0272771412000674>.

²⁰ *Id.*

²¹ Section 403.9322(3), F.S.

²² Section 403.9322(2), F.S.

²³ Florida Museum, University of Florida, *South Florida Aquatic Environments: Mangrove Life*, <https://www.floridamuseum.ufl.edu/southflorida/habitats/mangroves/mangrove-life/> (last visited Feb. 7, 2025).

²⁴ *Id.*; DEP, *Florida's Mangroves*; Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

crabs, and other marine organisms.²⁵ These organisms provide food for juvenile fish, birds, reptiles, and other wildlife.²⁶ Florida's important recreational and commercial fisheries would drastically decline without healthy mangrove forests.²⁷

Human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.²⁸ Climate change, which results in higher sea levels and more intense droughts and storms, could increase the rate of mangrove loss.²⁹

Florida Flood Hub for Applied Research and Innovation

The Florida Flood Hub for Applied Research and Innovation was established within the University of South Florida College of Marine Science to coordinate efforts between the academic and research institutions of the state.³⁰ The Florida Flood Hub is tasked with, among other things, organizing existing data needs for a comprehensive statewide flood vulnerability and sea level rise analysis and performing gap analyses to determine data needs; developing statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of floods; establishing community-based programs to improve flood monitoring and prediction along major waterways; and providing tidal and storm surge flooding data to counties and municipalities for vulnerability assessments.³¹

Areas of Critical State Concern

The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972.³² The program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.³³

Designated areas of critical state concern include:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);³⁴
- Green Swamp Area (portions of Polk and Lake Counties);³⁵

²⁵ Hannah Waters, Smithsonian Institution, *Mangrove Restoration: Letting Mother Nature Do the Work* (2016), available at <https://ocean.si.edu/ocean-life/plants-algae/mangrove-restoration-letting-mother-nature-do-work>.

²⁶ *Id.*

²⁷ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>.

²⁸ FWC, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/mangroves/> (last visited Feb. 7, 2025).

²⁹ Miriam C. Jones et al., *Rapid inundation of southern Florida coastline despite low relative sea-level rise rates during the late-Holocene*, *Nature Communications*, 1, 10 (2019), available at <https://www.nature.com/articles/s41467-019-11138-4>; Xiucheng Yang et al., *Tracking mangrove condition changes using dense Landsat time series*, *Remote Sensing of Environment*, vol. 15, 1 (2024), available at <https://www.sciencedirect.com/science/article/pii/S0034425724004875?via%3Dihub>.

³⁰ Section 380.0933(1), F.S.

³¹ Section 380.0933(2) and (3), F.S.

³² Florida Department of Commerce, *Area of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Feb. 7, 2025). See Ch. 72-317, s. 5, Laws of Fla.; section 380.05, F.S.

³³ Florida Department of Commerce, *Area of Critical State Concern Program*.

³⁴ Section 380.055, F.S.

³⁵ Section 380.0551, F.S.

- City of Key West and the Florida Keys (Monroe County);³⁶ and
- Apalachicola Bay Area (Franklin County).³⁷

National Flood Insurance Program Community Rating System

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.³⁸ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.³⁹ Participation in the NFIP is voluntary.⁴⁰ To join, a community must:

- Complete an application;
- Adopt a resolution of intent to participate and cooperate with the FEMA; and
- Adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.⁴¹

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.⁴² Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.⁴³ Premium discounts range from five to 45 percent based on a community's CRS credit points.⁴⁴ Communities earn credit points by implementing FEMA-approved activities or programs, such as:

- Flood damage reduction programs that reduce the flood risk to existing development;
- Public outreach programs advising people about flood hazards, flood insurance, and ways to reduce flood damage;
- Mapping and regulations limiting floodplain development or providing increased protection to new and existing development; or
- Warning and response programs that provide early flood warnings to the public and incorporate substantial damage assessments into flood response operations.⁴⁵

³⁶ Section 380.0552, F.S.

³⁷ Section 380.0555, F.S.

³⁸ The National Flood Insurance Act, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). *See also* FEMA, *Flood Insurance Rules and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation> (last visited Feb. 7, 2025).

³⁹ *See* FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Feb. 7, 2025).

⁴⁰ FEMA, *Participation in the NFIP*, <https://www.fema.gov/glossary/participation-nfip#:~:text=Participation%20in%20the%20National%20Flood%20Insurance%20Program%20%28NFIP%29,of%20intent%20to%20participate%20and%20cooperate%20with%20FEMA%3B> (last visited Feb. 7, 2025).

⁴¹ *Id.*

⁴² FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system#:~:text=The%20Community%20Rating%20System%20%28CRS%29%20is%20a%20voluntary,Insurance%20Program%20%28NFIP%29.%20Over%201%2C500%20communities%20participate%20nationwide> (last visited Feb. 7, 2025).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ FEMA, *Community Rating System: A Local Official's Guide to Saving Lives, Preventing Property Damage, and Reducing the Cost of Flood Insurance*, 3-6 (2023), available at https://www.fema.gov/sites/default/files/documents/fema_crs-brochure_032023.pdf.

Resilient Florida Grant Program

The Resilient Florida Grant Program provides grants to counties and municipalities to fund community resilience planning, including vulnerability assessments that identify or address risks of flooding and sea level rise, comprehensive plan amendments, and feasibility studies and the cost of permitting for nature-based solutions that reduce the impact of flooding and sea level rise.⁴⁶ Water management districts (WMDs) are also eligible to receive grants under the Resilient Florida Grant Program to assist local government adaptation planning.⁴⁷ Such funding must support the Florida Flood Hub and the Department of Environmental Protection's (DEP) efforts related to data creation, collection, modeling, and statewide standards implementation.⁴⁸

Workforce Development Capitalization Incentive Grant Program

The Workforce Development Capitalization Incentive Grant Program was created to provide grants to school districts and Florida College System institutions to fund costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List.⁴⁹ The programs may serve secondary students or postsecondary students if the postsecondary career and technical education program also serves secondary students.⁵⁰

Grant funds may be used for instructional and laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a career and technical education program that serves secondary students.⁵¹ In ranking applications, the State Board of Education must consider the statewide geographic dispersion of grant funds and give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.⁵²

Environmental Resource Permitting (ERP)

Part IV of chapter 373, F.S., and chapter 62-330 of the Florida Administrative Code regulate the statewide ERP program, which is the primary tool used by the Department of Environmental Protection (DEP) and the Water management districts (WMD) for preserving natural resources and fish and wildlife, minimizing degradation of water resources caused by stormwater discharges, and providing for the management of water and related land resources. The program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.⁵³

⁴⁶ Section 380.093(3)(b)1., F.S.

⁴⁷ Section 380.093(3)(b)2., F.S.

⁴⁸ Section 380.093(3)(b)2., F.S.

⁴⁹ Section 1011.801, F.S.

⁵⁰ *Id.*

⁵¹ Section 1011.801(1), F.S.

⁵² Section 1011.801(2), F.S.

⁵³ Fla. Admin. Code R. 62-330.010(2).

Projects that are in, on, or over surface waters and wetlands are subject to additional permitting requirements. For example, if a proposed activity significantly degrades or is within an Outstanding Florida Water,⁵⁴ the ERP applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.⁵⁵ In determining whether an activity is clearly in the public interest, the WMDs or the DEP must consider and balance the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.⁵⁶

III. Effect of Proposed Changes:

The bill contains four whereas clauses that acknowledge the following:

- The coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna;
- Rising sea levels and an increasing frequency of adverse weather events pose a significant risk to people and property along the coastline and threaten the public benefits and functions offered by the coastline;
- As identified in the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study, natural infrastructure, including mangrove stands, living seawalls, and other nature-based designs, can play an essential role in improving coastal resilience and mitigating harm to this state's coastlines; and
- The Legislature intends to promote state and local efforts to restore mangrove forests along the coastline and further study the impact of other nature-based methods on this state's coastal resilience and economic development.

Section 1 amends s. 380.0933, F.S., regarding the Florida Flood Hub for Applied Research and Innovation. The bill directs the Flood Hub to:

⁵⁴ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Feb. 7, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

⁵⁵ Section 373.414(1), F.S.

⁵⁶ Section 373.414(1)(a), F.S.

- Develop design guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges; and
- Model the effects, including flood risk reduction and socio-economic benefits, of conceptual designs of green infrastructure and hybrid green-gray infrastructure, and integration of green natural systems into gray infrastructure systems, on the state's coastal resilience.

Section 2 creates s. 380.0938, F.S., regarding nature-based methods for improving coastal resilience. The bill directs the Department of Environmental Protection (DEP) to adopt rules governing nature-based methods for improving coastal resilience. The rules must:

- Address significant erosion in areas of critical state concern.
- Identify ways that new developments can avoid or mitigate their impacts on mangrove stands.
- Encourage local governmental entities to develop or participate in mangrove replanting and hydrological restoration programs and the restoration of oyster reefs, salt marshes, and coral reefs.
- Identify and monitor threats to mangroves.
- Protect barrier and spoil islands.
- Assist efforts to improve coastal resilience through the use of green infrastructure, beach renourishment, dune restoration, living seawalls, shoreline and vegetation planting, stormwater planters, permeable pavements, and ecologically sound building materials.
- Promote public awareness of the value of green infrastructure and statewide education campaigns conducted by local governmental entities.
- Identify vulnerable public and private properties along the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs for implementing the rules developed by the DEP.
- Protect and maintain access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway.
- Create permitting incentives and approvals of, and encourage the use of, new strategies and technologies, such as three-dimensional printing, for living shorelines and nature-based features for coastal protection.
- Assist in the development of workforce training in this state which includes flood and sea level rise research, prediction, and adaptation and mitigation strategies. The DEP must provide incentives to local communities that apply for funding through the Workforce Development Capitalization Incentive Grant Program to implement such workforce training.
- Encourage partnerships with local governmental entities to create projects using green infrastructure for coastal protection through the Resilient Florida Grant Program.
- Develop guidelines for determining when a green infrastructure project is “clearly in the public interest” under s. 373.414(1)(a), F.S.⁵⁷
- Streamline the Environmental Resource Permitting process for green infrastructure projects.

⁵⁷ Section 373.414(1), F.S., provides that, if a proposed activity requiring an environmental resource permit significantly degrades or is within an Outstanding Florida Water, the applicant must provide reasonable assurance that the proposed activity will be “clearly in the public interest.” Section 373.414(1)(a), F.S., delineates criteria that must be considered when determining whether an activity is “clearly in the public interest.”

- Streamline permitting after designated storm events or disasters to replace failed coastal infrastructure with green or hybrid green-gray infrastructure that follows established green and green-gray design guidelines.

The bill also directs the DEP, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study to determine the value of nature-based methods for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The bill requires the DEP to submit a report on the findings of the study to the Governor and Legislature by July 1, 2026.

Section 3 provides for Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund to the DEP to conduct the feasibility study.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate negative fiscal impact on the Department of Environmental Protection (DEP) related to the costs associated with the rulemaking and the cost to conduct a feasibility study. For Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund is appropriated to the DEP to conduct the feasibility study.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 380.0933 of the Florida Statutes.

This bill creates section 380.0938 of the Florida Statutes.

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

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

CS by Appropriations Committee on Agriculture, Environment and General Government on March 5, 2025:

The committee substitute appropriates for Fiscal Year 2025-2026, the sum of \$250,000 in nonrecurring funds from the Resilient Florida Trust Fund to the Department of Environmental Protection to conduct the feasibility study.

B. Amendments:

None.

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

601-02147-25

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A bill to be entitled

An act relating to nature-based methods for improving coastal resilience; amending s. 380.0933, F.S.; requiring the Florida Flood Hub for Applied Research and Innovation at the University of South Florida College of Marine Science to develop design guidelines and standards for green and gray infrastructure and models for conceptual designs of green infrastructure and green-gray infrastructure; creating s. 380.0938, F.S.; requiring the Department of Environmental Protection to adopt rules for nature-based methods for coastal resilience; providing requirements for such rules; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based methods being used for a specified purpose; requiring the department to submit a report to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

WHEREAS, the coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna, and

WHEREAS, rising sea levels and an increasing frequency of

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

601-02147-25

202550c1

adverse weather events pose a significant risk to people and property along the coastline and threaten the public benefits and functions offered by the coastline, and

WHEREAS, as identified in the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study, natural infrastructure, including mangrove stands, living seawalls, and other nature-based designs, can play an essential role in improving coastal resilience and mitigating harm to this state's coastlines, and

WHEREAS, the Legislature intends to promote state and local efforts to restore mangrove forests along the coastline and further study the impact of other nature-based methods on this state's coastal resilience and economic development, NOW, THEREFORE,

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

Section 1. Present paragraphs (c) through (i) of subsection (2) of section 380.0933, Florida Statutes, are redesignated as paragraphs (e) through (k), respectively, and new paragraphs (c) and (d) are added to that subsection, to read:

380.0933 Florida Flood Hub for Applied Research and Innovation.—

(2) The hub shall, at a minimum:

(c) Develop design guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges.

(d) Model the effects, including flood risk reduction and socio-economic benefits, of conceptual designs of green infrastructure and hybrid green-gray infrastructure, and

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601-02147-25

202550c1

integration of green natural systems into gray infrastructure systems, on this state's coastal resilience.

Section 2. Section 380.0938, Florida Statutes, is created to read:

380.0938 Nature-based methods for improving coastal resilience.—

(1) The Department of Environmental Protection shall adopt rules governing nature-based methods for improving coastal resilience. The rules must do all of the following:

(a) Address significant erosion in areas of critical state concern.

(b) Identify ways that new developments can avoid or mitigate their impacts on mangrove stands.

(c) Encourage local governmental entities to develop or participate in:

1. Mangrove replanting and hydrological restoration programs; and

2. Restoration of oyster reefs, salt marshes, and coral reefs.

(d) Identify and monitor threats to mangroves.

(e) Protect barrier and spoil islands.

(f) Assist efforts to improve coastal resilience through the use of green infrastructure, beach renourishment, dune restoration, living seawalls, shoreline and vegetation planting, stormwater planters, permeable pavements, and ecologically sound building materials.

(g) Promote public awareness of the value of green infrastructure and statewide education campaigns conducted by local governmental entities.

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(h) Identify vulnerable public and private properties along the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs for implementing the rules developed by the department pursuant to this section.

(i) Protect and maintain access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway as defined in s. 327.02.

(j) Create permitting incentives and approvals of, and encourage the use of, new strategies and technologies, such as 3D printing, for living shorelines and nature-based features for coastal protection.

(k) Assist in the development of workforce training in this state which includes flood and sea level rise research, prediction, and adaptation and mitigation strategies. The department shall provide incentives to local communities that apply for funding through the Workforce Development Capitalization Incentive Grant Program pursuant to s. 1011.801 to implement such workforce training.

(l) Encourage partnerships with local governmental entities to create projects using green infrastructure for coastal protection through the Resilient Florida Grant Program pursuant to s. 380.093(3)(b)1.d.

(m) Develop guidelines for determining when a green infrastructure project is clearly in the public interest under s. 373.414(1)(a).

(n) Streamline the permitting process under s. 373.4131 for green infrastructure projects.

(o) Streamline permitting after designated storm events or

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disasters to replace failed coastal infrastructure with green or
hybrid green-gray infrastructure that follows established green
and green-gray design guidelines.

(2) The department, in consultation with the Division of
Insurance Agent and Agency Services, shall conduct a statewide
feasibility study to determine the value of nature-based methods
for coastal flood risk reduction within coastal communities to
reduce insurance premiums and improve local governments'
community ratings in the National Flood Insurance Program
Community Rating System. The department shall submit a report on
the findings of the study to the Governor, the President of the
Senate, and the Speaker of the House of Representatives by July
1, 2026.

Section 3. For the 2025-2026 fiscal year, the sum of
\$250,000 in nonrecurring funds from the Resilient Florida Trust
Fund is appropriated to the Department of Environmental
Protection to conduct the feasibility study for coastal flood
risk reduction required by this act.

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

The Florida Senate

APPEARANCE RECORD

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12 March 2025

Meeting Date

Rules

Committee

50

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 850-345-7208

Address 1035 S. Semoran Blvd, Suite 2-1021B

Street

Email Kahreem.golden@tnc.org

Winter Park

City

FL

State

32792

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The Nature Conservancy

☐ 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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3-12-25

Meeting Date

Rules

Committee

50

Bill Number or Topic

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727. 421. 6902

Address P.O. Box 2020

Street

Email travis@moore-relations.com

St. Petersburg FL

City

State

33731

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Native Plant Society

☐ 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)

3/12/25

Meeting Date

Senate Rules

Committee

Name **Steve Schale**

Address **204 South Monroe Street**

Street

Tallahassee

City

Florida

State

32301

Zip

The Florida Senate
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Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-222-8900**

Email **steve@tapfla.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:

The Environmental Defense Fund

☐ 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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3/12/25

Meeting Date

Senate Rules

Committee

Senate Bill 50

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chadwick Leonard

Phone

407 954 0605

Address

308 N. Monroe Tallahassee, FL 32301

Email

cleonard@1000fof.org

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:

1000 Friends of
Florida

☐

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

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

BILL: CS/SB 108

INTRODUCER: Rules Committee; Senators Grall and Burgess

SUBJECT: Administrative Procedures

DATE: March 13, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	McVaney	GO	Favorable
2. Harmsen	Yeatman	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 108 amends the Administrative Procedures Act (APA), which provides a uniform set of procedures that agencies must follow when exercising rulemaking authority that has been delegated by the Legislature. This bill amends the APA rulemaking process and mandates an agency review of existing rules. The bill, in part:

- Requires each agency, in coordination with the Joint Administrative Procedures Committee, to review its rules for consistency with the powers and duties granted by the agency's enabling statutes and for any general need for update.
- Provides that agency action to make no change or a technical change to a rule during its rule review process is not subject to a hearing or challenge otherwise provided in ch. 120, F.S.
- Requires agency annual regulatory plans to include an outline of the agency's proposed five-year schedule of its rule review, with approximately 20 percent of the agency's total existing rules to be reviewed annually.
- Establishes a 90-day timeframe for an agency to publish a notice of intended agency action from the effective date of legislation that delegates applicable rulemaking authority.
- Requires an agency, for all rules being adopted and reviewed, to electronically publish the full text of any incorporated materials with the notice of proposed rulemaking and necessitates changes to that material to be coded in a strike-through and underlined format, and to make incorporated materials available in a text-searchable format.
- Directs an agency to publish emergency rules in the Florida Administrative Register and the Florida Administrative Code, with an agency statement of the specific basis for the rule.
- Requires an agency to withdraw a rule that was not ratified by the Legislature within one regular legislative session after its referral to the body. If an underlying mandatory delegation

of rulemaking authority persists at the time the agency withdraws the rule, then the agency must reinitiate rulemaking within 90 days of adjournment sine die.

- Clarifies that an emergency rule that has been extended, in virtue of a successor rule being subject to legislative ratification, expires at the time of adjournment sine die of the next regular legislative session if that successor rule is not ratified.
- Permits an agency to withdraw an emergency rule, where it can show that the underlying emergency no longer exists. An agency is also allowed to make a technical change to an emergency rule or to supersede it with different language that will remain in effect for the duration of the initial emergency rule.
- Defines the term “technical change” and directs an agency to publish technical changes in the Florida Administrative Register and document the change in the history of the rule.
- Mandates that a notice of rule development and a notice of proposed rule include the proposed rule number.
- Requires at least seven days to pass between the publication of a notice of rule development and a notice of proposed rule.

The bill may have a negative fiscal impact on state government. The impact, however, is likely indeterminate and not expected to impact agencies until a later date. See Section V. Fiscal Impact Statement.

The bill grants rulemaking authority to the Department of State to implement certain provisions.

The bill will take effect July 1, 2025.

II. Present Situation:

Rulemaking Authority

The Legislature is the sole branch of government with the inherent power to create laws.¹ However, the Legislature may use laws to delegate to executive branch agencies the power to create rules that have the force and effect of law.² Usually, the Legislature delegates rulemaking authority to a given agency because an agency has “expertise in a particular area for which they are charged with oversight.”³ An agency must have both a general and a specific grant of rulemaking authority from the Legislature.⁴ The general grant of rulemaking authority is usually broad, while the specific grant of rulemaking authority provides specific standards and guidelines the agency must implement through rulemaking.⁵ An agency, therefore, cannot create rules at its discretion but instead must limit the rule to the specific empowerments and

¹ Article III, s. 1, FLA. CONST.; *see also* Art. II, s. 3, FLA. CONST.

² Section 120.52(17), F.S. *See also*, *Whiley v. Scott*, 79 So. 3d 702, 710 (Fla. 2011) (“Rulemaking is a derivative of lawmaking.”).

³ *Whiley*, 79 So. 3d 702, 711 (Fla. 2011).

⁴ Sections 120.52(8) and 120.536(1), F.S.

⁵ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

responsibilities delegated by the Legislature in law.⁶ A rule can be an agency's interpretation or implementation of a law, and includes forms and applications used to administer a program.⁷

The Florida Administrative Procedures Act (APA)⁸ provides a framework for rulemaking to be followed by agencies.⁹ The APA provides that rulemaking is not a matter of agency discretion; rather, each agency statement that is in effect a "rule" must be adopted by the rulemaking procedure set forth in the APA as soon as feasible and practicable.¹⁰ An agency must notice a majority of these steps in the Florida Administrative Register as the rulemaking progresses, with set times lines to promote the opportunity for public comment.¹¹ At the conclusion of the rulemaking process, when a rule is adopted, it is typically published in the Florida Administrative Code (FAC).¹²

Generally, under the APA, rulemaking is a process consisting of a series of nondiscretionary activities within specific timeframes. The rulemaking process includes the following steps:

- First, the Legislature enacts a statute granting an agency the authority to make a rule;
- Second, the agency initiates the formal rulemaking process by publishing a notice of rule development in the Florida Administrative Register, which provides the public an initial opportunity to provide input;
- Third, an agency files a notice of intended agency action, which may take the form of a notice of proposed rule, amendment, or repeal. The agency is encouraged to engage in an analysis of the costs related to rulemaking at this time;
- Fourth, an agency must send supporting materials of the proposed action to the Joint Administrative Procedures Committee (JAPC);
- Fifth, the agency files the rule, amendment, or repeal for adoption with the Department of State (DOS); and
- Sixth, the rule, amendment, or repeal becomes effective and is officially published in the FAC.

As further discussed below, at several times throughout this process, citizens, and state bodies, such as JAPC, and the Executive Office of the Governor, through the Office of Fiscal Accountability and Regulatory Reform, have a right to intervene in the process and provide feedback. Consequently, the rulemaking process at times is more complex.

⁶ Section 120.54(1)(a), F.S.

⁷ Section 120.52(16), F.S.

⁸ Sections 120.51 et seq., F.S.

⁹ *Dep't. of Transp. v. Blackhawk Quarry Co. of Fla.*, 528 So. 2d 447, 449 (Fla. 4th DCA 1988); 2 FLA. JUR. Administrative law s. 5.

¹⁰ Sections 120.52 and 120.54(1); 2 FLA. JUR. Administrative law s. 5.

¹¹ *Rosenzweig v. Dep't of Transp.*, 979 So. 2d 1050, 1053 (Fla. 1st DCA 2008) (citing *Fla. Home Builders Ass'n v. Dep't of Labor*, 412 So.2d 351, 352-53 (Fla. 1982)). The FAR is a publication available online, maintained by the DOS, and subject to continuous revision. See s. 120.55, F.S.

¹² Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or a state university rules relating to internal personnel or business and finance are not published in the FAC. Forms are not published in the FAC. Section 120.55(1)(a), F.S. Emergency rules are also not published in the FAC. DOS, *Florida Administrative Code & Florida Federal Register*, <https://www.flrules.org/> (last visited on Feb. 3, 2025).

Florida Administrative Register Publication and Coding

Agencies must electronically submit any notice to be published in the Florida Administrative Register (FAR) through DOS's electronic rulemaking website.¹³ All rule notices submitted for publication in the FAR must be coded in the same manner used in legislative documents to aid understanding of the proposed changes—new language is underlined, and deleted language is stricken through. This coding requirement does not extend to documents incorporated into the rule by reference.

The FAR must include the following: (1) all notices required prior to the adoption, amendment, or repeal of any rule, along with the text of all proposed rules; (2) all notices of public meetings, hearings, and workshops, including a statement of the manner in which a copy of the agenda may be obtained; (3) a notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules; (4) notice of petitions for declaratory statements or administrative determinations; (5) a summary of each objection to any rule filed by the JAPC; (6) a list of rules filed for adoption in the previous seven days; (7) a list of all rules filed for adoption pending legislative ratification (a rule is withdrawn from this list once it is ratified or withdrawn); and (8) any other material required or authorized by law or deemed useful by the DOS.¹⁴

Prior to 2012, the FAR was published weekly, resulting in a period of at least 7 days between the agency's publication of a notice of rule development and a notice of intended agency action. In 2012, the Legislature changed the FAR from a weekly publication to a publication that is continuously revised and, as a result, eliminated the 7-day period between the two notices.¹⁵ Now, theoretically, an agency can publish a notice of proposed rule development on Monday and its notice of proposed rule on Tuesday, thereby limiting the public's ability to request a public rule workshop or negotiated rulemaking.

The Florida Administrative Code

The Florida Administrative Code (FAC) is an electronic compilation of all rules adopted by each agency and maintained by the DOS.¹⁶ While the FAR is generally a publication of rulemaking, the FAC is the publication of rules that have completed rulemaking and are now effective—which constitute administrative law. Each rule entry in the FAC must provide the rule's text, cite the grant of rulemaking authority and the specific law implemented, as well as a history note detailing the initial promulgation of the rule and any subsequent changes.¹⁷ Rules applicable to only one school district, community college district, or county or state university rules relating to internal personnel or business and finance are not required to be included in the FAC.¹⁸

The DOS is required to publish the following information at the beginning of each section of the code concerning an agency:

- The address and telephone number of the executive offices of the agency;

¹³ Fla. Admin. Code R. 1-1.011.

¹⁴ See ss. 120.525, 120.54, and 120.55, F.S.

¹⁵ Chapter 2012-63, Laws of Fla.

¹⁶ Section 120.55(1)(a)1., F.S. See also, Fla. Admin Code. R. 1-1.011(1)(b).

¹⁷ *Id.*

¹⁸ Section 120.55(1)(a)2., F.S.

- The manner by which the agency indexes its rules; and
- A listing of all rules of that agency excluded from publication in the FAC with a statement as to where those rules may be inspected.¹⁹

Joint Administrative Procedures Committee

Joint Administrative Procedures Committee (JAPC) is a standing committee of the Legislature established by joint rule and created to maintain a continuous review of administrative rules, the statutory authority upon which those rules are based, and the administrative rulemaking process.²⁰ The JAPC *may* examine existing rules, but *must* examine each proposed rule to determine whether:

- The rule is a valid exercise of delegated legislative authority;
- The statutory authority for the rule has been repealed;
- The rule reiterates or paraphrases statutory material;
- The rule is in proper form;
- The notice given prior to adoption was sufficient;
- The rule is consistent with expressed legislative intent;
- The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law that the rule implements;
- The rule is a reasonable implementation of the law as it affects the convenience of the general public or persons particularly affected by the rule;
- The rule could be made less complex or more easily comprehensible to the general public;
- The rule's statement of estimated regulatory costs (discussed below) complies with the requirements of the APA and whether the rule does not impose regulatory costs on the regulated person, county, or municipality that could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives; or
- The rule will require additional appropriations.²¹

If, during its review, the JAPC has concerns that a proposed or existing rule may not be authorized or exceeds the delegated rulemaking authority, it contacts the agency. Often the agency agrees that there is no authority for the rule and withdraws or amends the rule to meet the staff concerns.²² If there is disagreement, the rule is scheduled for consideration by the full committee. The agency may appear before the JAPC and present argument and evidence in support of its rule. If, after hearing the agency's argument, the JAPC does not find statutory authority for the rule, it votes on an objection and the agency must respond.²³ If the agency refuses to modify or withdraw a rule to which the JAPC has objected, public notice of the objection is given, and a notation accompanies the rule when it is published in the FAC. The JAPC may also seek judicial review to establish the invalidity of a rule or proposed rule but has not exercised this authority to date.²⁴

¹⁹ Section 120.55(1)(a)3., F.S.

²⁰ 2 Fla. Leg. J. Rule 4.6; *see also* s. 120.545, F.S.

²¹ Section 120.545(1), F.S.

²² JAPC, 2023 *Annual Report* at 1 (Jan. 11, 2024), <https://www.japc.state.fl.us/Documents/Publications/2023AnnualReport.pdf> (last visited Jan. 30, 2025).

²³ Section 120.545(3)-(7), F.S.

²⁴ JAPC, 2023 *Annual Report* at 2 (Jan. 11, 2024), <https://www.japc.state.fl.us/Documents/Publications/2023AnnualReport.pdf> (last visited Jan. 30, 2025).

The JAPC reviewed a total of 1,074 rules in 2023, the lowest reviewed in the prior 10 years (with the highest number of 2,851 rule reviews in 2015).²⁵

Rulemaking Process

The Administrative Procedure Act (APA)²⁶ provides uniform procedures that agencies must follow when they engage in rulemaking. An agency may initiate rulemaking either as the result of a legislative mandate in statute, public request,²⁷ or its own agency initiative—presuming sufficient rulemaking authority exists in statute.

Notice of Rule Development

An agency begins the formal rulemaking process²⁸ by filing a notice of rule development in the FAR, which must indicate the subject area to be addressed by the rule development and provide a short, plain explanation of the rule’s purpose and effect.²⁹ Such notice is required for all rulemaking (including creation of a new rule and amendment of an existing rule) except for rule repeals. A notice of rule development may, but is not required to, include the preliminary text of the proposed rule or amendment.³⁰

The notice of rule development gives notice to the public, which provides an initial opportunity to participate in the rulemaking process through either a request for a public rule development workshop,³¹ negotiated rulemaking,³² or simply communication of one’s position to the agency.³³

Additionally, unless the agency is statutorily required to adopt the rule, it may abandon the rulemaking process at this point.³⁴

Notice of Intended Agency Action

Next, an agency must file a notice of intended agency action, which may be a notice of proposed rule, a notice of proposed amendment to an existing rule, or a notice of rule repeal. The notice must contain the full text and a summary of the proposed rule or amendment, as well as a reference to the grant of rulemaking authority and the specific statute or law the agency is implementing or interpreting.³⁵ The agency must also include a summary of its statement of

²⁵ *Id.* at 6-8.

²⁶ Chapter 120, F.S.

²⁷ Section 120.54(7)(a), F.S.

²⁸ Alternatively, a person regulated by an agency or having substantial interest in an agency rule may petition the agency to adopt, amend, or repeal a rule. Section 120.54(7), F.S.

²⁹ Section 120.54(2), F.S.

³⁰ Section 120.54(2), F.S., requires the agency to “include the preliminary text of the proposed rules, if available...”

³¹ Section 120.54(2)(c), F.S., requires an agency to hold a public workshop for the purposes of rule development, if requested in writing by an affected person, unless the agency head explains in writing why a workshop is unnecessary.

³² Section 120.54(2)(d), F.S.

³³ Jowanna Oates, The Florida Bar, *Escaping the Labyrinth: A Practical Guide to Rulemaking*, 29 FLA. BAR J. 61, available at <https://www.floridabar.org/the-florida-bar-journal/escaping-the-labyrinth-a-practical-guide-to-rulemaking/> (last visited Feb. 3, 2025).

³⁴ Section 120.54(3)(d)2., F.S.

³⁵ Section 120.54(3)(a), F.S.

estimated regulatory costs (SERC), if it prepared one. The notice must be published in the FAR at least 28 days before the agency may execute its intended action.³⁶

Public Input After the Notice of Intended Agency Action

The notice of intended agency action must also provide information detailing how a member of the public can:

- Request that the agency hold a public hearing on the proposed rule. The requesting party must be affected by the proposed rule and must request the hearing within 21 days of the publication of the notice of proposed rule (or other intended agency action);³⁷
- Provide input regarding the agency's SERC;³⁸
- Submit a lower cost regulatory alternative (LCRA) pursuant to s. 120.541(1)(a), F.S.; or
- Petition for an administrative hearing held by an administrative law judge at the Division of Administrative Hearings (DOAH) on whether the proposed agency action is a proper exercise of authority or is otherwise invalid.³⁹

Generally, a member of the public has 21 days from the agency's publication of a notice of intended agency action to request or take one of the above actions. To allow time for public input, the time before an agency may file the rule for final adoption (discussed below) is extended by 14-60 days upon the occurrence of one of the above actions.⁴⁰

Statements of Estimated Regulatory Costs (SERC) and Lower Cost Regulatory Alternatives

A SERC is an agency's estimation of the impact of a rule on the public, focusing on the implementation and compliance costs.⁴¹ An agency is encouraged to prepare a SERC before adopting, amending, or repealing any rule⁴² but is not required to do so unless the proposed action will have a negative impact on small businesses or increase regulatory costs by more than \$200,000 in the aggregate within 1 year.⁴³ If the SERC determines that the rule will exceed the \$200,000 impact threshold, then the rule must be referred for Legislative ratification after its adoption; the rule does not take full effect until ratified by the Legislature.⁴⁴

If the agency created a SERC, it must provide a hyperlink to it in the applicable notice of intended agency action. If the agency revises a rule before its adoption and the revision increases the rule's regulatory costs, then the agency must revise the SERC appropriately.⁴⁵

A person who is substantially affected by a proposed rule may submit a lower cost regulatory alternative (LCRA) within 21 days of the publication of a notice of intended agency action to

³⁶ Section 120.54(3)(a)2., F.S.

³⁷ Section 120.54(3)(c), F.S. The agency cannot file the rule for adoption with the DOS until at least 14 days after the final public hearing has occurred.

³⁸ See "Statement of Estimated Regulatory Cost" section above.

³⁹ Section 120.56(2)(a), F.S.

⁴⁰ Section 120.54(3)(e)2., F.S.

⁴¹ Section 120.541(2), F.S.

⁴² Section 120.54(3)(b)1., F.S.

⁴³ *Id* and s. 120.541(2)(a), F.S.

⁴⁴ See s. 120.541(3), F.S., for exceptions for the adoption of specific federal standards and updates to the Florida Building and Fire Prevention Codes. *Fernandez v. Dep't. of Health, Bd. of Medicine*, 223 So. 3d 1055, 1057-8 (Fla. 1st DCA 2017).

⁴⁵ Section 120.541(1)(c), F.S.

adopt, amend, or repeal the relevant rule. A LCRA may recommend that the rule not be adopted at all, if it explains how the lower costs and objectives of the law will be achieved. The submission of an LCRA extends the period for filing a rule by an additional 21 days.⁴⁶

If an agency receives an LCRA, it must prepare a SERC if it has not done so already or revise its prior SERC to reflect the LCRA's input. The agency must either adopt the LCRA or explain its reasons for rejecting it.⁴⁷ In order to provide adequate time for review, the agency must provide its new or revised SERC to the individual who submitted the LCRA and to the JAPC.⁴⁸ The agency must also post a notice of the SERC's availability on the agency website at least 21 days before it files the rule for adoption.⁴⁹

Agencies must also separately consider the impact of a proposed rule, amendment, or rule repeal on small businesses, small counties, and small cities, and consider alterations to the rule to lessen any impact to these entities. If an agency determines that a proposed agency action will affect small businesses, then it must forward the notice to the rules ombudsman, an appointee of the Governor.⁵⁰ The rules ombudsman makes recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to business.⁵¹ Each agency must adopt recommendations made by the rules ombudsman to minimize impacts on small businesses, unless the adopting agency finds the recommendation unfeasible or inconsistent with the proposed rule's objectives.⁵²

Notice of Supporting Materials Submitted to JAPC

At least 21 days before the date of adoption of a proposed rule, amendment, or repeal, the agency must send a packet of supporting materials to the JAPC that includes a:⁵³

- Copy of each rule or amendment it proposes to adopt or repeal;
- Copy of any material incorporated by reference therein;
- Detailed written statement of the facts and circumstances which justify the proposed rule amendment, or repeal;
- Copy of any SERC the agency prepared in relation to the proposed rule, amendment, or repeal;
- Statement of how the proposed rule, amendment, or repeal relates to federal standards or rules; and
- Copy of the Notice of Intended Agency Action.

At this time, the JAPC generally begins its review of a proposed rule pursuant to s. 120.545, F.S. (see "Joint Administrative Procedures Committee" section, *infra*).

⁴⁶ Section 120.541(1)(a), F.S.

⁴⁷ Section 120.541(1)(d), F.S.

⁴⁸ The Joint Administrative Procedures Committee (JPAC) "examines existing and proposed rules made by agencies in accordance with [the Administrative Procedures Act]." *Comm'n on Ethics v. Sullivan*, 489 So. 2d 10, 14 (Fla. 1986); see s. 120.545, F.S. (referring to "the committee" which section 120.52, F.S., defines as the Administrative Procedures Committee).

⁴⁹ *Id.*

⁵⁰ Sections 120.54(3)(b)2. and 288.7015, F.S.

⁵¹ Section 288.7015(3), F.S. See also, E.O. 11-01 (establishing the Office of Fiscal Accountability and Regulatory Reform (OFARR)) (renewed by E.O. 11-72 and 11-211).

⁵² Section 120.54(3)(b)2.b.(II)., F.S.

⁵³ Section 120.54(3)(a)4., F.S.

Materials Incorporated by Reference

The APA allows an agency to incorporate material external to the text of the rule by reference.⁵⁴ The material to be incorporated must exist on the date the rule is adopted.⁵⁵ An agency may not incorporate material by reference in a rule unless:

- The material has been submitted in the prescribed electronic format to the DOS and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the FAC; or
- The agency has determined that posting the material publicly on the Internet would constitute a violation of federal copyright law, in which case a statement stating such, along with the address of locations at the DOS and the agency at which the material is available for public inspection and examination, must be included in the notice.⁵⁶

If an agency wishes to alter the material incorporated by reference after the rule is effective, the rule itself must be amended.⁵⁷ However, an agency rule that incorporates another rule by reference automatically incorporates subsequent amendments to the referenced rule.⁵⁸

Notice of Change Submitted to JAPC

If an agency substantively changes the proposed rule or amendment after its initial notice of intended agency action, it must file a notice of change with the JAPC at least 21 days before it files the rule for adoption; this deadline may coincide with the submission deadline of required notice of supporting materials. An agency may substantially change a proposed rule or amendment in response to a public hearing or materials timely submitted to the agency. The notice of change must also be mailed to interested parties and published in the FAR.⁵⁹ The agency must also amend any SERC to reflect the proposed rule's substantive changes.

An agency cannot file the rule for adoption (discussed below) until at least 21 days after this notice of change is filed; however, the period allowed for filing the rule for adoption is extended by 45 days (from a range of 28-90 days to 73-135 days) upon timely filing of a notice of change.

If the agency makes no changes, or only technical changes, to the proposed rule, amendment, or repeal, then it must file a notice of no change with the JAPC at least 7 days before it files the matter for adoption.⁶⁰

Filing for Adoption of the Proposed Agency Action

Generally, an agency must file a rule or amendment for adoption between 28 and 90 days after its notice of intended agency action is published in the FAR; this time can be extended and tolled to accommodate public hearings, SERC revisions, formal hearings at the DOAH, and other rulemaking processes provided for by the APA.⁶¹ Once an agency has completed the rulemaking

⁵⁴ Section 120.54(1)(i), F.S.; *see also*, Fla. Admin. Code R. 1-1.013.

⁵⁵ Section 120.54(1)(i)1., F.S.

⁵⁶ Section 120.54(1)(i)3., F.S.

⁵⁷ *Id.*

⁵⁸ Section 120.54(1)(i)2., F.S.

⁵⁹ Section 120.54(3)(d)1., F.S.

⁶⁰ *Id.*

⁶¹ 120.54(3)(e)2., F.S.

steps within the appropriate timeframe, the agency may file the rule for adoption with the DOS.⁶² This triggers JAPC's duty to certify the agency's compliance with its inquiries made pursuant to s. 120.545, F.S., if any.

At the time the agency files the rule for adoption, the JAPC must certify to the DOS whether the agency responded to all material and timely written comments or inquiries made on behalf of JAPC (these inquiries are outlined in additional detail above in the "Joint Administrative Procedures" section). If the JAPC notifies the agency that it is considering making an objection to the adopted rule or amendment based on its inquiry, the agency may withdraw or modify the rule by publication in the FAR and notice to interested parties. The agency's rule withdrawal must occur before the rule or amendment becomes effective.⁶³ An agency may restart rulemaking on the same subject after it has withdrawn a rule and is not required to republish a notice of proposed rulemaking in order to do so. However, if the agency's rulemaking is performed pursuant to a legislative delegation, it must continue the rulemaking process until a rule becomes effective.

The DOS may approve an agency rule for adoption if it finds that the agency:

- Filed the rule for adoption within the applicable timeframes;
- Complied with all rulemaking requirements;
- Timely responded to all material and timely written inquiries or comments; and
- Is not engaged in pending administrative determination on the rule in question.⁶⁴

The rule becomes effective 20 days after such filing for adoption, unless a different date is indicated in the rule.⁶⁵

Agency Review of Rules – Annual Regulatory Review

The APA requires each agency to formally review its rules and prepare an agency regulatory plan annually.⁶⁶ A regulatory plan includes a list of each law enacted during the previous 12 months that creates or modifies the duties or authority of the agency, and a statement whether the agency must adopt rules to implement the newly adopted laws.⁶⁷ The regulatory plan must also include a list of each additional law not otherwise listed that the agency expects to implement by rulemaking before the following July 1. The agency head or presiding officer and the principal legal advisor to the agency must certify that they reviewed the regulatory plan and verify that the agency regularly reviews all of its rules and identify the period during which the rules have most recently been reviewed to determine their continued authority and consistent with implementing laws.⁶⁸

⁶² 120.54(3)(e), F.S.

⁶³ Section 120.54(3)(d)3., F.S. An agency may also withdraw or modify a rule after it has become effective if a final order that is not subject to appeal is entered in a pertinent rule challenge or withdraw but not modify the rule when the Legislature did not timely ratify the rule.

⁶⁴ Section 120.54(3)(e)4., F.S.

⁶⁵ Section 120.54(3)(e)6., F.S.

⁶⁶ See s. 120.74, F.S.

⁶⁷ Section 120.74(1), F.S.

⁶⁸ Section 120.74(1)(d), F.S.

By October 1 of each year, the regulatory plan must be published on the agency's website or on another state website. The agency must also deliver a copy of its certification to the JAPC and publish a notice in the FAR identifying the date of publication of the agency's regulatory plan.⁶⁹

If a newly-enacted law requires implementation by rule, s. 120.54(1)(b), F.S., requires the agency charged with rulemaking to publish a notice of rule development by November 1 after enactment for each law. The notice of intended agency action (usually a notice of proposed rule in this circumstance) must be published by April 1 of the year following the regulatory plan. However, agencies are allowed to file extensions to any rulemaking plans or amended notices under this provision. Thus, this provision does not necessarily ensure that agencies adopt rules mandated by the Legislature in a timely manner.

Emergency Rules

An agency is authorized to respond to immediate dangers to the public health, safety, or welfare by adopting emergency rules.⁷⁰ An emergency rule is not adopted using the same procedures required of other rules.⁷¹ The notice of the emergency rule and the text of the rule is published in the first available issue of the FAR. There is no requirement, however, that an emergency rule be published in the FAC (because emergency rules are temporary in nature).⁷² The agency must publish prior to, or contemporaneously with, the rule's promulgation the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare.⁷³ An emergency rule takes effect immediately, or on a date less than 20 days after filing if specified in the rule.⁷⁴ An emergency rule is only effective for a period of no longer than 90 days.⁷⁵ An emergency rule is not renewable, except when the agency has initiated rulemaking to adopt rules relating to the subject of the emergency rule and a challenge to the proposed rules has been filed and remains pending or the proposed rule is awaiting ratification by the Legislature.⁷⁶ These exceptions allow for continuity of a needed rule where the agency has demonstrated its intent to maintain the policy (via initiation of rulemaking), but the permanent implementation of the rule is delayed for an unknown period of time. In at least one instance, however, an agency has renewed an emergency rule 12 times while its proposed permanent rule successor awaits Legislative ratification.⁷⁷ The validity of an emergency rule may be challenged at DOAH subject to an expedited filing and hearing schedule.⁷⁸

⁶⁹ Section 120.74(2), F.S.

⁷⁰ Section 120.54(4), F.S.

⁷¹ Section 120.54(4)(a)1., F.S.

⁷² Section 120.54(4)(a)3, F.S.

⁷³ *Id.*

⁷⁴ Section 120.54(4)(d), F.S.

⁷⁵ Section 120.54(4)(c), F.S.

⁷⁶ *Id.*

⁷⁷ See Emergency Rule 65CER22-1, history available at <https://flrules.org/gateway/ruleNo.asp?id=65CER22-1> (last visited Feb. 8, 2025). See also, proposed rule 65C-9.004 (not yet adopted), rulemaking history available at <https://flrules.org/gateway/ruleno.asp?id=65C-9.004> (last visited Feb. 8, 2025).

⁷⁸ *Id.*

The Office of Legislative Services

The Office of Legislative Services (OLS) oversees the statutory revision plan, which involves recommending the deletion of all laws which have expired, become obsolete, and/or had their effect or served their purpose.⁷⁹ Similarly, the OLS is authorized to include duplicative, redundant, or unused statutory rulemaking authority among its recommended repeals in revisers bill recommendations.⁸⁰ The OLS is also authorized to:

- Award contracts or pay for editorial work, printing, and other things authorized for the statutory revision program;⁸¹ and

Exchange Florida Statutes, and other available publications, with the officers, boards, and agencies of other states and of the United States, and with other governments;⁸² and exercise all other powers, duties, and functions necessary or convenient for properly carrying out the provisions of law relating to statutory revision.⁸³

III. Effect of Proposed Changes:

Technical Changes

Section 1 amends s. 120.52, F.S., to define a “technical change” as a change “limited to correcting grammatical, typographical, or similar errors not affecting the substance of the rule.”

Section 2, in part, creates s. 120.54(3)(a)5., F.S., to require an agency to publish a notice of correction in the FAR to detail a technical change made to a notice of intended agency action (rule adoption, amendment, or repeal) at least 7 days before the intended agency action. Examples of such a change include a technical change to the proposed rule language, an updated e-mail address for the agency employee contact, or a technical change to a SERC. A notice of correction in this instance would not affect the timeframes for filing a rule for adoption.

Section 5 in part, creates s. 120.55(1)(a)6., F.S., to require the DOS to include the date of any technical changes in the history note of the rule in the FAC, and clarifies that a technical change does not affect the effective date of the rule. Additionally, a technical change made after the adoption of a rule must be published as a notice of correction.

Timeline for Publishing a Notice of Proposed Rule

Section 2 amends s. 120.54, F.S., relating to rulemaking procedures, to include clarifying language and to narrow the time an agency has to publish a notice of intended agency action to 90 days after the effective date of the act granting rulemaking authority.⁸⁴ Previously, an agency was required to publish a notice of proposed rule by “April 1 of the year following the deadline

⁷⁹ Section 11.241(1)(i), F.S.

⁸⁰ Section 11.241(5)(j), F.S.

⁸¹ Section 11.241(6), F.S.

⁸² Section 11.241(7), F.S.

⁸³ Section 11.241(8), F.S.

⁸⁴ Prior to 2015, section 120.54, F.S., directed agencies to notice proposed rules within 180 days after the effective date of an act requiring mandatory rulemaking. This provision was removed with the enactment of the annual regulatory provision - s. 120.74, F.S. Adding the 180-day rulemaking requirement will likely give the JAPC greater oversight authority.

for the regulatory plan.”⁸⁵ Assuming a bill’s effective date of July 1, the former deadline to publish a notice of proposed rule was approximately 270 days (9 months) after the delegating law took effect.

Section 6 deletes language from s. 120.74, F.S., which tied agency rulemaking timeframes to the agency regulatory plan, requiring that an agency publish a notice of rule development by November 1 and a notice of proposed rule by April 1 of the year following the deadline for the regulatory plan. The provisions also allowed for an extension for rulemaking upon agency publication of a notice of extension in the FAR.

Public Notices

Section 2 amends s. 120.54(3), F.S., to expand the information required in notices of intended agency action to include the proposed rule number and the name, e-mail address, and telephone number of the agency employee who can be contacted with questions regarding the intended action.

Additionally, the bill reinstates the requirement that an agency publish its notice of proposed rulemaking for at least 7 days before it can publish a notice of intended agency action.

The bill allows the agency to electronically deliver notices of intended agency action to all persons who are named in the proposed rule and to those who requested a notice of proceedings at least 14 days before the agency’s delivery.

The bill expands the function of a notice of change to include it as a tool for public notice of technical changes made to a Notice of Intended Agency Action (both to the notice itself, and to proposed rule text). This notice must be published for at least 7 days in the FAR before the agency’s intended action. Previously, a notice of change was used to notify the public of a change to a proposed rule that occurred after the final hearing on the proposed rule or after time for such a hearing had expired.

Material Incorporated by Reference in Rules

Section 2 amends s. 120.54(1) and (3), F.S., to require all rules proposed after July 1, 2025, and adopted or reviewed to have the full text of any incorporated materials published electronically within the notice of proposed rulemaking (if available) and the notice of intended agency action. The material incorporated by reference must also be submitted to the DOS in a text-searchable format, and made available via hyperlink in the FAC after the rule is adopted. If such posting would violate federal copyright law, then the agency must make a statement to that effect and provide the address of the location at DOS and the agency where the material available for public inspection and examination.

Additionally, an agency update to material incorporated by reference into a rule, must be coded by underlining new text and striking through deleted text to reflect the changes.

⁸⁵ Section 120.74(5), F.S.

Section 5 amends the DOS's rulemaking authority to allow it to prescribe rules requiring an agency to provide in its rulemaking notices a coded copy of any documents it creates and proposes to incorporate by reference.

Legislative Ratification

Section 2 amends s. 120.54(3)(d)3.c., F.S., to limit the time for legislative ratification of a proposed rule submitted for ratification because it met the SERC threshold to one regular legislative session after the agency submits the rule for ratification. If the Legislature does not ratify a proposed rule during the regular session immediately following the filing for adoption, the agency must withdraw the rule. Where the legislative delegation of rulemaking authority requires that the agency adopt a rule, the agency must then restart the rulemaking process within 90 days of adjournment sine die, however this requirement does not apply if the rulemaking authority no longer exists or is permissive.

Section 3 amends s. 120.541(3), F.S., to require an agency to notify the JAPC within 3 business days of its submission of a rule to the Legislature for ratification.

Emergency Rules

Section 2 amends s. 120.54(4), F.S., to make several changes regarding the creation and duration of emergency rules. The bill clarifies that an agency may adopt an emergency rule both where it finds an immediate danger to the public health, safety, or welfare which requires emergency action, or *where the Legislature authorizes* the agency to adopt emergency rules based on its own finding of an immediate danger. While agencies have historically adopted administrative rules pursuant to both authorities, the bill formalizes the agency action's authority to do so.

The bill requires a notice of emergency rule to include the agency's grant of emergency rulemaking authority or finding of immediate danger, necessity, and procedural fairness. By incorporating this information into the notice of emergency rule, it must be published in the FAR and included in the publication of the final emergency rule to be published in the FAC.

Agencies are not currently allowed to edit an emergency rule after its publication. The bill would allow an agency to:

- Make a technical change to the emergency rule within the first 7 days after it is adopted, assuming the change is published in the FAR as a notice of correction;
- Supersede the emergency rule currently in effect with a new version of the rule—which may only have effect for the remaining duration of the initial emergency rule. The agency's adoption of a superseding rule must be achieved through the same processes as initial adoption of an emergency rule; and
- Repeal an emergency rule before its expiration by providing a notice in the FAR with a short, plain explanation as to why the conditions of immediate danger specified in the adoption notice no longer require the emergency rule.

This section further provides for the renewal of an emergency rule. The notice of the renewal must be published in the FAR before the expiration of the existing emergency rule and must state the specific facts and reasons for the renewal. For emergency rules intended to replace existing

rules with an effective period greater than 90 days, a note must be added to the history note of the existing rule which specifically identifies the emergency rule that is intended to supersede the existing rule and includes the date that the emergency rule was filed with the DOS.

Section 2 also addresses emergency rules that were renewed beyond the standard 90-day timeframe as the result of a proposed successor rule that requires legislative ratification. If the proposed successor rule fails to achieve ratification during the next regular legislative session, then the underlying emergency rule expires at adjournment sine die of that regular legislative session. Additionally, the agency must withdraw the proposed rule at adjournment sine die of that session (assuming it failed to achieve legislative ratification), and must reinstate rulemaking if a mandatory delegation of rulemaking authority persists.

JAPC Notifications

Sections 2-3 amend ss. 120.54(3)(b), 120.54(7), and 120.541(1)(a), F.S., respectively, to require the agency to provide the JAPC a copy of the following within 7 days of the agency's receipt thereof or response to:

- A LCRA received during the rulemaking proceeding;
- A petition to adopt, amend, or repeal a rule, or provide minimum public information required by ch. 120, F.S. (the agency must also notify the committee of its intended action or response to such requests within 7 days); and
- A regulatory alternative provided by the rules ombudsman.

Section 3 further provides that that an LCRA submitted after an agency's change to a proposed rule is deemed to be made "in good faith" if it states the person's reasons for believing the proposed rule as changed increases the regulatory costs or creates an adverse impact on small business that the previous proposed rule did not.

Section 2 requires an agency to provide notice to the JAPC of any regulatory alternative offered to the agency by the rules ombudsman of the Executive Office of the Governor before filing the rule for adoption.

Licensing Performance Data

Section 5 requires an agency to submit, beginning October 1, 2026, as a part of their annual agency regulatory plan specified data regarding its compliance with licensing timeframes established in s. 120.60, F.S., Additionally, the OPPAGA must produce a consolidated report of this agency licensing data beginning December 31, 2026. These reports must be published by a hyperlink in the first available issue of the Florida Administrative Register.

Rule Review

Sections 4 and 6 create a rule review process that each agency, in coordination with the JAPC, must undertake between July 1, 2025, and July 1, 2030. The goal of the review is to ensure appropriate statutory authority; review the rule's exercise of delegated legislative authority; bring all rules under the same requirements (to have, for example, all materials incorporated by

reference electronically-available); and allow for general clean-up of text that may not have been reviewed recently.

Beginning October 1, 2025, each agency must create a list of its existing rules and include the list in its annual agency regulatory plan. The agency regulatory plan must further detail an annual schedule of the rules the agency will review each year—totally approximately 20% of the total existing rules annually. For purposes of this rule review only, a “rule” is defined as the rule number assigned by the Department of State.

The agency must take one of four actions as part of its rule review: (1) make no change to the rule; (2) make a technical change to the rule; (3) substantively amend the rule; or (4) repeal the rule. By January 1 of each year of the review, the agency must submit a report to the President of the Senate and Speaker of the House of Representatives to indicate which of the above actions the agency plans to take on each rule subject to review during that fiscal year. The agency must have completed (for instances where it makes no change, or a technical change) or commenced the action (for instances where it will substantively amend or repeal the rule) by April 1.

Those rules to which the agency makes no change, or only a technical change, during its rule review are not subject to challenge or hearing otherwise provided for in the APA. If the agency chooses to make a substantive amendment or to repeal a reviewed rule, however, it must use the procedures otherwise outlined in the APA to do so. Further, the amendment or repeal is subject to challenge or hearing as otherwise prescribed in the APA.

The agency must support its actions in the rule review with a written statement of its intended action, its assessment of specific factors outlined in statute, a coded version of the recommended changes (if applicable), and a statement of the facts and circumstances justifying any recommended change. The agency must submit these documents to the JAPC, which will then examine the submissions and make additional inquiries, if needed. If the agency recommends no change or a technical change, the JAPC must complete this examination within 90 days of its receipt of the agency’s submissions and ultimately certify whether the agency responded appropriately to its inquiries.

The agency may alter its rule review schedule in its next annual regulatory plan. If the agency fails to timely conclude a rule review in accordance with its schedule, it must identify the ongoing rule review and either list the rule in its next agency regulatory plan and notify the JAPC of such action or explain why the rule review is no longer necessary. Additionally, **section 5** amends s. 120.55(1)(b), F.S., to require the DOS to publish a list of all rules that were not timely reviewed by their agency in the FAR and update the list at least annually.

After the agency has completed its rule review process and received a certification from the JAPC, it may electronically file a certified copy of the reviewed rule (to which no change, or technical changes were made) with the DOS. The agency completes its rule review for rules that are substantively amended or repealed when it has filed a notice of proposed rule pursuant to s. 120.54, F.S.

The DOS must document the rule review by notice in the FAR and update the rule’s history note in the FAC to reflect the rule review’s date of completion.

The bill grants the DOS authority to adopt rules to implement the rule review process by no later than December 31, 2025.

Section 120.5435, F.S., created by section 4, is scheduled to repeal on July 1, 2032, unless reviewed and saved from repeal through reenactment by the Legislature.

DOS Publication of the FAR and the FAC

Section 2 amends s. 120.54(3)(e), F.S., to reduce paperwork requirements by requiring an agency to file with the DOS one electronic, rather than three paper, certified copies of a proposed rule and one certified copy of any material incorporated by reference in the rule.

Section 5 amends s. 120.55, F.S., which provides FAC publication requirements for the DOS. This section incorporates changes to notices required during rulemaking made elsewhere in the bill. Additionally, this section requires each agency to publish at the beginning of the section of code that deals with its subject matter a list of all forms and materials incorporated by reference into its rules.

Effective Date

Section 7 provides that 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.

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 provides additional public notice in rulemaking. This should make it easier for the public to engage in rulemaking.

C. Government Sector Impact:

The bill may have an indeterminate, negative fiscal impact on state government. The JAPC and agencies will be required to perform additional work relating to the rule review over the next 5 years. Additionally, there are new notice and publication requirements within the rulemaking process that may create additional workload. Agencies and the JAPC will likely be required to spend funds to implement the bill's requirements. Whether these requirements may be absorbed within each agency's existing resources is not known.

Some entities have expressed that the 90-day timeframe to produce a notice of intended agency action may be overly burdensome.

However, agencies should have sufficient time to request additional funding or personnel should they determine a need for additional resources.

The DOS may have additional costs associated with rulemaking.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.52, 120.54, 120.541, 120.55, and 120.74. The bill additionally creates section 120.5435 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 Rules on March 12, 2025:

- Clarifies that an agency must publish its intended agency action within 90 days of the effective date of the underlying law.
- Requires an agency to submit materials that it will incorporate into a rule in text-searchable format.
- Requires proposed rules that require ratification, but that fail to be ratified within 1 legislative session of their referral, to be withdrawn. If a mandatory delegation of rulemaking persists at the time the agency withdraws the proposed rule, then the agency must reinitiate rulemaking.
- Expires emergency rules that are extended beyond the 90-day effective period as a result of a superseding proposed rule that requires ratification if the superseding proposed rule fails to be timely ratified.
- Requires agencies to submit licensing performance data in their annual agency regulatory plan, and the OPPAGA to submit a consolidated version of that data in accordance with s. 286.001, F.S.
- Specifies that an agency must publish a non-substantive notice of correction in the Florida Administrative Register at least 7 days before its intended agency action.
- Defines, for purposes of the rule review created by this bill, that a rule is the rule number assigned by the Department of State.
- Clarifies that only an agency determination to make no change or a technical change is not subject to a ch. 120, F.S. challenge.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (20), (21), and (22) of
section 120.52, Florida Statutes, are redesignated as
subsections (21), (22), and (23), respectively, and a new
subsection (20) is added to that section, to read:

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change limited to
correcting citations or grammatical, typographical, or similar



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errors that do not affect the substance of the rule.

Section 2. Paragraphs (b) and (i) of subsection (1), paragraph (a) of subsection (2), paragraphs (a), (b), (d), and (e) of subsection (3), subsection (4), and paragraph (a) of subsection (7) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(b) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, the agency must publish a notice of intended agency action ~~such rules shall be drafted and formally proposed~~ as provided in this section within 90 days after the effective date of the act granting rulemaking authority ~~within the times provided in s. 120.74(4) and (5).~~

(i)1. A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes.

2. An agency rule that incorporates by specific reference another rule of that agency automatically incorporates subsequent amendments to the referenced rule unless a contrary intent is clearly indicated in the referencing rule. A notice of amendments to a rule that has been incorporated by specific reference in other rules of that agency must explain the effect of those amendments on the referencing rules.

3. In rules adopted after December 31, 2010, or reviewed pursuant to s. 120.5435, material may not be incorporated by



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reference unless:

a. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Code; or

b. The agency has determined that posting the material on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law, in which case a statement to that effect, along with the addresses ~~address~~ of the locations at the Department of State and the agency at which the material is available for public inspection and examination, must be included in the notice required by subparagraph (3)(a)1.

4. In rules proposed after July 1, 2025, material may not be incorporated by reference unless:

a. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material, in a text-searchable format, can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Register; or

b. The agency has determined that posting the material on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law, in which case a statement to that effect, along with the addresses of the locations at the Department of State and the agency at which the material is available for public inspection and examination, must be included in the notice required by subparagraph (3)(a)1.



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70 5. A rule may not be amended by reference only. Amendments
71 must set out the amended rule in full in the same manner as
72 required by the State Constitution for laws.

73 6.5- Notwithstanding any contrary provision in this
74 section, when an adopted rule of the Department of Environmental
75 Protection or a water management district is incorporated by
76 reference in the other agency's rule to implement a provision of
77 part IV of chapter 373, subsequent amendments to the rule are
78 not effective as to the incorporating rule unless the agency
79 incorporating by reference notifies the committee and the
80 Department of State of its intent to adopt the subsequent
81 amendment, publishes notice of such intent in the Florida
82 Administrative Register, and files with the Department of State
83 a copy of the amended rule incorporated by reference. Changes in
84 the rule incorporated by reference are effective as to the other
85 agency 20 days after the date of the published notice and filing
86 with the Department of State. The Department of State shall
87 amend the history note of the incorporating rule to show the
88 effective date of such change. Any substantially affected person
89 may, within 14 days after the date of publication of the notice
90 of intent in the Florida Administrative Register, file an
91 objection to rulemaking with the agency. The objection must
92 ~~shall~~ specify the portions of the rule incorporated by reference
93 to which the person objects and the reasons for the objection.
94 The agency does ~~shall~~ not have the authority under this
95 subparagraph to adopt those portions of the rule specified in
96 such objection. The agency shall publish notice of the objection
97 and of its action in response in the next available issue of the
98 Florida Administrative Register.



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7. If an agency updates or makes a change to a document the agency created and which is incorporated by reference pursuant to paragraph (3)(a) or subparagraph (3)(e)1., the update or change must be coded by underlining new text and striking through deleted text.

~~8.6.~~ The Department of State may adopt by rule requirements for incorporating materials pursuant to this paragraph.

(2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.—

(a) Except when the intended action is the repeal of a rule, agencies shall provide notice of the development of proposed rules by publication of a notice of rule development in the Florida Administrative Register before providing notice of a proposed rule as required by paragraph (3)(a). The notice of rule development must ~~shall~~ indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include the preliminary text of the proposed rules and incorporated documents, if available, or a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.

(3) ADOPTION PROCEDURES.—

(a) *Notices.*—

1. Before ~~Prior to~~ the adoption, amendment, or repeal of any rule other than an emergency rule, an agency shall, upon approval of the agency head, ~~shall~~ give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action; the rule number; the full text of the proposed rule or amendment and a summary thereof; a



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reference to the grant of rulemaking authority pursuant to which the rule is adopted; ~~and~~ a reference to the section or subsection of the Florida Statutes or the Laws of Florida being implemented or interpreted; and the name, e-mail address, and telephone number of the agency employee who may be contacted regarding the intended action. The notice must include a summary of the agency's statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in s. 120.541(2); a statement that any person who wishes to provide the agency with information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by s. 120.541(1), must do so in writing within 21 days after publication of the notice; and a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3). The notice must state the procedure for requesting a public hearing on the proposed rule. Except when the intended action is the repeal of a rule, the notice must include a reference both to the date on which and to the place where the notice of rule development that is required by subsection (2) appeared.

2. The notice must ~~shall~~ be published in the Florida Administrative Register at least 7 days after the notice of rule development and at least ~~not less than~~ 28 days before ~~prior to~~ the intended action. The proposed rule, including all material proposed to be incorporated by reference, must ~~shall~~ be available for inspection and copying by the public at the time



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of the publication of notice. Material proposed to be incorporated by reference in the notice required by this paragraph must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

3. The notice must ~~shall~~ be mailed or delivered electronically to all persons named in the proposed rule and to all persons who have made, at least 14 days before ~~prior to~~ such mailing or delivery, ~~have made~~ requests of the agency for advance notice of its proceedings. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed.

4. The adopting agency shall file with the committee, at least 21 days before ~~prior to~~ the proposed adoption date, a copy of each rule it proposes to adopt; a copy of any material incorporated by reference in the rule; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of any statement of estimated regulatory costs that has been prepared pursuant to s. 120.541; a statement of the extent to which the proposed rule relates to federal standards or rules on the same subject; and the notice required by subparagraph 1.

5. If any of the information, other than substantive changes to the rule text, which is required to be included in the notice under subparagraph 1. is omitted or is incorrect, the agency must publish a notice of correction in the Florida Administrative Register at least 7 days before the intended agency action. The publication of a notice of correction does not affect the timeframes for filing the rule for adoption as set forth in paragraph (e). Technical changes must be published



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as a notice of correction.

(b) *Special matters to be considered in rule adoption.*—

1. Statement of estimated regulatory costs.—Before the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or

b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define “small business” to include businesses employing more than 200 persons, may define “small county” to include those with populations of more than 75,000, and may define “small city” to include those with populations of more than 10,000, if



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it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule's compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency must ~~shall~~ send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the rules ombudsman in the Executive Office of the Governor and provided to the agency no later than 21 days after the rules ombudsman's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the



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impact on small businesses. When regulatory alternatives are offered by the rules ombudsman in the Executive Office of the Governor, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days. An agency shall provide the committee a copy of any regulatory alternative offered to the agency within 7 days after its delivery to the agency. The agency may not file a rule for adoption before such regulatory alternative, if applicable, has been provided to the committee.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it must ~~shall~~, before rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days after the filing of such notice, the agency shall send a copy of such notice to the rules ombudsman in the Executive Office of the Governor.

(d) *Modification or withdrawal of proposed rules.—*

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the rule has not been changed from the rule as previously filed with the committee, or contains only technical changes, the adopting agency must ~~shall~~ file a notice to that effect with the committee at least 7 days before ~~prior to~~ filing the rule for adoption. Any change, other than a technical change that does not affect the substance of the rule, must be supported by the record of public hearings held on the rule, must be in response to written material submitted to the agency within 21 days after the date of publication of the notice of intended agency action



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or submitted to the agency between the date of publication of the notice and the end of the final public hearing, or must be in response to a proposed objection by the committee. In addition, when any change is made in a proposed rule, other than a technical change, the adopting agency shall provide a copy of a notice of change by certified mail or actual delivery to any person who requests it in writing no later than 21 days after the notice required in paragraph (a). The agency shall file the notice of change with the committee, along with the reasons for the change, and provide the notice of change to persons requesting it, at least 21 days before ~~prior to~~ filing the rule for adoption. The notice of change must ~~shall~~ be published in the Florida Administrative Register at least 21 days before ~~prior to~~ filing the rule for adoption. This subparagraph does not apply to emergency rules adopted pursuant to subsection (4). Material proposed to be incorporated by reference in the notice required by this subparagraph must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

2. After the notice required by paragraph (a) and before ~~prior to~~ adoption, the agency may withdraw the rule in whole or in part.

3. After adoption and before the rule becomes effective, a rule may be modified or withdrawn only in the following circumstances:

- a. When the committee objects to the rule;
- b. When a final order, which is not subject to further appeal, is entered in a rule challenge brought pursuant to s. 120.56 after the date of adoption but before the rule becomes



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effective pursuant to subparagraph (e)6.;

c. If the rule requires ratification, when ~~more than 90~~
~~days have passed since the rule was filed for adoption without~~
the Legislature does not ratify ~~ratifying~~ the rule by the
adjournment sine die of the regular session immediately
following the filing for adoption of the rule, in which case the
rule must ~~may~~ be withdrawn, and within 90 days after adjournment
sine die, the agency:

(I) May initiate rulemaking again by publishing the notice
required by s. 120.54(3)(a); or

(II) Must initiate rulemaking again by publishing the
notice required by s. 120.54(3)(a), if the mandatory grant of
rulemaking authority the agency relied upon as authority to
pursue the original rule action is still in effect at the time
of the original rule's withdrawal ~~but may not be modified; or~~

d. When the committee notifies the agency that an objection
to the rule is being considered, in which case the rule may be
modified to extend the effective date by not more than 60 days.

4. The agency shall give notice of its decision to withdraw
or modify a rule in the first available issue of the publication
in which the original notice of rulemaking was published, shall
notify those persons described in subparagraph (a)3. in
accordance with the requirements of that subparagraph, and must
~~shall~~ notify the Department of State if the rule is required to
be filed with the Department of State.

5. After a rule has become effective, it may be repealed or
amended only through the rulemaking procedures specified in this
chapter.

(e) *Filing for final adoption; effective date.*—



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1. If the adopting agency is required to publish its rules in the Florida Administrative Code, the agency, upon approval of the agency head, must electronically ~~shall~~ file with the Department of State a three ~~three~~ certified copy ~~copies~~ of the rule it proposes to adopt; one copy of any material incorporated by reference in the rule, certified by the agency; a summary of the rule; a summary of any hearings held on the rule; and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required by this subparagraph, in the office of the agency head, and such rules must ~~shall~~ be open to the public.

2. A rule may not be filed for adoption less than 28 days or more than 90 days after the notice required by paragraph (a), until 21 days after the notice of change required by paragraph (d), until 14 days after the final public hearing, until 21 days after a statement of estimated regulatory costs required under s. 120.541 has been provided to all persons who submitted a lower cost regulatory alternative and made available to the public, or until the administrative law judge has rendered a decision under s. 120.56(2), whichever applies. When a required notice of change is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after the date of publication. If notice of a public hearing is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after adjournment of the



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final hearing on the rule, 21 days after receipt of all material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. The term "public hearing" includes any public meeting held by any agency at which the rule is considered. If a petition for an administrative determination under s. 120.56(2) is filed, the period during which a rule must be filed for adoption is extended to 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete.

3. At the time a rule is filed, the agency shall certify that the time limitations prescribed by this paragraph have been complied with, that all statutory rulemaking requirements have been met, and that there is no administrative determination pending on the rule.

4. At the time a rule is filed, the committee shall certify whether the agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee. The department shall reject any rule that is not filed within the prescribed time limits; that does not comply with all statutory rulemaking requirements and rules of the department; upon which an agency has not responded in writing to all material and timely written inquiries or written comments; upon which an administrative determination is pending; or which does not include a statement of estimated regulatory costs, if required.

5. If a rule has not been adopted within the time limits imposed by this paragraph or has not been adopted in compliance with all statutory rulemaking requirements, the agency proposing



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the rule must ~~shall~~ withdraw the rule and give notice of its action in the next available issue of the Florida Administrative Register.

6. The proposed rule is ~~shall be~~ adopted upon ~~on~~ being filed with the Department of State and becomes ~~become~~ effective 20 days after being filed, on a later date specified in the notice required by subparagraph (a)1., on a date required by statute, or upon ratification by the Legislature pursuant to s. 120.541(3). Rules not required to be filed with the Department of State ~~shall~~ become effective when adopted by the agency head, on a later date specified by rule or statute, or upon ratification by the Legislature pursuant to s. 120.541(3). If the committee notifies an agency that an objection to a rule is being considered, the agency may postpone the adoption of the rule to accommodate review of the rule by the committee. When an agency postpones adoption of a rule to accommodate review by the committee, the 90-day period for filing the rule is tolled until the committee notifies the agency that it has completed its review of the rule.

For the purposes of this paragraph, the term "administrative determination" does not include subsequent judicial review.

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, or if the Legislature authorizes the agency to adopt emergency rules and finds that all conditions specified in this paragraph are met, the agency may, within the authority granted to the agency under the State Constitution or delegated to it by the



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Legislature, adopt any rule necessitated by the immediate danger or legislative finding. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules and the agency's findings of immediate danger, necessity, and procedural fairness or a citation to the grant of emergency rulemaking authority, must~~shall~~ be published in the first available issue of the Florida Administrative Register and provided to the committee along with any material incorporated by reference in the rules. The agency's findings of immediate danger, necessity, and procedural fairness are ~~shall be~~ judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare must ~~shall~~ include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97-102 and chapter 105 of the Election Code.

(c) 1. An emergency rule adopted under this subsection may



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~~shall~~ not be effective for a period longer than 90 days and may
~~shall~~ not be renewable, except when the agency has initiated
rulemaking to adopt rules addressing the subject of the
emergency rule and either:

a.1. A challenge to the proposed rules has been filed and
remains pending; or

b.2. The proposed rules are awaiting ratification by the
Legislature pursuant to s. 120.541(3). If the proposed rule is
not ratified during the next regular legislative session, the
emergency rule shall expire at adjournment sine die of that
regular legislative session. The proposed rule must be withdrawn
from ratification in accordance with s. 120.54(3)(d).

2. Nothing in This paragraph does not prohibit ~~prohibits~~
the agency from adopting a rule or rules identical to the
emergency rule through the rulemaking procedures specified in
subsection (3).

(d) Notice of the renewal of an emergency rule must be
published in the Florida Administrative Register before the
expiration of the existing emergency rule. The notice of renewal
must state the specific facts and reasons for such renewal.

(e) For emergency rules with an effective period greater
than 90 days which are intended to replace existing rules, a
note must be added to the history note of the existing rule
which specifically identifies the emergency rule that is
intended to supersede the existing rule and includes the date
that the emergency rule was filed with the Department of State.

(f) Emergency rules must be published in the Florida
Administrative Code.

(g) An agency may supersede an emergency rule in effect



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through adoption of another emergency rule before the superseded rule expires. The reason for adopting the superseding rule must be stated in accordance with the procedures set forth in paragraph (a), and the superseding rule is in effect during the effective period of the superseded rule.

(h) An agency may make technical changes to an emergency rule within the first 7 days after the rule is adopted, and such changes must be published in the Florida Administrative Register as a notice of correction.

(i) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

(j) An agency may repeal an emergency rule before it expires by providing notice of its intended action in the Florida Administrative Register. The notice must include the full text of the emergency rule and a summary thereof; if applicable, a reference to the rule number; and a short, plain explanation as to why the conditions specified in accordance with paragraph (a) no longer require the emergency rule.

(7) PETITION TO INITIATE RULEMAKING.—

(a) Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition must ~~shall~~ specify the proposed rule and action requested. The agency shall provide to the committee a copy of the petition within 7 days



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after its receipt. ~~No Not~~ later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial. The agency shall notify the committee of its intended action or response within 7 days.

Section 3. Paragraph (a) of subsection (1) and subsection (3) of section 120.541, Florida Statutes, are amended, and subsection (4) of that section is reenacted, to read:

120.541 Statement of estimated regulatory costs.—

(1)(a) Within 21 days after publication of the notice required under s. 120.54(3)(a), a substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule if the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. If submitted after a notice of change, a proposal for a lower cost regulatory alternative is deemed to be made in good faith only if the person reasonably believes, and the proposal states, the person's reasons for believing that the proposed rule as changed by the notice of change increases the regulatory costs or creates an adverse impact on small businesses which was not created by the previously proposed rule. If such a proposal is submitted, the 90-day period for filing the rule is extended 21 days. Upon the submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs as provided in subsection (2), or shall revise



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its prior statement of estimated regulatory costs, and either adopt the alternative or provide a statement of the reasons for rejecting the alternative in favor of the proposed rule. The agency shall provide to the committee, within 7 days after its receipt, a copy of any proposal for a lower cost regulatory alternative, and within 7 days after its release, a copy of the agency's response thereto. The agency may not file a rule for adoption before such documents, if applicable, have been provided to the committee.

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2)(a), the rule must ~~shall~~ be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days before ~~prior to~~ the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature. The agency shall notify the committee of its submission of the rule to the Legislature for ratification within 3 business days after submittal. If the proposed rule is not ratified during the next regular legislative session, the agency must withdraw the rule, and within 90 days after adjournment sine die of that legislative session:

(a) May initiate rulemaking again by publishing the notice required by s. 120.54(3)(a); or

(b) Must initiate rulemaking by publishing the notice required by s. 120.54(3)(a), if the mandatory grant of rulemaking authority the agency relied on as authority to initiate the original rulemaking is still in effect at the time of the original rule's withdrawal.

(4) Subsection (3) does not apply to the adoption of:



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(a) Federal standards pursuant to s. 120.54(6).

(b) Triennial updates of and amendments to the Florida Building Code which are expressly authorized by s. 553.73.

(c) Triennial updates of and amendments to the Florida Fire Prevention Code which are expressly authorized by s. 633.202.

Section 4. Section 120.5435, Florida Statutes, is created to read:

120.5435 Agency review of rules.—

(1) By July 1, 2030, each agency, in coordination with the committee, shall review all existing rules adopted by the agency before July 1, 2025, in accordance with this section.

(2) Beginning October 1, 2025, each agency shall include a list of its existing rules in its annual regulatory plan, prepared and submitted pursuant to s. 120.74. The agency shall include a schedule of the rules it will review each year during the 5-year rule review period. The agency may amend its yearly schedule in subsequent regulatory plans but must provide for the completed review of at least 20 percent of the agency's rules per year, until all of its subject rules have been reviewed.

(3) The agency rule review must determine whether each rule:

(a) Is a valid exercise of delegated legislative authority;

(b) Has current statutory authority;

(c) Reiterates or paraphrases statutory material;

(d) Is in proper form;

(e) Is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements;

(f) Requires a technical or substantive update to reflect



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current use; and

(g) Requires updated references to statutory citations and incorporated materials.

(4) By January 1 of each year, the agency shall submit a report to the President of the Senate and the Speaker of the House of Representatives which summarizes the agency's intended action on each rule under review during the current fiscal year.

(5) The agency shall take one of the following actions during its rule review:

(a) Make no change to the rule. If the agency determines that no change is necessary, the agency must file with the committee by April 1 a copy of the reviewed rule, a written statement of its intended action, and its assessment of factors specified in subsection (3). This determination is not subject to a challenge as a proposed rule pursuant to s. 120.56(2).

(b) Make a technical change to the rule. If the agency determines that one or more technical changes are necessary, the agency must file with the committee by April 1 a copy of the reviewed rule and the recommended technical change or changes coded by underlining new text and striking through deleted text, a written statement of its intended action, its assessment of the factors specified in subsection (3), and the facts and circumstances justifying the technical change or changes to the reviewed rule. This determination is not subject to a challenge as a proposed rule pursuant to s. 120.56(2).

(c) Make a substantive change to the rule. If the agency determines that the rule requires a substantive change, the agency must make all changes, including any technical change, to the rule in accordance with this chapter. The agency shall



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publish a notice of rule development in the Florida Administrative Register by April 1. The agency shall also file with the committee by April 1 a copy of the reviewed rule and the recommended change or changes coded by underlining new text and striking through deleted text, a written statement of its intended action, and its assessment of factors specified in subsection (3). This submission to the committee does not constitute a notice of rule development as contemplated by s. 120.54(3) (a) and is not required to be in the same form as the rule that will be proposed by the agency.

(d) Repeal the rule. If an agency determines that the rule should be repealed, the agency must repeal the rule in accordance with this chapter. The agency shall publish a notice of proposed rule development in the Florida Administrative Register by April 1. The agency shall also file with the committee by April 1 a written statement of its intended action and its assessment of factors specified in subsection (3). This submission to the committee does not constitute a notice of rule development as contemplated by s. 120.54(3) (a).

(6) The committee shall examine the agency's rule review submission. The committee may request from an agency any information that is reasonably necessary for examination of a rule as required by subsection (1). If the agency recommends no change or a technical change to a rule, the committee must complete its examination within 90 calendar days after the agency transmits the report required under subsection (4). Upon completion of its examination, the committee must certify whether the agency has responded in writing to all material and timely written comments or inquiries made on behalf of the



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committee.

(7) The rule review is completed upon either:

(a) The agency, upon approval of the agency head or his or her designee, electronically filing a certified copy of the reviewed rule to which no changes or only technical changes were made, and the committee's certification granted pursuant to subsection (6), with the Department of State.

(b) The agency, for a reviewed rule subject to substantive change or repeal, timely filing a proposed rule pursuant to s. 120.54.

(8) The Department of State shall publish in the Florida Administrative Register a notice of the completed rule review and shall update the history note of the rule in the Florida Administrative Code to reflect the date of the rule review's completion, if applicable.

(9) The hearing requirements of s. 120.54 do not apply to a rule reviewed pursuant to this section.

(10) The Department of State shall adopt rules to implement this section no later than December 31, 2025.

(11) This section is repealed July 1, 2032, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. Subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision and publication system, compile and publish electronically, on a website managed by the department, the "Florida Administrative Code." The Florida Administrative Code must ~~shall~~ contain all rules adopted by each



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agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in ss. 120.5435 and 120.545(7) ~~ss. 120.545(7)~~, complete indexes to all rules and any material incorporated by reference contained in the code, and any other material required or authorized by law or deemed useful by the department. The electronic code must ~~shall~~ display each rule chapter currently in effect in browse mode and allow full text search of the code and each rule chapter. The department may contract with a publishing firm for a printed publication; however, the department retains ~~shall retain~~ responsibility for the code as provided in this section. The electronic publication is ~~shall be~~ the official compilation of the administrative rules of this state. The Department of State retains ~~shall retain~~ the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance may ~~shall~~ not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code does ~~shall~~ not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish the address and telephone number of the executive offices of each agency, the manner by which the agency indexes its rules, a listing of all rules of that agency excluded from publication in the code, a listing of all forms



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and material incorporated by reference adopted by rule which are used by the agency, and a statement as to where those rules may be inspected.

4. Forms may ~~shall~~ not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, must ~~shall~~ be filed with the committee before it is used. Any form or instruction which meets the definition of the term "rule" provided in s. 120.52 must ~~shall~~ be incorporated by reference into the appropriate rule. The reference must ~~shall~~ specifically state that the form is being incorporated by reference and ~~shall~~ include the number, title, and effective date of the form and an explanation of how the form may be obtained. Each form created by an agency which is incorporated by reference in a rule notice of which is given under s. 120.54(3)(a) after December 31, 2007, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

5. After December 31, 2025, the department shall require any material incorporated by reference in ~~allow~~ adopted rules ~~and material incorporated by reference~~ to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on its website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to



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incorporated material maintained by the department from the adopting agency's website or other sites.

6. The department shall include the date of any technical changes in the history note of the rule in the Florida Administrative Code. A technical change does not affect the effective date of the rule. A technical change made after the adoption of a rule must be published as a notice of correction.

(b) Electronically publish on a website managed by the department a continuous revision and publication entitled the "Florida Administrative Register," which serves ~~shall serve~~ as the official publication and must contain:

1. All notices required by s. 120.54(2) and (3)(a), showing the text of all rules proposed for consideration.

2. All notices of public meetings, hearings, and workshops conducted in accordance with s. 120.525, including a statement of the manner in which a copy of the agenda may be obtained.

3. A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules.

4. Notice of petitions for declaratory statements or administrative determinations.

5. A list of all rules that were not timely reviewed by their respective agency, pursuant to s. 120.5435, updated at least annually.

6. A summary of each objection to any rule filed by the Administrative Procedures Committee.

7.6- A list of rules filed for adoption in the previous 7 days.

8.7- A list of all rules filed for adoption pending



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legislative ratification under s. 120.541(3). A rule shall be removed from the list once notice of ratification or withdrawal of the rule is received.

~~9.8.~~ Any other material required or authorized by law or deemed useful by the department.

The department may contract with a publishing firm for a printed publication of the Florida Administrative Register and make copies available on an annual subscription basis.

(c) Prescribe by rule the style and form required for rules, notices, and other materials submitted for filing, including any rule requiring that documents created by an agency which are proposed to be incorporated by reference in notices published pursuant to s. 120.54(3)(a) and (d) be coded as required in s. 120.54(1)(i)7.

(d) Charge each agency using the Florida Administrative Register a space rate to cover the costs related to the Florida Administrative Register and the Florida Administrative Code.

(e) Maintain a permanent record of all notices published in the Florida Administrative Register.

Section 6. Paragraph (c) of subsection (1) and subsections (4) through (8) of section 120.74, Florida Statutes, are amended, and paragraphs (e) and (f) are added to subsection (1) of that section, to read:

120.74 Agency annual rulemaking and regulatory plans; reports.—

(1) REGULATORY PLAN.—By October 1 of each year, each agency shall prepare a regulatory plan.

(c) The plan must include any desired update to the prior



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year's regulatory plan or supplement published pursuant to subsection (5) ~~(7)~~. If, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published:

1. The agency shall identify and again list such law, noting the applicable notice of rule development by citation to the Florida Administrative Register; or

2. If the agency has subsequently determined that rulemaking is not necessary to implement the law, the agency shall identify such law, reference the citation to the applicable notice of rule development in the Florida Administrative Register, and provide a concise written explanation of the reason why the law may be implemented without rulemaking.

(e) The plan must also include all of the following:

1. A list of the agency's existing rules scheduled for review pursuant to s. 120.5435.

2. A 5-year schedule for the review of all existing rules as of July 1, 2025.

3. A yearly schedule for the rules it will review each year during the 5-year rule review. The agency may amend this schedule, if necessary.

(f) The plan must include any desired update to the prior year's regulatory plan or supplement thereof, published pursuant to subsection (5). If, in a prior year, the agency identified a rule under this paragraph as one requiring review pursuant to s. 120.5435, but the agency has not yet completed an action described in s. 120.5435(5):



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1. The agency must identify and list such rule in its regulatory plan as an untimely rule review and notify the committee of such action; or

2. If the agency subsequently determined that the rule review is not necessary, the agency must identify the rule and provide a concise written explanation of the reason why the rule does not require a rule review.

~~(4) DEADLINE FOR RULE DEVELOPMENT. By November 1 of each year, each agency shall publish a notice of rule development under s. 120.54(2) for each law identified in the agency's regulatory plan pursuant to subparagraph (1)(a)1. for which rulemaking is necessary to implement but for which the agency did not report the publication of a notice of rule development under subparagraph (1)(a)2.~~

~~(5) CORRECTING THE REGULATORY PLAN DEADLINE TO PUBLISH PROPOSED RULE. For each law for which implementing rulemaking is necessary as identified in the agency's plan pursuant to subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall publish a notice of proposed rule pursuant to s. 120.54(3)(a) by April 1 of the year following the deadline for the regulatory plan. This deadline may be extended if the agency publishes a notice of extension in the Florida Administrative Register identifying each rulemaking proceeding for which an extension is being noticed by citation to the applicable notice of rule development as published in the Florida Administrative Register. The agency shall include a concise statement in the notice of extension identifying any issues that are causing the delay in rulemaking. An extension shall expire on October 1 after the April 1 deadline, provided that the regulatory plan due on~~



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~~October 1 may further extend the rulemaking proceeding by identification pursuant to subparagraph (1)(c)1. or conclude the rulemaking proceeding by identification pursuant to subparagraph (1)(c)2.~~ A published regulatory plan may be corrected at any time to accomplish the purpose of ~~extending or~~ concluding an affected rulemaking proceeding by identifying the applicable rule pursuant to subparagraph (1)(c)2. The regulatory plan ~~and~~ is deemed corrected as of the October 1 due date. Upon publication of a correction, the agency shall publish in the Florida Administrative Register a notice of the date of the correction identifying the affected rulemaking proceeding by applicable citation to the Florida Administrative Register.

~~(6) CERTIFICATIONS. Each agency shall file a certification with the committee upon compliance with subsection (4) and upon filing a notice under subsection (5) of either a deadline extension or a regulatory plan correction. A certification may relate to more than one notice or contemporaneous act. The date or dates of compliance shall be noted in each certification.~~

(5)(7) SUPPLEMENTING THE REGULATORY PLAN.—After publication of the regulatory plan, the agency shall supplement the plan within 30 days after a bill becomes a law if the law is enacted before the next regular session of the Legislature and the law substantively modifies the agency's specifically delegated legal duties, unless the law affects all or most state agencies as identified by letter to the committee from the Governor or the Attorney General. The supplement must include the information required in paragraph (1)(a) and shall be published as required in subsection (2), but no certification or delivery to the committee is required. The agency shall publish in the Florida



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Administrative Register notice of publication of the supplement, and include a hyperlink on its website or web address for direct access to the published supplement. For each law reported in the supplement, if rulemaking is necessary to implement the law, the agency shall publish a notice of rule development ~~by the later of the date provided in subsection (4) or~~ 60 days after the bill becomes a law, and a notice of proposed rule shall be published ~~by the later of the date provided in subsection (5) or~~ 120 days after the bill becomes a law. ~~The proposed rule deadline may be extended to the following October 1 by notice as provided in subsection (5).~~ If such proposed rule has not been filed by October 1, a law included in a supplement shall also be included in the next annual plan pursuant to subsection (1).

~~(6)-(8)~~ FAILURE TO COMPLY.—If an agency fails to comply with a requirement of paragraph (2) (a) ~~or subsection (5)~~, within 15 days after written demand from the committee or from the chair of any other legislative committee, the agency shall deliver a written explanation of the reasons for noncompliance to the committee, the President of the Senate, the Speaker of the House of Representatives, and the chair of any legislative committee requesting the explanation of the reasons for noncompliance.

Section 7. 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 administrative procedures; amending



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s. 120.52, F.S.; defining the term "technical change"; amending s. 120.54, F.S.; requiring agencies to publish a certain notice of intended agency action within a specified timeframe; deleting a provision related to the timeframe within which rules are required to be drafted and formally proposed; prohibiting materials from being incorporated by reference for certain rules reviewed after a specified date unless certain conditions are met; prohibiting rules proposed after a specified date from having materials incorporated by reference unless certain conditions are met; requiring agencies to use specific coding if they are updating or making changes to certain documents incorporated by reference; requiring that certain notices of rule development include incorporated documents; revising the notices required to be issued by agencies before the adoption, amendment, or repeal of certain rules; requiring that such notices be published in the Florida Administrative Register within a specified timeframe; requiring that specified information be available for public inspection; requiring that materials incorporated by reference be made available in a specified manner; requiring that certain notices be delivered electronically to all persons who made requests for such notice; requiring agencies to publish a notice of correction for certain changes within a specified timeframe; providing that notices of correction do not affect certain timeframes;



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requiring that technical changes be published as notices of correction; requiring agencies to provide copies of any offered regulatory alternatives to the Administrative Procedures Committee before the agency files a rule for adoption; requiring that certain materials incorporated by reference be made available in a specified manner; requiring that certain rules be withdrawn if not ratified within the legislative session immediately following the filing for adoption; providing that agencies are authorized to initiate rulemaking, or required to initiate rulemaking under a specified circumstance, within a specified timeframe of the adjournment of such legislative session; reducing the number of certified copies of a proposed rule that must be electronically filed with the Department of State; authorizing agencies to adopt emergency rules under specified conditions; requiring that specified information be published in the first available issue of the Florida Administrative Register and provided to the Administrative Procedures Committee; providing that if a proposed rule is not ratified within a specified timeframe, the emergency rule expires; requiring that the proposed rule be withdrawn in accordance with a specified provision; requiring that notices of renewal for emergency rules be published in the Florida Administrative Register before expiration of the existing emergency rule; requiring that such notices contain specified information; requiring that a note be added to a



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certain history note for certain emergency rules;
requiring that emergency rules be published in the
Florida Administrative Code; authorizing agencies to
adopt emergency rules that supersede other emergency
rules; requiring that the reason for such superseding
rules be stated in accordance with specified
provisions; authorizing agencies to make technical
changes to emergency rules within a specified
timeframe; requiring that such changes be published in
the Florida Administrative Register as a notice of
correction; authorizing agencies to repeal emergency
rules by providing a certain notice in the Florida
Administrative Register; requiring agencies to provide
specified petitions to the committee within a
specified timeframe after receipt; requiring agencies
to provide a certain notification to the committee
within a specified timeframe; reenacting and amending
s. 120.541, F.S.; providing that a proposal for a
lower cost regulatory alternative submitted after a
notice of change is made in good faith only if the
proposal contains certain statements; requiring
agencies to provide a copy of such proposals and
responses thereto to the committee within specified
timeframes; prohibiting agencies from filing a rule
for adoption unless such documents are provided to the
committee; requiring agencies to notify the committee
within a specified timeframe that a rule has been
submitted for legislative ratification; providing that
if a proposed rule is not ratified within a specified



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998 timeframe, the agency must withdraw such rule and the
999 agency may initiate rulemaking again, or must initiate
1000 rulemaking again under a specified condition; creating
1001 s. 120.5435, F.S.; requiring agencies, by a specified
1002 date and in coordination with the committee, to review
1003 specified rules adopted before a specified date;
1004 requiring agencies to include a list of existing rules
1005 and a schedule of rules they plan to review each year
1006 in a certain regulatory plan; authorizing agencies to
1007 amend such schedules under specified circumstances but
1008 requiring that at least a specified percentage of an
1009 agency's rules be reviewed each year until completion
1010 of all reviews; requiring agencies to make specified
1011 determinations during rule review; providing that
1012 certain determinations are not subject to challenge as
1013 a proposed rule; requiring agencies to submit a
1014 certain report to the Legislature annually by a
1015 specified date; requiring agencies to take one of
1016 certain specified actions during rule reviews by a
1017 specified date; providing requirements for the
1018 agencies in connection with each of the specified
1019 actions; requiring the committee to examine agencies'
1020 rule review submissions; authorizing the committee to
1021 request certain information from such agencies;
1022 requiring that such review occur within a specified
1023 timeframe under specified conditions; requiring the
1024 committee to issue a certain certification upon
1025 completion of examinations; specifying circumstances
1026 under which rule review is considered completed;



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1027 requiring the department to publish a certain notice
1028 in the Florida Administrative Register; requiring the
1029 department to adopt rules before a specified date;
1030 providing for future review and repeal; amending s.
1031 120.55, F.S.; revising the contents of the Florida
1032 Administrative Code to conform to changes made by the
1033 act; requiring, after a specified date, that any
1034 material incorporated by reference be filed in a
1035 specified electronic format with the department;
1036 requiring that the Florida Administrative Register
1037 contain a certain list; requiring that the department
1038 prescribe coding for certain documents incorporated by
1039 reference; amending s. 120.74, F.S.; requiring that
1040 regulatory plans submitted by agencies include certain
1041 schedules for rule review and certain desired updates
1042 to such plans; requiring agencies to take certain
1043 actions if the agencies have not completed reviewing a
1044 rule; deleting provisions related to deadlines for
1045 rule development; deleting deadlines for publishing
1046 proposed rules; deleting provisions requiring agencies
1047 to file certain certifications with the committee;
1048 authorizing agencies to correct a regulatory plan to
1049 conclude affected rulemaking proceedings by
1050 identifying certain rules; revising the timeframes
1051 within which agencies must publish certain notices;
1052 conforming provisions to changes made by the act;
1053 providing an effective date.



386754

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment to Amendment (345014)

Delete line 573
and insert:
before July 1, 2025, in accordance with this section. For
the purpose of this section, a 'rule' is defined as the rule
number assigned by the Department of State.



156706

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2025	.	
	.	
	.	
	.	

The Committee on Rules (Grall) recommended the following:

Senate Amendment to Amendment (345014) (with directory and title amendments)

Between lines 830 and 831
insert:

(g)1. Beginning October 1, 2025, each agency issuing licenses in accordance with s. 120.60 shall track its compliance with the licensing timeframes established in s. 120.60, and beginning October 1, 2026, must include in the regulatory plan required by subsection (1), the following information regarding its licensing activities of the prior fiscal year, categorized



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by type of license:

a. The number of license applications submitted to the agency;

b. The number of license applications that required one or more requests for additional information;

c. The number of license applications for which the applicant was nonresponsive to one or more requests for additional information;

d. The number of license applications which were not completed by the applicant;

e. The number of license applications for which the agency requested that the applicant grant an extension of time for the agency to issue a request for additional information, determine that an application is complete, or issue a decision to approve or deny an application;

f. The number of license applications for which an extension was requested by the applicant and for which an extension was required by the state agency or judicial branch;

g. The number of license applications which were not approved or denied within the statutory timeframe;

h. The average and median number of days it takes the agency to approve or deny an application after receipt of a completed application; and

i. The number of license applications for which final agency action was appealed and the number of informal and formal hearings requested.

2. No later than December 31 of each year, OPPAGA must submit, pursuant to 286.001, a consolidated Annual Agency Licensing Performance report that provides all of the



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information required by subparagraph 1. The Department of State must publish a hyperlink to these reports in the first available issue of the Florida Administrative Register.

===== 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 788 - 789

and insert:

amended and paragraphs (e), (f), and (g) are added to subsection (1) of that section to read:

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

And the title is amended as follows:

Delete line 1044

and insert:

rule; requiring agencies to include information regarding the prior year's licensing practices in their regulatory plan; requiring OPPAGA to submit a consolidated report of the agency licensing data; requiring the Department of State to publish a hyperlink to the licensing data reports; deleting provisions related to deadline for

By Senator Grall

29-01264-25

2025108

1 A bill to be entitled
2 An act relating to administrative procedures; amending
3 s. 120.52, F.S.; defining the term "technical change";
4 amending s. 120.54, F.S.; requiring agencies to
5 publish a certain notice of proposed rule within a
6 specified timeframe; deleting a provision related to
7 the timeframe within which rules are required to be
8 drafted and formally proposed; prohibiting materials
9 from being incorporated by reference for certain rules
10 reviewed after a specified date unless certain
11 conditions are met; prohibiting rules proposed after a
12 specified date from having materials incorporated by
13 reference unless certain conditions are met; requiring
14 agencies to use specific coding if they are updating
15 or making changes to certain documents incorporated by
16 reference; requiring that certain notices of rule
17 development include incorporated documents; revising
18 the notices required to be issued by agencies before
19 the adoption, amendment, or repeal of certain rules;
20 requiring that such notices be published in the
21 Florida Administrative Register within a specified
22 timeframe; requiring that specified information be
23 available for public inspection; requiring that
24 materials incorporated by reference be made available
25 in a specified manner; requiring that certain notices
26 be delivered electronically to all persons who made
27 requests for such notice; requiring agencies to
28 publish a notice of correction for certain changes;
29 providing that notices of correction do not affect

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30 certain timeframes; requiring that technical changes
31 be published as notices of correction; requiring
32 agencies to provide copies of any offered regulatory
33 alternatives to the Administrative Procedures
34 Committee before the agency files a rule for adoption;
35 requiring that certain materials incorporated by
36 reference be made available in a specified manner;
37 requiring that certain rules be withdrawn if not
38 ratified within the legislative session immediately
39 following the filing for adoption; requiring the
40 agency to reinstitute rulemaking within a specified
41 timeframe of the adjournment of such legislative
42 session; reducing the number of certified copies of a
43 proposed rule that must be electronically filed with
44 the Department of State; authorizing agencies to adopt
45 emergency rules under specified conditions; requiring
46 that specified information be published in the first
47 available issue of the Florida Administrative Register
48 and provided to the Administrative Procedures
49 Committee; requiring that notices of renewal for
50 emergency rules be published in the Florida
51 Administrative Register before expiration of the
52 existing emergency rule; requiring that such notices
53 contain specified information; requiring that a note
54 be added to a certain history note for certain
55 emergency rules; requiring that emergency rules be
56 published in the Florida Administrative Code;
57 authorizing agencies to adopt emergency rules that
58 supersede other emergency rules; requiring that the

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59 reason for such superseding rules be stated in
 60 accordance with specified provisions; authorizing
 61 agencies to make technical changes to emergency rules
 62 within a specified timeframe; requiring that such
 63 changes be published in the Florida Administrative
 64 Register as a notice of correction; authorizing
 65 agencies to repeal emergency rules by providing a
 66 certain notice in the Florida Administrative Register;
 67 requiring agencies to provide specified petitions to
 68 the committee within a specified timeframe after
 69 receipt; requiring agencies to provide a certain
 70 notification to the committee within a specified
 71 timeframe; reenacting and amending s. 120.541, F.S.;
 72 providing that a proposal for a lower cost regulatory
 73 alternative submitted after a notice of change is made
 74 in good faith only if the proposal contains certain
 75 statements; requiring agencies to provide a copy of
 76 such proposals and responses thereto to the committee
 77 within specified timeframes; prohibiting agencies from
 78 filing a rule for adoption unless such proposals are
 79 provided to the committee; requiring agencies to
 80 notify the committee within a specified timeframe that
 81 a rule has been submitted for legislative
 82 ratification; creating s. 120.5435, F.S.; requiring
 83 agencies, by a specified date and in coordination with
 84 the committee, to review specified rules adopted
 85 before a specified date; requiring agencies to include
 86 a list of existing rules and a schedule of rules they
 87 plan to review each year in a certain regulatory plan;

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88 authorizing agencies to amend such schedules under
 89 specified circumstances but requiring that at least a
 90 specified percentage of an agency's rules be reviewed
 91 each year until completion of all reviews; requiring
 92 agencies to make specified determinations during rule
 93 review; requiring agencies to submit a certain report
 94 to the Legislature annually by a specified date;
 95 requiring agencies to take one of certain specified
 96 actions during rule reviews by a specified date;
 97 providing requirements for the agencies in connection
 98 with each of the specified actions; requiring the
 99 committee to examine agencies' rule review
 100 submissions; authorizing the committee to request
 101 certain information from such agencies; requiring that
 102 such review occur within a specified timeframe under
 103 specified conditions; requiring the committee to issue
 104 a certain certification upon completion of
 105 examinations; specifying circumstances under which
 106 rule review is considered completed; requiring the
 107 department to publish a certain notice in the Florida
 108 Administrative Register; providing construction;
 109 providing applicability; requiring the department to
 110 adopt rules before a specified date; providing for
 111 future review and repeal; amending s. 120.55, F.S.;
 112 revising the contents of the Florida Administrative
 113 Code to conform to changes made by the act; requiring,
 114 after a specified date, that any material incorporated
 115 by reference be filed in a specified electronic format
 116 with the department; requiring that the Florida

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Administrative Register contain a certain list; requiring that the department prescribe coding for certain documents incorporated by reference; amending s. 120.74, F.S.; requiring that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans; requiring agencies to take certain actions if the agencies have not completed reviewing a rule; deleting provisions related to deadlines for rule development; deleting deadlines for publishing proposed rules; deleting provisions requiring agencies to file certain certifications with the committee; authorizing agencies to correct a regulatory plan to conclude affected rulemaking proceedings by identifying certain rules; revising the timeframes within which agencies must publish certain notices; 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. Present subsections (20), (21), and (22) of section 120.52, Florida Statutes, are redesignated as subsections (21), (22), and (23), respectively, and a new subsection (20) is added to that section, to read:

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change limited to correcting citations or grammatical, typographical, or similar errors that do not affect the substance of the rule.

Section 2. Paragraphs (b) and (i) of subsection (1),

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paragraph (a) of subsection (2), paragraphs (a), (b), (d), and (e) of subsection (3), subsection (4), and paragraph (a) of subsection (7) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(b) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency, the agency must publish a notice of proposed rule within the executive branch of state government, such rules shall be drafted and formally proposed as provided in this section within 90 days after the effective date of the act granting rulemaking authority within the times provided in s. 120.74(4) and (5).

(i)1. A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes.

2. An agency rule that incorporates by specific reference another rule of that agency automatically incorporates subsequent amendments to the referenced rule unless a contrary intent is clearly indicated in the referencing rule. A notice of amendments to a rule that has been incorporated by specific reference in other rules of that agency must explain the effect of those amendments on the referencing rules.

3. In rules adopted after December 31, 2010, or reviewed pursuant to s. 120.5435, material may not be incorporated by reference unless:

a. The material has been submitted in the prescribed

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electronic format to the Department of State and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Code; or

b. The agency has determined that posting the material on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law, in which case a statement to that effect, along with the address of locations at the Department of State and the agency at which the material is available for public inspection and examination, must be included in the notice required by subparagraph (3)(a)1.

4. In rules proposed after July 1, 2025, material may not be incorporated by reference unless:

a. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Register; or

b. The agency has determined that posting the material on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law, in which case a statement to that effect, along with the address of locations at the Department of State and the agency at which the material is available for public inspection and examination, must be included in the notice required by subparagraph (3)(a)1.

5. A rule may not be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws.

~~6.5-~~ Notwithstanding any contrary provision in this

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section, when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency's rule to implement a provision of part IV of chapter 373, subsequent amendments to the rule are not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the Florida Administrative Register, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in the rule incorporated by reference are effective as to the other agency 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the Florida Administrative Register, file an objection to rulemaking with the agency. The objection must ~~shall~~ specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency does ~~shall~~ not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. The agency shall publish notice of the objection and of its action in response in the next available issue of the Florida Administrative Register.

7. If an agency updates or makes a change to a document the agency created and which is incorporated by reference pursuant to paragraph (3)(a) or subparagraph (3)(e)1., the update or change must be coded by underlining new text and striking

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233 ~~through deleted text.~~

234 ~~8.6-~~ The Department of State may adopt by rule requirements
235 for incorporating materials pursuant to this paragraph.

236 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.-

237 (a) Except when the intended action is the repeal of a
238 rule, agencies shall provide notice of the development of
239 proposed rules by publication of a notice of rule development in
240 the Florida Administrative Register before providing notice of a
241 proposed rule as required by paragraph (3) (a). The notice of
242 rule development must ~~shall~~ indicate the subject area to be
243 addressed by rule development, provide a short, plain
244 explanation of the purpose and effect of the proposed rule, cite
245 the specific legal authority for the proposed rule, and include
246 the preliminary text of the proposed rules and incorporated
247 documents, if available, or a statement of how a person may
248 promptly obtain, without cost, a copy of any preliminary draft,
249 if available.

250 (3) ADOPTION PROCEDURES.-

251 (a) *Notices*.-

252 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
253 any rule other than an emergency rule, an agency shall, upon
254 approval of the agency head, ~~shall~~ give notice of its intended
255 action, setting forth a short, plain explanation of the purpose
256 and effect of the proposed action; the rule number; the full
257 text of the proposed rule or amendment and a summary thereof; a
258 reference to the grant of rulemaking authority pursuant to which
259 the rule is adopted; ~~and~~ a reference to the section or
260 subsection of the Florida Statutes or the Laws of Florida being
261 implemented or interpreted; and the name, e-mail address, and

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262 telephone number of the agency employee who may be contacted
263 regarding the intended action. The notice must include a summary
264 of the agency's statement of the estimated regulatory costs, if
265 one has been prepared, based on the factors set forth in s.
266 120.541(2); a statement that any person who wishes to provide
267 the agency with information regarding the statement of estimated
268 regulatory costs, or to provide a proposal for a lower cost
269 regulatory alternative as provided by s. 120.541(1), must do so
270 in writing within 21 days after publication of the notice; and a
271 statement as to whether, based on the statement of the estimated
272 regulatory costs or other information expressly relied upon and
273 described by the agency if no statement of regulatory costs is
274 required, the proposed rule is expected to require legislative
275 ratification pursuant to s. 120.541(3). The notice must state
276 the procedure for requesting a public hearing on the proposed
277 rule. Except when the intended action is the repeal of a rule,
278 the notice must include a reference both to the date on which
279 and to the place where the notice of rule development that is
280 required by subsection (2) appeared.

281 2. The notice must ~~shall~~ be published in the Florida
282 Administrative Register at least 7 days after the notice of rule
283 development and at least not less than 28 days before prior to
284 the intended action. The proposed rule, including all material
285 proposed to be incorporated by reference, ~~must shall~~ be
286 available for inspection and copying by the public at the time
287 of the publication of notice. Material proposed to be
288 incorporated by reference in the notice required by this
289 paragraph must be made available in the manner prescribed by
290 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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3. The notice ~~must~~ shall be mailed or delivered electronically to all persons named in the proposed rule and to all persons who ~~have made~~, at least 14 days ~~before~~ prior to such mailing or delivery, ~~have made~~ requests of the agency for advance notice of its proceedings. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed.

4. The adopting agency shall file with the committee, at least 21 days ~~before~~ prior to the proposed adoption date, a copy of each rule it proposes to adopt; a copy of any material incorporated by reference in the rule; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of any statement of estimated regulatory costs that has been prepared pursuant to s. 120.541; a statement of the extent to which the proposed rule relates to federal standards or rules on the same subject; and the notice required by subparagraph 1.

5. If any of the information, other than substantive changes to the rule text, which is required to be included in the notice under subparagraph 1. is omitted or is incorrect, the agency must publish a notice of correction in the Florida Administrative Register. A notice of correction does not affect the timeframes for filing the rule for adoption as set forth in paragraph (e). Technical changes must be published as a notice of correction.

(b) *Special matters to be considered in rule adoption.*—

1. Statement of estimated regulatory costs.—Before the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement

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of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or

b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define "small business" to include businesses employing more than 200 persons, may define "small county" to include those with populations of more than 75,000, and may define "small city" to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination

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of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule's compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency must ~~shall~~ send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the rules ombudsman in the Executive Office of the Governor and provided to the agency no later than 21 days after the rules ombudsman's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the rules ombudsman in the Executive Office of the Governor, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days. An agency shall provide the committee a copy of any regulatory alternative

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offered to the agency within 7 days after its delivery to the agency. The agency may not file a rule for adoption before such regulatory alternative, if applicable, has been provided to the committee.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it must ~~shall~~, before rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days after the filing of such notice, the agency shall send a copy of such notice to the rules ombudsman in the Executive Office of the Governor.

(d) *Modification or withdrawal of proposed rules.-*

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the rule has not been changed from the rule as previously filed with the committee, ~~or contains only technical changes,~~ the adopting agency must ~~shall~~ file a notice to that effect with the committee at least 7 days prior to filing the rule for adoption. Any change, other than a technical change that does not affect the substance of the rule, must be supported by the record of public hearings held on the rule, must be in response to written material submitted to the agency within 21 days after the date of publication of the notice of intended agency action or submitted to the agency between the date of publication of the notice and the end of the final public hearing, or must be in response to a proposed objection by the committee. In addition, when any change is made in a proposed rule, other than a technical change, the adopting agency shall provide a copy of a

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notice of change by certified mail or actual delivery to any person who requests it in writing no later than 21 days after the notice required in paragraph (a). The agency shall file the notice of change with the committee, along with the reasons for the change, and provide the notice of change to persons requesting it, at least 21 days before ~~prior to~~ filing the rule for adoption. The notice of change must ~~shall~~ be published in the Florida Administrative Register at least 21 days before ~~prior to~~ filing the rule for adoption. This subparagraph does not apply to emergency rules adopted pursuant to subsection (4). Material proposed to be incorporated by reference in the notice required by this subparagraph must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

2. After the notice required by paragraph (a) and before ~~prior to~~ adoption, the agency may withdraw the rule in whole or in part.

3. After adoption and before the rule becomes effective, a rule may be modified or withdrawn only in the following circumstances:

a. When the committee objects to the rule;

b. When a final order, which is not subject to further appeal, is entered in a rule challenge brought pursuant to s. 120.56 after the date of adoption but before the rule becomes effective pursuant to subparagraph (e)6.;

c. If the rule requires ratification, when ~~more than 90 days have passed since the rule was filed for adoption without~~ the Legislature does not ratify ~~ratifying~~ the rule by the adjournment sine die of the regular session immediately

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following the filing for adoption of the rule, in which case the rule ~~must~~ ~~may~~ be withdrawn and the agency must initiate rulemaking in accordance with this section within 90 days of adjournment sine die ~~but may not be modified~~; or

d. When the committee notifies the agency that an objection to the rule is being considered, in which case the rule may be modified to extend the effective date by not more than 60 days.

4. The agency shall give notice of its decision to withdraw or modify a rule in the first available issue of the publication in which the original notice of rulemaking was published, shall notify those persons described in subparagraph (a)3. in accordance with the requirements of that subparagraph, and must ~~shall~~ notify the Department of State if the rule is required to be filed with the Department of State.

5. After a rule has become effective, it may be repealed or amended only through the rulemaking procedures specified in this chapter.

(e) *Filing for final adoption; effective date.*—

1. If the adopting agency is required to publish its rules in the Florida Administrative Code, the agency, upon approval of the agency head, must electronically ~~shall~~ file with the Department of State a three ~~three~~ certified copy ~~copies~~ of the rule it proposes to adopt; one copy of any material incorporated by reference in the rule, certified by the agency; a summary of the rule; a summary of any hearings held on the rule; and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required by this

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subparagraph, in the office of the agency head, and such rules ~~must shall~~ be open to the public.

2. A rule may not be filed for adoption less than 28 days or more than 90 days after the notice required by paragraph (a), until 21 days after the notice of change required by paragraph (d), until 14 days after the final public hearing, until 21 days after a statement of estimated regulatory costs required under s. 120.541 has been provided to all persons who submitted a lower cost regulatory alternative and made available to the public, or until the administrative law judge has rendered a decision under s. 120.56(2), whichever applies. When a required notice of change is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after the date of publication. If notice of a public hearing is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after adjournment of the final hearing on the rule, 21 days after receipt of all material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. The term "public hearing" includes any public meeting held by any agency at which the rule is considered. If a petition for an administrative determination under s. 120.56(2) is filed, the period during which a rule must be filed for adoption is extended to 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete.

3. At the time a rule is filed, the agency shall certify

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that the time limitations prescribed by this paragraph have been complied with, that all statutory rulemaking requirements have been met, and that there is no administrative determination pending on the rule.

4. At the time a rule is filed, the committee shall certify whether the agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee. The department shall reject any rule that is not filed within the prescribed time limits; that does not comply with all statutory rulemaking requirements and rules of the department; upon which an agency has not responded in writing to all material and timely written inquiries or written comments; upon which an administrative determination is pending; or which does not include a statement of estimated regulatory costs, if required.

5. If a rule has not been adopted within the time limits imposed by this paragraph or has not been adopted in compliance with all statutory rulemaking requirements, the agency proposing the rule must shall withdraw the rule and give notice of its action in the next available issue of the Florida Administrative Register.

6. The proposed rule ~~is shall be~~ adopted upon ~~on~~ being filed with the Department of State and becomes ~~become~~ effective 20 days after being filed, on a later date specified in the notice required by subparagraph (a)1., on a date required by statute, or upon ratification by the Legislature pursuant to s. 120.541(3). Rules not required to be filed with the Department of State ~~shall~~ become effective when adopted by the agency head, on a later date specified by rule or statute, or upon

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 ratification by the Legislature pursuant to s. 120.541(3). If the committee notifies an agency that an objection to a rule is being considered, the agency may postpone the adoption of the rule to accommodate review of the rule by the committee. When an agency postpones adoption of a rule to accommodate review by the committee, the 90-day period for filing the rule is tolled until the committee notifies the agency that it has completed its review of the rule.

For the purposes of this paragraph, the term "administrative determination" does not include subsequent judicial review.

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, or if the Legislature authorizes the agency to adopt emergency rules and finds that all conditions specified in this paragraph are met, the agency may, within the authority granted to the agency under the State Constitution or delegated to it by the Legislature, adopt any rule necessitated by the immediate danger or legislative finding. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and

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 its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules and the agency's findings of immediate danger, necessity, and procedural fairness or a citation to the grant of emergency rulemaking authority, must, ~~shall~~ be published in the first available issue of the Florida Administrative Register and provided to the committee along with any material incorporated by reference in the rules. The agency's findings of immediate danger, necessity, and procedural fairness are ~~shall be~~ judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare must ~~shall~~ include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97-102 and chapter 105 of the Election Code.

(c) 1. An emergency rule adopted under this subsection may ~~shall~~ not be effective for a period longer than 90 days and may ~~shall~~ not be renewable, except when the agency has initiated rulemaking to adopt rules addressing the subject of the emergency rule and either:

a.1- A challenge to the proposed rules has been filed and remains pending; or

b.2- The proposed rules are awaiting ratification by the Legislature pursuant to s. 120.541(3).

2. ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency from adopting a rule or rules identical to the emergency rule through the rulemaking procedures specified in

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subsection (3).

(d) Notice of the renewal of an emergency rule must be published in the Florida Administrative Register before the expiration of the existing emergency rule. The notice of renewal must state the specific facts and reasons for such renewal.

(e) For emergency rules with an effective period greater than 90 days which are intended to replace existing rules, a note must be added to the history note of the existing rule which specifically identifies the emergency rule that is intended to supersede the existing rule and includes the date that the emergency rule was filed with the Department of State.

(f) Emergency rules must be published in the Florida Administrative Code.

(g) An agency may supersede an emergency rule in effect through adoption of another emergency rule before the superseded rule expires. The reason for adopting the superseding rule must be stated in accordance with the procedures set forth in paragraph (a), and the superseding rule is in effect during the effective period of the superseded rule.

(h) An agency may make technical changes to an emergency rule within the first 7 days after the rule is adopted, and such changes must be published in the Florida Administrative Register as a notice of correction.

(i) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

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(j) An agency may repeal an emergency rule before it expires by providing notice of its intended action in the Florida Administrative Register. The notice must include the full text of the emergency rule and a summary thereof; if applicable, a reference to the rule number; and a short, plain explanation as to why the conditions specified in accordance with paragraph (a) no longer require the emergency rule.

(7) PETITION TO INITIATE RULEMAKING.—

(a) Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition must ~~shall~~ specify the proposed rule and action requested. The agency shall provide to the committee a copy of the petition within 7 days after its receipt. No ~~Not~~ later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial. The agency shall notify the committee of its intended action or response within 7 days.

Section 3. Paragraph (a) of subsection (1) and subsection (3) of section 120.541, Florida Statutes, are amended, and subsection (4) of that section is reenacted, to read:

120.541 Statement of estimated regulatory costs.—

(1)(a) Within 21 days after publication of the notice required under s. 120.54(3)(a), a substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being

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implemented. The proposal may include the alternative of not adopting any rule if the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. If submitted after a notice of change, a proposal for a lower cost regulatory alternative is deemed to be made in good faith only if the person reasonably believes, and the proposal states, the person's reasons for believing that the proposed rule as changed by the notice of change increases the regulatory costs or creates an adverse impact on small businesses which was not created by the previously proposed rule. If such a proposal is submitted, the 90-day period for filing the rule is extended 21 days. Upon the submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs as provided in subsection (2), or shall revise its prior statement of estimated regulatory costs, and either adopt the alternative or provide a statement of the reasons for rejecting the alternative in favor of the proposed rule. The agency shall provide to the committee, within 7 days after its receipt, a copy of any proposal for a lower cost regulatory alternative, and within 7 days after its release, a copy of the agency's response thereto. The agency may not file a rule for adoption before such proposal, if applicable, has been provided to the committee.

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2)(a), the rule must ~~shall~~ be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days before ~~prior to~~ the next regular legislative session, and the rule may not take effect until it is ratified by the

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Legislature. The agency shall notify the committee of its submission of the rule to the Legislature for ratification within 3 business days after submittal.

(4) Subsection (3) does not apply to the adoption of:

(a) Federal standards pursuant to s. 120.54(6).

(b) Triennial updates of and amendments to the Florida Building Code which are expressly authorized by s. 553.73.

(c) Triennial updates of and amendments to the Florida Fire Prevention Code which are expressly authorized by s. 633.202.

Section 4. Section 120.5435, Florida Statutes, is created to read:

120.5435 Agency review of rules.—

(1) By July 1, 2030, each agency, in coordination with the committee, shall review all existing rules adopted by the agency before July 1, 2025, in accordance with this section.

(2) Beginning October 1, 2025, each agency shall include a list of its existing rules in its annual regulatory plan, prepared and submitted pursuant to s. 120.74. The agency shall include a schedule of the rules it will review each year during the 5-year rule review period. The agency may amend its yearly schedule in subsequent regulatory plans but must provide for the completed review of at least 20 percent of the agency's rules per year, until all of its subject rules have been reviewed.

(3) The agency rule review must determine whether each rule:

(a) Is a valid exercise of delegated legislative authority;

(b) Has current statutory authority;

(c) Reiterates or paraphrases statutory material;

(d) Is in proper form;

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697 (e) Is consistent with expressed legislative intent
 698 pertaining to the specific provisions of law which the rule
 699 implements;
 700 (f) Requires a technical or substantive update to reflect
 701 current use; and
 702 (g) Requires updated references to statutory citations and
 703 incorporated materials.
 704 (4) By January 1 of each year, the agency shall submit a
 705 report to the President of the Senate and the Speaker of the
 706 House of Representatives which summarizes the agency's intended
 707 action on each rule under review during the current fiscal year.
 708 (5) The agency shall take one of the following actions
 709 during its rule review:
 710 (a) Make no change to the rule. If the agency determines
 711 that no change is necessary, the agency must file with the
 712 committee by April 1 a copy of the reviewed rule, a written
 713 statement of its intended action, and its assessment of factors
 714 specified in subsection (3).
 715 (b) Make a technical change to the rule. If the agency
 716 determines that one or more technical changes are necessary, the
 717 agency must file with the committee by April 1 a copy of the
 718 reviewed rule and the recommended technical change or changes
 719 coded by underlining new text and striking through deleted text,
 720 a written statement of its intended action, its assessment of
 721 the factors specified in subsection (3), and the facts and
 722 circumstances justifying the technical change or changes to the
 723 reviewed rule.
 724 (c) Make a substantive change to the rule. If the agency
 725 determines that the rule requires a substantive change, the

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726 agency must make all changes, including any technical change, to
 727 the rule in accordance with this chapter. The agency shall
 728 publish a notice of rule development in the Florida
 729 Administrative Register by April 1. The agency shall also file
 730 with the committee by April 1 a copy of the reviewed rule and
 731 the recommended change or changes coded by underlining new text
 732 and striking through deleted text, a written statement of its
 733 intended action, and its assessment of factors specified in
 734 subsection (3). This submission to the committee does not
 735 constitute a notice of rule development as contemplated by s.
 736 120.54(3)(a) and is not required to be in the same form as the
 737 rule that will be proposed by the agency.
 738 (d) Repeal the rule. If an agency determines that the rule
 739 should be repealed, the agency must repeal the rule in
 740 accordance with this chapter. The agency shall publish a notice
 741 of proposed rule development in the Florida Administrative
 742 Register by April 1. The agency shall also file with the
 743 committee by April 1 a written statement of its intended action
 744 and its assessment of factors specified in subsection (3). This
 745 submission to the committee does not constitute a notice of rule
 746 development as contemplated by s. 120.54(3)(a).
 747 (6) The committee shall examine the agency's rule review
 748 submission. The committee may request from an agency any
 749 information that is reasonably necessary for examination of a
 750 rule as required by subsection (1). If the agency recommends no
 751 change or a technical change to a rule, the committee must
 752 complete its examination within 90 calendar days after the
 753 agency transmits the report required under subsection (4). Upon
 754 completion of its examination, the committee must certify

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755 whether the agency has responded in writing to all material and
756 timely written comments or inquiries made on behalf of the
757 committee.

758 (7) The rule review is completed upon either:

759 (a) The agency, upon approval of the agency head or his or
760 her designee, electronically filing a certified copy of the
761 reviewed rule to which no changes or only technical changes were
762 made, and the committee's certification granted pursuant to
763 subsection (6), with the Department of State.

764 (b) The agency, for a reviewed rule subject to substantive
765 change or repeal, timely filing a proposed rule pursuant to s.
766 120.54.

767 (8) The Department of State shall publish in the Florida
768 Administrative Register a notice of the completed rule review
769 and shall update the history note of the rule in the Florida
770 Administrative Code to reflect the date of the rule review's
771 completion, if applicable.

772 (9) A technical change to a rule reviewed pursuant to this
773 section is not subject to a challenge as a proposed rule
774 pursuant to s. 120.56(2).

775 (10) The hearing requirements of s. 120.54 do not apply to
776 a rule reviewed pursuant to this section.

777 (11) The Department of State shall adopt rules to implement
778 this section no later than December 31, 2025.

779 (12) This section is repealed July 1, 2032, unless reviewed
780 and saved from repeal through reenactment by the Legislature.

781 Section 5. Subsection (1) of section 120.55, Florida
782 Statutes, is amended to read:

783 120.55 Publication.—

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784 (1) The Department of State shall:

785 (a)1. Through a continuous revision and publication system,
786 compile and publish electronically, on a website managed by the
787 department, the "Florida Administrative Code." The Florida
788 Administrative Code must ~~shall~~ contain all rules adopted by each
789 agency, citing the grant of rulemaking authority and the
790 specific law implemented pursuant to which each rule was
791 adopted, all history notes as authorized in ss. 120.5435 and
792 120.545(7) s. 120.545(7), complete indexes to all rules and any
793 material incorporated by reference contained in the code, and
794 any other material required or authorized by law or deemed
795 useful by the department. The electronic code must ~~shall~~ display
796 each rule chapter currently in effect in browse mode and allow
797 full text search of the code and each rule chapter. The
798 department may contract with a publishing firm for a printed
799 publication; however, the department retains ~~shall retain~~
800 responsibility for the code as provided in this section. The
801 electronic publication is ~~shall be~~ the official compilation of
802 the administrative rules of this state. The Department of State
803 retains ~~shall retain~~ the copyright over the Florida
804 Administrative Code.

805 2. Rules general in form but applicable to only one school
806 district, community college district, or county, or a part
807 thereof, or state university rules relating to internal
808 personnel or business and finance may ~~shall~~ not be published in
809 the Florida Administrative Code. Exclusion from publication in
810 the Florida Administrative Code does ~~shall~~ not affect the
811 validity or effectiveness of such rules.

812 3. At the beginning of the section of the code dealing with

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an agency that files copies of its rules with the department, the department shall publish the address and telephone number of the executive offices of each agency, the manner by which the agency indexes its rules, a listing of all rules of that agency excluded from publication in the code, a listing of all forms and material incorporated by reference adopted by rule which are used by the agency, and a statement as to where those rules may be inspected.

4. Forms ~~may shall~~ not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, ~~must shall~~ be filed with the committee before it is used. Any form or instruction which meets the definition of the term "rule" provided in s. 120.52 ~~must shall~~ be incorporated by reference into the appropriate rule. The reference ~~must shall~~ specifically state that the form is being incorporated by reference and ~~shall~~ include the number, title, and effective date of the form and an explanation of how the form may be obtained. Each form created by an agency which is incorporated by reference in a rule notice of which is given under s. 120.54(3)(a) after December 31, 2007, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

5. After December 31, 2025, the department shall require any material incorporated by reference in allow adopted rules ~~and material incorporated by reference~~ to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on

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its website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

6. The department shall include the date of any technical changes in the history note of the rule in the Florida Administrative Code. A technical change does not affect the effective date of the rule. A technical change made after the adoption of a rule must be published as a notice of correction.

(b) Electronically publish on a website managed by the department a continuous revision and publication entitled the "Florida Administrative Register," which serves ~~shall serve~~ as the official publication and must contain:

1. All notices required by s. 120.54(2) and (3)(a), showing the text of all rules proposed for consideration.

2. All notices of public meetings, hearings, and workshops conducted in accordance with s. 120.525, including a statement of the manner in which a copy of the agenda may be obtained.

3. A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules.

4. Notice of petitions for declaratory statements or administrative determinations.

5. A list of all rules that were not timely reviewed by their respective agency, pursuant to s. 120.5435, updated at least annually.

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871 6. A summary of each objection to any rule filed by the
 872 Administrative Procedures Committee.
 873 7.6- A list of rules filed for adoption in the previous 7
 874 days.
 875 8.7- A list of all rules filed for adoption pending
 876 legislative ratification under s. 120.541(3). A rule shall be
 877 removed from the list once notice of ratification or withdrawal
 878 of the rule is received.
 879 9.8- Any other material required or authorized by law or
 880 deemed useful by the department.
 881
 882 The department may contract with a publishing firm for a printed
 883 publication of the Florida Administrative Register and make
 884 copies available on an annual subscription basis.
 885 (c) Prescribe by rule the style and form required for
 886 rules, notices, and other materials submitted for filing,
 887 including any rule requiring that documents created by an agency
 888 which are proposed to be incorporated by reference in notices
 889 published pursuant to s. 120.54(3)(a) and (d) be coded as
 890 required in s. 120.54(1)(i)7.
 891 (d) Charge each agency using the Florida Administrative
 892 Register a space rate to cover the costs related to the Florida
 893 Administrative Register and the Florida Administrative Code.
 894 (e) Maintain a permanent record of all notices published in
 895 the Florida Administrative Register.
 896 Section 6. Paragraph (c) of subsection (1) and subsections
 897 (4) through (8) of section 120.74, Florida Statutes, are
 898 amended, and paragraphs (e) and (f) are added to subsection (1)
 899 of that section, to read:

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900 120.74 Agency annual rulemaking and regulatory plans;
 901 reports.—
 902 (1) REGULATORY PLAN.—By October 1 of each year, each agency
 903 shall prepare a regulatory plan.
 904 (c) The plan must include any desired update to the prior
 905 year's regulatory plan or supplement published pursuant to
 906 subsection (5) (7). If, in a prior year, a law was identified
 907 under this paragraph or under subparagraph (a)1. as a law
 908 requiring rulemaking to implement but a notice of proposed rule
 909 has not been published:
 910 1. The agency shall identify and again list such law,
 911 noting the applicable notice of rule development by citation to
 912 the Florida Administrative Register; or
 913 2. If the agency has subsequently determined that
 914 rulemaking is not necessary to implement the law, the agency
 915 shall identify such law, reference the citation to the
 916 applicable notice of rule development in the Florida
 917 Administrative Register, and provide a concise written
 918 explanation of the reason why the law may be implemented without
 919 rulemaking.
 920 (e) The plan must also include all of the following:
 921 1. A list of the agency's existing rules scheduled for
 922 review pursuant to s. 120.5435.
 923 2. A 5-year schedule for the review of all existing rules
 924 as of July 1, 2025.
 925 3. A yearly schedule for the rules it will review each year
 926 during the 5-year rule review. The agency may amend this
 927 schedule, if necessary.
 928 (f) The plan must include any desired update to the prior

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year's regulatory plan or supplement thereof, published pursuant to subsection (5). If, in a prior year, the agency identified a rule under this paragraph as one requiring review pursuant to s. 120.5435, but the agency has not yet completed an action described in s. 120.5435(5):

1. The agency must identify and list such rule in its regulatory plan as an untimely rule review and notify the committee of such action; or

2. If the agency subsequently determined that the rule review is not necessary, the agency must identify the rule and provide a concise written explanation of the reason why the rule does not require a rule review.

(4) ~~DEADLINE FOR RULE DEVELOPMENT.~~ By November 1 of each year, each agency shall publish a notice of rule development under s. 120.54(2) for each law identified in the agency's regulatory plan pursuant to subparagraph (1)(a)1. for which rulemaking is necessary to implement but for which the agency did not report the publication of a notice of rule development under subparagraph (1)(a)2.

~~(5) CORRECTING THE REGULATORY PLAN DEADLINE TO PUBLISH PROPOSED RULE.~~ For each law for which implementing rulemaking is necessary as identified in the agency's plan pursuant to subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall publish a notice of proposed rule pursuant to s. 120.54(3)(a) by April 1 of the year following the deadline for the regulatory plan. This deadline may be extended if the agency publishes a notice of extension in the Florida Administrative Register identifying each rulemaking proceeding for which an extension is being noticed by citation to the applicable notice of rule

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~~development as published in the Florida Administrative Register.~~
The agency shall include a concise statement in the notice of extension identifying any issues that are causing the delay in rulemaking. ~~An extension shall expire on October 1 after the April 1 deadline, provided that the regulatory plan due on October 1 may further extend the rulemaking proceeding by identification pursuant to subparagraph (1)(c)1. or conclude the rulemaking proceeding by identification pursuant to subparagraph (1)(c)2.~~ A published regulatory plan may be corrected at any time to accomplish the purpose of ~~extending or~~ concluding an affected rulemaking proceeding by identifying the applicable rule pursuant to subparagraph (1)(c)2. The regulatory plan and is deemed corrected as of the October 1 due date. Upon publication of a correction, the agency shall publish in the Florida Administrative Register a notice of the date of the correction identifying the affected rulemaking proceeding by applicable citation to the Florida Administrative Register.

~~(6) CERTIFICATIONS.~~ Each agency shall file a certification with the committee upon compliance with subsection (4) and upon filing a notice under subsection (5) of either a deadline extension or a regulatory plan correction. A certification may relate to more than one notice or contemporaneous act. The date or dates of compliance shall be noted in each certification.

~~(5)(7) SUPPLEMENTING THE REGULATORY PLAN.~~ After publication of the regulatory plan, the agency shall supplement the plan within 30 days after a bill becomes a law if the law is enacted before the next regular session of the Legislature and the law substantively modifies the agency's specifically delegated legal duties, unless the law affects all or most state agencies as

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identified by letter to the committee from the Governor or the Attorney General. The supplement must include the information required in paragraph (1)(a) and shall be published as required in subsection (2), but no certification or delivery to the committee is required. The agency shall publish in the Florida Administrative Register notice of publication of the supplement, and include a hyperlink on its website or web address for direct access to the published supplement. For each law reported in the supplement, if rulemaking is necessary to implement the law, the agency shall publish a notice of rule development ~~by the later of the date provided in subsection (4) or~~ 60 days after the bill becomes a law, and a notice of proposed rule shall be published ~~by the later of the date provided in subsection (5) or~~ 120 days after the bill becomes a law. ~~The proposed rule deadline may be extended to the following October 1 by notice as provided in subsection (5).~~ If such proposed rule has not been filed by October 1, a law included in a supplement shall also be included in the next annual plan pursuant to subsection (1).

(7)(8) FAILURE TO COMPLY.—If an agency fails to comply with a requirement of paragraph (2)(a) ~~or subsection (5)~~, within 15 days after written demand from the committee or from the chair of any other legislative committee, the agency shall deliver a written explanation of the reasons for noncompliance to the committee, the President of the Senate, the Speaker of the House of Representatives, and the chair of any legislative committee requesting the explanation of the reasons for noncompliance.

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #108**, relating to Administrative Procedures, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

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

3112125

Meeting Date

Rules

Committee

SB 108

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Louise St. Laurent

Phone

(850) 680-0981

Address

201 E Park Ave, Ste 200-A

Email

LStLaurent@Panzama.com

Street

Tallahassee FL

City

State

32301

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

March 12, 2025

Meeting Date

Rules

Committee

Name

Doug Wheeler

Phone

8503228850

Address

100 North Duval Street

Email

dwheeler@jamesmadison.org

Street

Tallahassee

Florida

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:

The James Madison Institute

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

SB 108 Admin Procedures

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate

APPEARANCE RECORD

3-12-25

Meeting Date

Rules

Committee

108

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E College Ave

Email

DMartinez@AFPHQ.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:

Americans for Prosperity
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 Rules

BILL: CS/CS/SB 116

INTRODUCER: Rules Committee; Appropriations Committee on Health and Human Services; Senators Burgess and Collins

SUBJECT: Veterans

DATE: March 12, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ingram	Proctor	MS	Favorable
2.	Howard	McKnight	AHS	Fav/CS
3.	Ingram	Yeatman	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 116 amends multiple provisions regarding veterans. Specifically, the bill:

- Reduces the maximum number of nominees the Florida Veterans' Hall of Fame Council may transmit to the Florida Department of Veterans' Affairs (FDVA) for submission to the Governor and the Cabinet for induction into the Florida Veterans' Hall of Fame from 20 to five.
- Requires the FDVA to evaluate the extent to which veterans and their spouses and dependents are aware of programs and services and to also make recommendations on increasing such public awareness.
- Requires the FDVA to ensure coordination to the greatest extent possible with the United States Department of Defense to engage servicemembers relating to reentry into civilian life and authorizes the FDVA to engage county and city veteran service officers for assistance. The FDVA is to include in its annual report the actions taken to implement this engagement.
- Requires the FDVA to submit an evaluation of veterans' health literacy in this state.
- Requires the Veteran Suicide Prevention Training Pilot Program to include specialized mental health training to recognize indicators of mental health conditions.
- Corrects a reference to United States Code for purposes of veterans' education and training.
- Expands the duties of Florida is for Veterans, Inc., to include advising the FDVA on problems or needs of veterans and their spouses and dependents.
- Removes an obsolete reference to the Florida Defense Support Task Force.

- Requires the FDVA to develop a statewide plan to establish adult day health care facilities across the state to serve veterans and their families.
- Authorizes that a percentage of the proceeds from the sale of the Gadsden Flag specialty license plate be used for administrative costs.

The bill appropriates funding to the FDVA for the 2025-2026 fiscal year to implement the provisions of the bill. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Veterans' Hall of Fame

Administered by the Florida Department of Veterans' Affairs (FDVA), the Florida Veterans' Hall of Fame (FVHF) was established by the Florida Legislature¹ to honor military veterans who, through their works and lives during or after their military service, have made noteworthy contributions to the state.² An inductee into the FVHF is commemorated with his or her name placed on a plaque that is displayed in a designated area of the State Capitol Building.³ During the 2012 Legislative Session, the Florida Veterans' Hall of Fame Council (Council) was created as an advisory council⁴ to oversee the FVHF.⁵ The Governor, the President of the Senate, the Speaker of the House of Representatives, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the executive director of the FDVA each appoint one member to the seven-member Council which is comprised of honorably discharged veterans.⁶

The Council is directed to annually accept nominations and transmit up to 20 nominees to the FDVA for submission to the Governor and the Cabinet, who then select the nominees to be inducted into the FVHF.⁷ The Council gives preference to veterans born in Florida or who adopted Florida has their home state and who have made a significant contribution to the state in civic, business, public service, or other pursuits.⁸ The Council is authorized to establish criteria and timeframes regarding the nominating process and induction ceremony.⁹

The Council established the following nomination criteria:

- Meet the definition of "Veteran" as defined by s. 1.01, F.S., as determined by the U.S. Department of Defense documentation, such as a DD Form 214, or proof of service from the Florida National Guard with a NGB Form 22.

¹ Ch. 2011-168, s. 1, Laws of Fla.

² Florida Veterans Hall of Fame, *Honoring Florida's Veterans*, <https://floridaveteranshalloffame.org/> (last visited February 7, 2025).

³ Section 265.003(2)(b), F.S.

⁴ Under s. 20.03(7), F.S., "council" or "advisory council" is defined as an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives

⁵ Ch. 2012-159, s. 5, Laws of Fla. See also s. 265.003(4)(a), F.S.

⁶ Section 265.003(3)(a), F.S.

⁷ Section 265.003(4)(a), F.S.

⁸ Section 265.003(4)(b), F.S.

⁹ Section 265.003(5), F.S.

- Have received an honorable discharge from the U.S. Armed Forces and can provide official documentation verifying discharge status.
- Have exhibited good moral character.¹⁰

In addition, posthumous nominations are accepted if a veteran's records documenting his or her military service are provided. If the veteran's DD Form 214 or NGB Form 22 is not available, then other documentation including discharge papers, news articles, affidavits, official letters of service from a branch of service, the U.S. Department of Defense, or the Florida National Guard, or other documentation that can be verified may be accepted.¹¹ Employees of the Governor's staff, all elected or appointed officials in the State of Florida, members of County Veteran Service Offices, and members of the FDVA, its Foundation and the Council are ineligible for induction until two years after they have left their position. The Council may recommend a waiver of the two year requirement for nominees over the age of 70.¹²

Department of Veterans' Affairs

The FDVA 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 in the Armed Forces of the United States.¹³ There are about 1.4 million veterans living in Florida, making the state's veteran population the third largest nationally.¹⁴

The FDVA is authorized to apply for and accept funds, grants, gifts, and services from the state, federal government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs as may be necessary for carrying out its duties.¹⁵

One of the duties of the FDVA is to conduct an ongoing study on the problems and needs of veterans of the Armed Forces of the United States and their spouses and dependents who reside in Florida. The study must include a survey of:

- Existing state and federal programs available for resident veterans and their spouses and dependents that specify the extent to which the programs are being implemented, with recommendations for the improved implementation, extension, or improvement of the programs.
- The needs of resident veterans and their spouses and dependents in the areas of social services, health care, education, and employment, and any other areas of determined need,

¹⁰ Florida Veterans Hall of Fame, Nomination Process, available at https://floridaveteranshalloffame.org/?page_id=3249 (last visited Feb. 13, 2025).

¹¹ Florida Veterans Hall of Fame, Nomination Process, available at https://floridaveteranshalloffame.org/?page_id=3249 (last visited Feb. 13, 2025).

¹² *Id.*

¹³ Section 292.05(1), F.S.

¹⁴ Florida Dep't of Veterans' Affairs, *Our Veterans*, available at <https://floridavets.org/our-veterans/> (last visited Feb. 13, 2025).

¹⁵ Section 292.05(4), F.S.

with recommendations regarding federal, state, and community services that would meet those needs.

- Federal, state, public, and private moneys available that could be used to defray the costs of state or community services needed for resident veterans and their spouses and dependents.¹⁶

The FDVA is directed to annually submit a written report to the Governor, the Cabinet, and the Legislature which describes expenses incurred in veteran service work; cases handled by the FDVA and by county and city veteran service officers of the state;¹⁷ benefits obtained for veterans; and information regarding certified veteran service officers.¹⁸ The report must also describe departmental actions taken by the FDVA and include other information and departmental recommendations as it relates to its duties and responsibilities.¹⁹ In addition, the report must also include the current status of the FDVA's domiciliary and nursing homes.²⁰

County and City Veteran Service Officers and Agency Claims Examiners

County and city veteran service officers are responsible for assisting veterans and their dependents in securing all entitled benefits earned through honorable military service and to advocate for veterans' interest in their community.²¹ Current law authorizes each board of county commissioners to employ a county veteran service officer.²² Likewise, the governing body of a city may employ a city veteran service officer.²³ The FDVA's claim examiners, set up to assist veterans with claims, are co-located with the United States Department of Veterans Affairs (VA) Regional Office in Bay Pine, each VA Medical Center, and many VA Outpatient Clinics.²⁴

The FDVA provides the training program for county and city veteran service officers.²⁵ Every county or city veteran service officer must attend the training and successfully complete a test administered by the FDVA. The FDVA is required to further establish periodic training refresher courses, which must be completed as a condition of continued employment.²⁶

Transition Assistance

The FDVA through Florida is for Veterans, Inc., (Veterans Florida) supports servicemembers with the transition into civilian life in many ways including, but not limited to, engaging servicemembers through the SkillBridge program, by hosting job fairs, and by briefing servicemembers while they are participating in the United States Armed Forces' Transition

¹⁶ Section 292.05(5), F.S.

¹⁷ Section 292.11, F.S.

¹⁸ Section 292.05(6)(a), F.S.

¹⁹ *Id.*

²⁰ Section 292.05(6)(b), F.S.

²¹ Leon County Government, Veterans Services, available at <https://cms.leoncountyfl.gov/Home/Departments/Office-of-Human-Services-and-Community-Partnership/Veterans-Services> (last visited Feb. 10, 2025).

²² Section 292.11(1), F.S.

²³ *Id.*

²⁴ Veteran Help Group, *Benefits and Services-Claims*, available at <https://www.veteranhelpgroup.com/claims> (last visited Feb. 10, 2025).

²⁵ Section 292.11(4), F.S.

²⁶ *Id.*

Assistance Programs.^{27, 28} SkillBridge is a program under the U.S. Department of Defense that connects transitioning servicemembers to occupational training.²⁹ The program provides opportunities for a servicemember to participate in industry training programs as he or she prepares to transition back into his or her civilian life.³⁰

Veteran's Mental Health and Suicide Prevention

Population and Mental Health

As of 2023, the VA reported that there were 19.1 million veterans living in the United States and of that about 1,430,000 veterans resided in Florida.³¹ Of the Florida veterans:

- 1.1 million are wartime veterans;
- 330,000 are peacetime veterans;
- 11,000 are World War II veterans;
- 75,000 are Korean War veterans;
- 462,000 are Vietnam-era veterans; and
- 421,000 are Gulf War veterans including post-9/11.³²

The FDVA is responsible for serving the third largest veteran population in the United States.³³

Veterans are known to have higher levels of mental distress than nonveterans. In a 2014 study, almost 1 in 4 veterans showed symptoms of mental illness.³⁴ Predominant mental health diagnoses among veterans are:

- Posttraumatic Stress Disorder at a rate of 15 times that of the general population;
- Depression at a rate of five times that of the general population; and
- Traumatic Brain Injury (TBI).³⁵

Veterans who have a diagnosable mental health illness are at a much higher risk of suicide than veterans without mental illness. A 2017 study of Veterans Health Administration patients shows

²⁷ Florida Dep't of Veterans' Affairs, *Senate Bill 116 Agency Legislative Bill Analysis* (Feb. 10, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁸ As established under 10 U.S.C. 1144 (2022), the program furnishes counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the armed forces.

²⁹ U.S. Department of Defense, *DOD Skillbridge Program Brochure*, available at <https://skillbridge.osd.mil/docs/SkillBridge-Program-Brochure.pdf> (Feb. 10, 2025).

³⁰ U.S. Department of Defense, *DOD Skillbridge Program Brochure*, available at <https://skillbridge.osd.mil/docs/SkillBridge-Program-Brochure.pdf> (Feb. 10, 2025).

³¹ Florida Dep't of Veterans' Affairs, *Our Veterans-Fast Facts*, available at <https://www.floridavets.org/our-veterans/profilefast-facts/> (last visited Feb. 12, 2025).

³² *Id.*

³³ *Id.*

³⁴ National Institute on Mental Illness (NAMI), *Veterans & Active Duty-Mental Health Concerns*, available at <https://www.nami.org/Your-Journey/Veterans-Active-Duty> (last visited Feb. 10, 2025).

³⁵ *Id.*

a more than double rate of suicide among veterans with a mental health or substance use disorder than persons without these diagnoses.³⁶

An estimated 30,177 active duty servicemembers and veterans of the post 9/11 wars have died by suicide, significantly more than the 7,057 servicemembers that died in the post 9/11 war operations.³⁷ Identified causes vary. As many as 20 percent of post 9/11 servicemembers have experienced a TBI, many of which have been exposed to repetitive damage.³⁸

Federal Programs

In 2018, the VA implemented a 10-year strategy for preventing veteran suicide.³⁹ This approach to suicide prevention involves a veteran's family, peers, and community and includes specific outreach to veterans who do not access services of the VA.⁴⁰

VA suicide prevention initiatives include all of the following:

- Enhancing mental health services for veterans who are women.
- Broadening telehealth.
- Developing free-of-charge mobile applications for veterans and their families.
- Improving access to mental health care.
- Assisting families of veterans by telephone.⁴¹

In implementing a suicide prevention strategy, the VA partners with other government agencies and organizations at both the national and local level to share information and training on suicide prevention.⁴² One of the ways the VA has addressed state-level suicide prevention is through the "Governor's Challenge to Prevent Suicide Among Service Members, Veterans, and their Families," the VA's ongoing collaboration with the Substance Abuse and Mental Health Services Administration."⁴³ The "Mayor's Challenges to Prevent Suicide Among Service Members, Veterans, and their Families" is an analogous collaboration at the local level for communities across the nation.⁴⁴ The goal of these initiatives is to expand and implement state-

³⁶ The rate of suicide among Veterans Health Administration patients with mental health illness at the time of the study was 57 patients per 100,000. Rand Corporation, *Suicide Among Veterans/Veterans' Issues in Focus*, (July 15, 2021) available at <https://www.rand.org/pubs/perspectives/PEA1363-1.html> (last visited Feb. 10, 2025).

³⁷ Thomas Howard Suitt, III, Watson Institute, International & Public Affairs, Brown University, *High Suicide Rates among United States Service Members and Veterans of the Post-9/11 Wars*, available at https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/Suitt_Suicides_Costs%20of%20War_June%2021%202021.pdf (June 21, 2021) (pgs. 1, 3).

³⁸ *Id.* at 3-4.

³⁹ U.S. Dep't of Veterans Affairs, *National Strategy for Preventing Veteran Suicide, 2018-2028*, available at https://www.mentalhealth.va.gov/suicide_prevention/docs/Office-of-Mental-Health-and-Suicide-Prevention-National-Strategy-for-Preventing-Veterans-Suicide.pdf.

⁴⁰ *Id.* at 1.

⁴¹ *Id.* at 11.

⁴² *Id.*

⁴³ U.S. Dep't of Veterans Affairs, Office of Suicide Prevention, *2024 National Veteran Suicide Prevention Report*, available at https://www.mentalhealth.va.gov/docs/data-sheets/2024/2024-Annual-Report-Part-1-of-2_508.pdf (Dec. 2024) (pg. 34).

⁴⁴ SAMHSA, Substance Abuse and Mental Health Services Administration, Service Members, Veterans, and their Families Technical Assistance, *Governor's and Mayor's Challenges*, available at <https://www.samhsa.gov/technical-assistance/smvf/challenges> (last visited Feb. 10, 2025).

wide best practices for preventing and reducing suicide.⁴⁵ All 50 states and five territories are involved in the Governor’s Challenge and 14 community teams are still actively engaged in the “Mayor’s Challenge.”⁴⁶

State Programs

In 2021, the FDVA was authorized to establish the Florida Veterans’ Care Coordination (FVCC) Program.⁴⁷ To provide services, the FDVA may contract with a nonprofit, accredited entity to provide dedicated behavioral health care referral services, through the state’s 211 Network.⁴⁸ The FVCC program objectives are to prevent veteran suicide, increase veteran use of programs and services provided by the VA, and to increase veteran usage of community-based programs and services.⁴⁹

The FDVA established the Veteran Suicide Prevention Training Pilot program to offer the FDVA’s claims examiner and each county and city veteran service officer specialized training and certification in the prevention of veteran suicide.⁵⁰ To provide training curriculum, the FDVA contracts with an organization established in developing and implementing veteran-relevant and evidence-based suicide prevention training.⁵¹

Pilot program participants must be trained in identifying indicators of elevated suicide risk and providing emergency crisis referrals for veterans in emotional or psychological distress.⁵² The FDVA is directed to adopt rules regarding the implementation of the pilot program.⁵³ The FDVA must also submit an annual report to the Legislature each year that includes information on the program and recommendations on whether changes should be made to increase the effectiveness of the pilot program.⁵⁴ The FDVA will recommend whether the pilot program should be continued in its June 30, 2026, report.⁵⁵

State Approving Agency for Veterans’ Education and Training

The FDVA is the designated state approving agency for purposes of veteran’s education and training in accordance with federal law and the annual contract between the state of Florida and the federal government.⁵⁶

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Chapter 2021-198, Laws of Fla.; s. 394.9087, F.S.

⁴⁸ Section 394.9087(1), F.S. The Florida 211 network, established in s. 408.918, F.S., operates as the single point of coordination for information and referral of health and human services (s. 408.918(1), F.S.).

⁴⁹ Section 394.9087(2), F.S.

⁵⁰ Ch. 2022-39, Laws of Fla. See s. 292.115, F.S.

⁵¹ Section 292.115(2), F.S.

⁵² *Id.*

⁵³ Section 292.115(2), F.S.

⁵⁴ Section 292.115(4), F.S.

⁵⁵ *Id.*

⁵⁶ Ch. 88-29, s. 24, Laws of Fla. See s. 295.124, F.S.

Florida is For Veterans, Inc.

Veterans Florida is a nonprofit corporation within the FDVA created to promote Florida as a veteran-friendly state.⁵⁷ Veterans Florida encourages and assists retired and recently separated military personnel to keep or make Florida their permanent residence. Veterans Florida also assists veterans and their spouses with employment opportunities and encourages the hiring of veterans and their spouses by the business community which lends to its mission in assisting veterans fully transition to civilian life.^{58, 59} Veterans Florida also counsels the FDVA on the needs and difficulties of veterans and their spouses.⁶⁰

Veterans Employment and Training Services Program

Created within the FDVA, the Veterans Employment and Training Services (VETS) program assists in connecting servicemembers, veterans, or their spouses in search of employment with businesses seeking to hire dedicated, well-trained workers for employment.⁶¹ The purpose of the program is to meet the workforce demands of businesses in the state by facilitating access to training and education in high-demand fields and to inspire the growth of veteran owned small businesses.⁶² Veterans Florida administers the VETS program and performs many functions including, but not limited to:

- Conducting marketing and recruiting efforts.
- Assisting individuals in the target market who reside in or relocate to Florida and who seek employment with the target industry or secondary target industry business.
- Offering skills assessments and assisting in establishing employment goals.
- Assisting Florida target industry and secondary industry businesses in recruiting and hiring individuals in the target market. Veterans Florida provides services to Florida businesses to meet their hiring needs by connecting businesses with suitable applicants for employment. Suitable applicants include veterans or veterans' spouses who have appropriate job skills or may need additional training to meet the specific needs of a business.
- Providing information about the state and federal benefits of hiring veterans.
- Creating a grant program to provide funding to assist individuals in the target market in meeting the workforce-skill needs of target industry and secondary industry businesses seeking to hire, promote, or generally improve specialized skills of veterans, establish criteria for approval of requests for funding, and maximize the use of funding for this program.
- Contracting with entities to administer an entrepreneur initiative program for individuals in the target market in Florida which connects business leaders in the state with such individuals seeking to become entrepreneurs.

⁵⁷ Ch. 2014-1, s. 12, Laws of Fla. See s. 295.21(1) and (2), F.S.

⁵⁸ Florida is for Veterans, Inc., Candid, available at <https://www.guidestar.org/profile/47-2327385> (last visited Feb. 10, 2025).

⁵⁹ Section 295.21(2), F.S.

⁶⁰ Florida Dep't of Veterans' Affairs, *supra* note 27.

⁶¹ Section 295.22(3) and (4), F.S.

⁶² Section 295.22(3), F.S.

- Administering a SkillBridge⁶³ initiative for target industry and secondary industry businesses in this state and for eligible individuals in the target market who reside in, or who wish to reside in, this state.⁶⁴

Under the VETS program, Veterans Florida may assist state agencies and entities with recruiting veteran talent into their workforces.⁶⁵ Veterans Florida may collaborate with other state agencies and entities for outreach, information exchange, marketing, and referrals regarding programs and initiatives.⁶⁶ One of the entities that Veterans Florida collaborates with under s. 295.22(5), F.S., is the Department of Commerce and efforts of the now defunct Florida Defense Support Task Force which was replaced by a direct-support organization in 2024.⁶⁷

Veterans' Adult Day Health Care

Adult day care centers provide therapeutic services and activities for adults in a noninstitutional setting.⁶⁸ Participants may use a variety of services offered during any part of a day totaling less than 24 hours.⁶⁹ Basic services provided by adult day care centers include leisure activities, self-care training, nutritional services, and respite care.⁷⁰ These facilities are licensed by the Agency for Health Care Administration.⁷¹ However, facilities that operate under the federal government or any agency thereof are exempt from current state law on adult day care centers.⁷²

The VA Adult Day Health Care Program (Program) was established with the goal of allowing veterans to have a place during the day for social activities, peer support, companionship, and recreation.⁷³ The Program is intended for veterans who need help with activities of daily living, those who are isolated, or whose caregiver is experiencing burden.⁷⁴ Health services such as care from nurses, therapists, social workers, and others may also be provided.⁷⁵ The Program may be provided at VA medical centers, state Veterans Homes, or through community organizations.⁷⁶ To receive a federal grant or grant funding for an adult day health care program, a state must meet the following specific federal requirements:

- If an adult day health care program is located within a nursing home, domiciliary, or other care facility, the adult health care program must have its own separate designated space during operational hours.

⁶³ See U.S. Dep't of Defense, DOD Skillbridge, Program Overview-What is Skillbridge, available at <https://skillbridge.osd.mil/program-overview.htm> (Feb. 10, 2025).

⁶⁴ Section 295.22(4), F.S.

⁶⁵ Section 295.22(5), F.S.

⁶⁶ *Id.*

⁶⁷ Ch. 2024-234, Laws of Fla.

⁶⁸ Section 429.901(3), F.S.

⁶⁹ *Id.* and s. 429.905(2), F.S.

⁷⁰ Section 429.901(1) and (3), F.S.

⁷¹ Section 429.903, F.S.

⁷² Section 429.905, F.S.

⁷³ U.S. Dep't. of Veterans Affairs, *What is Adult Day Health Care*, available at https://www.va.gov/geriatrics/pages/Adult_Day_Health_Care.asp (last visited Feb. 10, 2025).

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

- The indoor space for the adult day health care program must be at least 100 sq. ft. per participant including office space for staff and must be 60 sq. ft. per participant excluding office space for staff.
- Each program will need to design and partition its space to meet its own needs but must make available certain federally mandated functional areas.⁷⁷
- Furnishings must be available for all participants, including functional furniture suitable to the participants' needs.⁷⁸

The FDVA operates nine State Veterans' Homes, which have 1,102 skilled nursing and assisted living beds, and is in the process of adding a tenth home.⁷⁹ In 2023, the Legislature created the Veterans' Adult Day Health Care of Florida Act to provide for the establishment of basic standards for the operation of veterans' adult day health care programs for eligible veterans in need of such services.⁸⁰ A program under this act is a licensed facility operated by the FDVA as an adult day care center⁸¹ However, the FDVA does not currently operate or manage any adult day health care facilities in the state.⁸²

The FDVA determines the eligibility of applicants for admission to the program. The program is available to a veteran as defined in s. 1.01(14), F.S., or a veteran who served in eligible peacetime service, and who must:

- Be in need of adult day health care;
- Be a resident of the state at the time of application;
- Not owe money to the FDVA for services rendered during a previous stay at a FDVA facility;
- Have applied for all financial assistance reasonably available through governmental resources; and
- Have been approved as eligible for care and treatment by the VA.⁸³

The residency requirement may be waived for an applicant only if the veteran is a disaster evacuee of a state under a declared state of emergency and who otherwise qualifies.⁸⁴ Admittance priority given to eligible veterans is established in state law.⁸⁵

Gadsden Flag License Plates

As of December 2024, there are over 130 specialty license plates approved by the Legislature and of these, 114 are authorized for issuance and 22 are in the presale process.⁸⁶ Specialty license

⁷⁷ For the list of federally mandated functional areas, *see* 38 C.F.R. s. 59.160(c)(1)-(11).

⁷⁸ 38 C.F.R. s. 59.160.

⁷⁹ Florida Dep't of Veterans Affairs, News, *Governor DeSantis Signs Legislation to Support Florida Veterans and Their Families*, June 4, 2024, available at <https://floridavets.org/governor-desantis-signs-legislation-to-support-florida-veterans-and-their-families/> (last visited Feb. 10, 2025).

⁸⁰ Ch. 2023-162, s. 3, Laws of Fla.

⁸¹ Sections 296.44(6) and 429.901(1), F.S.

⁸² Florida Dep't of Veterans' Affairs, *supra* note 27.

⁸³ Section 296.47(1), F.S.

⁸⁴ Section 296.47(2), F.S.

⁸⁵ Section 296.47(3), F.S., establishes an order of priority given to veterans for admittance into the program.

⁸⁶ Dep't of Highway Safety and Motor Vehicle, *HB 49 Agency Legislative Bill Analysis* (Dec. 16, 2024) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

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.⁸⁷ The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁸⁸

To establish a specialty license plate and 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 Department of Highway Safety and Motor Vehicles (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.⁸⁹

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. 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.⁹⁰

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.⁹¹ 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.⁹²

The 2020 Legislature created the Gadsden Flag specialty license plate.⁹³ The license plate bears the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Don't Tread on Me" appears at the bottom of the plate.⁹⁴

The annual use fees from the specialty license plate are to be distributed to the Florida Veterans Foundation, a direct-support organization of the FDVA and used to benefit veterans. Up to 10 percent of the proceeds may be used for continuing promotion and marketing of the plate.⁹⁵

⁸⁷ Section 320.08056, F.S.

⁸⁸ Section 320.08058, F.S.

⁸⁹ Chapter 2022-189, Laws of Fla., extended the presale by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but has not recorded 3,000 voucher sales.

⁹⁰ Section 320.08053(2)(b), F.S.

⁹¹ Section 320.08056(10)(a), F.S.

⁹² Section 320.08062, F.S.

⁹³ Ch. 2020-181, Laws of Fla.

⁹⁴ Section 320.08058(92)(a), F.S.

⁹⁵ Section 320.08058(92)(b), F.S.

III. Effect of Proposed Changes:

Florida Veterans' Hall of Fame

The bill amends s. 265.003, F.S., to reduce the number of persons the Council may transmit to the Governor and the Cabinet to be considered for induction into the Florida Veterans Hall of Fame (FVHF). Currently up to 20 nominees may be transmitted by the Council. The bill reduces that number to up to five nominees.

Department of Veterans' Affairs Duties

The bill amends s. 292.05, F.S., revising the duties of the Florida Department of Veterans' Affairs (FDVA) by expanding the scope of an ongoing study on the needs of Florida residents who are veterans of the Armed Forces of the United States and their spouses and dependents. The bill requires that the survey evaluates the extent to which the resident veterans and their spouses and dependents are aware of existing federal, state, or local programs or services that meet their areas of needs. The bill also requires the FDVA to include recommendations regarding increasing public awareness using administrative or legislative options. The bill appropriates \$50,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund for this purpose.

The bill directs the FDVA to ensure coordination with the U.S. Department of Defense to directly engage servicemembers who are returning home to Florida, whether those servicemembers are remaining in or moving to the state, following their service and during reentry into civilian life.⁹⁶ Such engagement includes connecting those servicemembers with Veterans Florida and other resources which may support with the reintegration process. The bill authorizes the FDVA to engage county and city veteran service officers⁹⁷ for assistance in connecting servicemembers with reintegration resources. The FDVA is directed to include actions taken to implement its engagement with the servicemembers in the annual report to the Governor, the Cabinet, and the Legislature.

In the annual report to the Governor, the Cabinet, and the Legislature, due on December 31, 2025, the FDVA is required to:

- Include its evaluation of health literacy among Florida veterans; and
- Make recommendations to increase veteran knowledge of available programs and services and to maximize veteran use of those resources.

Veteran Suicide Prevention Training Pilot Program

The bill amends s. 292.115, F.S., expanding the type of training to be provided to the FDVA claims examiners and county and city veteran service officers⁹⁸ under the Veteran Suicide

⁹⁶ The Florida Dep't of Veterans' Affairs currently connects transitioning servicemembers with the U.S. Dep't of Defense through programs like SkillBridge, utilizing Florida is for Veterans, Inc., as a means for this engagement. See Florida Dep't of Veterans Affairs, *supra* note 27, at 2 and 5.

⁹⁷ Section 292.11, F.S., describes county and city veteran service officers.

⁹⁸ Section 292.11, F.S.

Prevention Training Pilot Program. The bill requires that participants in the pilot program be trained to recognize indicators of mental health conditions.

The bill requires the FDVA to contract with an organization having proven experience of developing and implementing veteran-relevant mental health assistance to develop the curriculum for the training under the pilot program.

The bill appropriates \$300,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund to implement the Veteran Suicide Prevention Training Pilot Program.

State Approving Agency for Veterans' Education and Training

The bill amends s. 295.124, F.S., to update the federal law reference for the designation of the state approving agency for purposes of veterans' education and training. The updated reference is 38 U.S.C. s. 3671.⁹⁹

Florida is for Veterans, Inc.

The bill amends s. 295.21, F.S., expanding the duties of Veterans Florida to include advising the FDVA on the difficulties or needs of retired or recently separated military personnel and their spouses which Veterans Florida has knowledge of and which may be within the purview of the FDVA.¹⁰⁰

Florida Defense Support

The bill amends s. 295.22, F.S., removing obsolete language by correcting a provisional cross-reference. The bill removes the reference to the Florida Defense Support Task Force and revises Veterans Florida's collaborators of the Veterans Employment and Training Services Program¹⁰¹ to include the direct-support organization established by the Department of Commerce.¹⁰²

Veterans' Adult Day Health Care

The bill amends s. 296.43, F.S., requiring the FDVA to develop a statewide plan to establish adult day health care facilities across Florida to serve veterans and their families. The bill requires the FDVA to include in the plan:

- Recommendations for locations that will have the greatest impact on veteran populations. In making such recommendations, the FDVA must provide an evaluation of data, including, but not limited to, veteran population and veteran population demographics, in addition to providing an assessment of anticipated veteran needs.
- Potential state and federal participation.
- Estimates for the daily cost of running the facilities.

⁹⁹ 38 U.S.C. s. 3671 (2021). See United States Code available at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section1771&num=0&edition=prelim> (last visited Feb. 9, 2025).

¹⁰⁰ See s. 295.21 (2), F.S. According to the Florida Dep't of Veterans' Affairs, the bill codifies into law the Florida is for Veterans, Inc., advisory role, *supra* note 29 at 2.

¹⁰¹ See s. 292.22(1), F.S.

¹⁰² Section 288.987, F.S.

- Estimates for the daily cost of maintenance and general upkeep of the facilities.
- Locations of existing potential infrastructure.
- Potential construction costs.

The bill directs the FDVA to provide a report detailing the plan to the President of the Senate and the Speaker of the House of Representatives by November 1, 2025.

Gadsden Flag License Plate

The bill amends s. 320.08058, F.S., to authorize that up to 10 percent of the proceeds from the sale of the Gadsden Flag license plate may be used by the Florida Veterans Foundation for administrative costs in addition to the promotion and marketing of the specialty license plate.

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 Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Veterans Affairs (FDVA) estimates that expanding the scope of the survey of the needs of veterans and their spouses and dependents in the areas of social services, health care, education, and employment, and any other areas of determined need by evaluating the extent to which such persons are aware of existing federal, state, or community programs or services that meet their areas of need may require an additional \$50,000 in funding.¹⁰³ The bill appropriates \$50,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund for this purpose.

The FDVA estimates that continuing to implement the Veteran Suicide Prevention Training Pilot Program, with specialized mental health training to recognize indicators of elevated mental health conditions, will require \$300,000 in annual funding.¹⁰⁴ The bill appropriates \$300,000 for the 2025-2026 fiscal year in nonrecurring funds from the General Revenue Fund to implement the Veteran Suicide Prevention Training Pilot Program.

If the state decides to establish adult day health care facilities, it would have a significant negative fiscal impact on state expenditures. The federal government does not currently provide matching funds for adult day health care facilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 265.003, 292.05, 292.115, 295.124, 295.21, 295.22, 296.43, and 320.08058.

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 Rules on March 12, 2025:

The committee substitute:

- Provides a technical change for a report requirement of the ongoing study on the problems and needs of those residents of this state who are veterans of the U.S. Armed Forces and the problems and needs of their spouses and dependents.

¹⁰³ Email from Roy Clark, Director of Cabinet and Legislative Affairs, Florida Dep't of Veterans' Affairs, to Jay Howard, Appropriations Subcommittee on Health and Human Services, Florida Senate (February 12, 2025)(on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁰⁴ Id.

- Adds the term “conditions” to clarify that individuals electing to participate in the Veteran Suicide Prevention Training Pilot Program must be trained to identify indicators of mental health conditions in addition to elevated suicide risk.
- Adds the term “assistance” to clarify that the FDVA must contract with an organization having proven experience developing and implementing veteran-relevant and evidence-based mental health assistance in addition to suicide prevention training to develop the curriculum the Veteran Suicide Prevention Training Pilot Program.

CS by Appropriations Committee on Health and Human Services on March 5, 2025:

The committee substitute:

For Fiscal Year 2025-2026, the bill appropriates \$300,000 in nonrecurring funds from the General Revenue Fund to implement the Veteran Suicide Prevention Training Pilot Program and \$50,000 in nonrecurring funds from the General Revenue Fund for expanding the scope of an ongoing study on the needs of Florida residents who are veterans of the Armed Forces of the United States and their spouses and dependents.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2025	.	
	.	
	.	
	.	

The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 94 - 136
and insert:

(b) ~~The report must also describe~~ The actions taken by the department in implementing subsections (4), (5), ~~and (7)~~, and (8) and includes ~~include~~ other information and recommendations as the department determines are necessary to provide information on its annual activities ~~requires~~.

(c) ~~(b)~~ The current status of the department's domiciliary and nursing homes established pursuant to chapter 296, including



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all receipts and expenditures, the condition of the homes, the number of residents received and discharged during the preceding year, occupancy rates, staffing, and any other information necessary to provide an understanding of the management, conduct, and operation of the homes.

(d) For the report due on December 31, 2025, an evaluation by the department among veterans in this state on the level of health literacy and any recommendations to increase veteran knowledge of available programs and services and maximize their use of such resources.

(8) The department shall ensure coordination to the greatest extent possible with the United States Department of Defense to directly engage all servicemembers returning home to, or electing to remain in or move to, this state following their service and during re-entry into civilian life, including connecting them with Florida Is For Veterans, Inc., and other relevant resources. The department may engage county and city veteran service officers for assistance with fulfilling this duty.

Section 3. Subsections (1) and (2) of section 292.115, Florida Statutes, are amended to read:

292.115 Veteran Suicide Prevention Training Pilot Program.—

(1) The Department of Veterans' Affairs shall establish the Veteran Suicide Prevention Training Pilot Program. The purpose of the pilot program is to offer to each Department of Veterans' Affairs claims examiner and each county and city veteran service officer, as described in s. 292.11, specialized mental health training and certification in the prevention of veteran suicide.

(2) Individuals electing to participate in the pilot



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41 program must be trained to identify indicators of mental health
42 conditions and elevated suicide risk and provide emergency
43 crisis referrals for veterans expressing or exhibiting symptoms
44 of emotional or psychological distress. The Department of
45 Veterans' Affairs shall contract with an organization having
46 proven experience developing and implementing veteran-relevant
47 and evidence-based mental health assistance and suicide
48 prevention training to

49
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete lines 31 - 34

53 and insert:

54 mental health conditions; requiring the department to
55 contract with an organization developing and
56 implementing veteran-relevant and evidence-based
57 mental health assistance; amending s. 295.124, F.S.;

By the Appropriations Committee on Health and Human Services;
and Senators Burgess and Collins

603-02140-25

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1 A bill to be entitled
2 An act relating to veterans; amending s. 265.003,
3 F.S.; revising the maximum number of nominees for the
4 Florida Veterans' Hall of Fame submitted by the
5 Florida Veterans' Hall of Fame Council to the
6 Department of Veterans' Affairs for submission to the
7 Governor and the Cabinet; amending s. 292.05, F.S.;
8 requiring the Department of Veterans' Affairs to
9 conduct a study that includes a survey evaluating the
10 extent to which specified persons are aware of certain
11 existing programs or services; requiring that such
12 survey also include specified recommendations;
13 requiring that a certain report include additional
14 actions taken by the Department of Veterans' Affairs
15 and other information and recommendations as the
16 department determines are necessary; requiring that a
17 specified report include an evaluation of the health
18 literacy of veterans in this state and recommendations
19 on how to increase knowledge of programs and services
20 available to such veterans; requiring the department
21 to ensure coordination to the greatest extent possible
22 with the United States Department of Defense for a
23 specified purpose; authorizing the Department of
24 Veterans' Affairs to engage county and city veteran
25 service officers for assistance; amending s. 292.115,
26 F.S.; revising the purpose of the Veteran Suicide
27 Prevention Training Pilot Program to include
28 specialized mental health training; requiring
29 individuals electing to participate in the pilot

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

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30 program to be trained to identify indicators of
31 elevated mental health risk; requiring the department
32 to contract with an organization developing and
33 implementing veteran-relevant and evidence-based
34 mental health training; amending s. 295.124, F.S.;
35 revising a reference to the United States Code;
36 amending s. 295.21, F.S.; requiring Florida Is For
37 Veterans, Inc., to advise the Department of Veterans'
38 Affairs on specified problems or needs of certain
39 military personnel and their spouses; amending s.
40 295.22, F.S.; revising the collaborators of the
41 Veterans Employment and Training Services Program to
42 include a specified direct-support organization;
43 amending s. 296.43, F.S.; requiring the Department of
44 Veterans' Affairs to develop a plan to establish adult
45 day health care facilities across this state to serve
46 veterans and their families; requiring that such plans
47 include specified information; requiring the
48 department to provide a specified report to the
49 Legislature by a specified date; amending s.
50 320.08058, F.S.; authorizing the use of a specified
51 percentage of proceeds from the sale of a specified
52 specialty license plate for the promotion and
53 administrative costs of the plate; providing
54 appropriations; providing an effective date.

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

58 Section 1. Paragraph (a) of subsection (4) of section

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265.003, Florida Statutes, is amended to read:

265.003 Florida Veterans' Hall of Fame.—

(4) (a) The Florida Veterans' Hall of Fame Council shall annually accept nominations of persons to be considered for induction into the Florida Veterans' Hall of Fame and shall transmit a list of up to 5 ~~20~~ nominees to the Department of Veterans' Affairs for submission to the Governor and the Cabinet, who will select the nominees to be inducted.

Section 2. Paragraph (b) of subsection (5) and subsection (6) of section 292.05, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

292.05 Duties of Department of Veterans' Affairs.—

(5) The department shall conduct an ongoing study on the problems and needs of those residents of this state who are veterans of the Armed Forces of the United States and the problems and needs of their spouses and dependents. The study shall include, but not be limited to:

(b) A survey of the needs of such persons in the areas of social services, health care, education, and employment, and any other areas of determined need, with recommendations regarding federal, state, and community services that would meet those needs. The survey must also evaluate the extent to which such persons are aware of existing federal, state, or community programs or services that meet their areas of need, with recommendations regarding increasing public awareness using administrative or legislative options.

(6) The department shall, by December 31 of each year, submit an annual written report to the Governor, the Cabinet, and the Legislature which describes:

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(a) The expenses incurred in veteran service work in the state; the number, nature, and kind of cases handled by the department and by county and city veteran service officers of the state; the amounts of benefits obtained for veterans; the names and addresses of all certified veteran service officers, including county and city veteran service officers.

(b) The report must ~~also~~ describe the actions taken by the department in implementing subsections (4), (5), ~~and~~ (7), and (8) and include other information and recommendations as the department determines are necessary to provide information on its annual activities requires.

(c) ~~(b)~~ The current status of the department's domiciliary and nursing homes established pursuant to chapter 296, including all receipts and expenditures, the condition of the homes, the number of residents received and discharged during the preceding year, occupancy rates, staffing, and any other information necessary to provide an understanding of the management, conduct, and operation of the homes.

(d) For the report due on December 31, 2025, an evaluation by the department among veterans in this state on the level of health literacy and any recommendations to increase veteran knowledge of available programs and services and maximize their use of such resources.

(8) The department shall ensure coordination to the greatest extent possible with the United States Department of Defense to directly engage all servicemembers returning home to, or electing to remain in or move to, this state following their service and during re-entry into civilian life, including connecting them with Florida Is For Veterans, Inc., and other

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relevant resources. The department may engage county and city veteran service officers for assistance with fulfilling this duty.

Section 3. Subsections (1) and (2) of section 292.115, Florida Statutes, are amended to read:

292.115 Veteran Suicide Prevention Training Pilot Program.—

(1) The Department of Veterans' Affairs shall establish the Veteran Suicide Prevention Training Pilot Program. The purpose of the pilot program is to offer to each Department of Veterans' Affairs claims examiner and each county and city veteran service officer, as described in s. 292.11, specialized mental health training and certification in the prevention of veteran suicide.

(2) Individuals electing to participate in the pilot program must be trained to identify indicators of elevated mental health or suicide risk and provide emergency crisis referrals for veterans expressing or exhibiting symptoms of emotional or psychological distress. The Department of Veterans' Affairs shall contract with an organization having proven experience developing and implementing veteran-relevant and evidence-based mental health and suicide prevention training to develop the curriculum for such training. The department shall establish and oversee the process for certifying program participants who successfully complete such training.

Section 4. Section 295.124, Florida Statutes, is amended to read:

295.124 State approving agency for veterans' education and training.—The Department of Veterans' Affairs shall act as the state approving agency for purposes of veterans' education and training, in accordance with 38 U.S.C. s. 3671 ~~38 U.S.C. s. 1771~~

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and the applicable annual contract between the state and the Federal Government.

Section 5. Paragraph (h) is added to subsection (3) of section 295.21, Florida Statutes, to read:

295.21 Florida Is For Veterans, Inc.—

(3) DUTIES.—The corporation shall:

(h) Advise the Department of Veterans' Affairs on any problems or needs of retired and recently separated military personnel of this state and any problems or needs of their spouses which the corporation has knowledge of and which may be within the purview of the department in fulfilling its duties.

Section 6. Paragraph (c) of subsection (5) of section 295.22, Florida Statutes, is amended to read:

295.22 Veterans Employment and Training Services Program.—

(5) COLLABORATION.—

(c) The corporation may collaborate with other state agencies and entities for outreach, information exchange, marketing, and referrals regarding programs and initiatives that include, but are not limited to, the program created by this section and those within any of the following:

1. The Department of Veterans' Affairs:

a. Access to benefits and assistance programs.

b. Hope Navigators Program.

2. The Department of Commerce:

a. The Disabled Veteran Outreach Program and local veteran employment representatives.

b. CareerSource Florida, Inc., and local workforce boards employment and recruitment services.

c. The Quick-Response Training Program.

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175 d. Efforts of the direct-support organization ~~Florida~~
 176 ~~Defense Support Task Force~~ created under s. 288.987, the Florida
 177 Small Business Development Center Network, and the direct
 178 support organization established in s. 288.012(6).
 179 3. The Department of Business and Professional Regulation,
 180 reciprocity and the availability of certain license and fee
 181 waivers.
 182 4. The Department of Education:
 183 a. CAPE industry certifications under s. 1008.44.
 184 b. Information related to earning postsecondary credit at
 185 public postsecondary educational institutions for college-level
 186 training and education acquired in the military under s.
 187 1004.096.
 188 5. The Department of Health:
 189 a. The Office of Veteran Licensure Services.
 190 b. The Florida Veterans Application for Licensure Online
 191 Response expedited licensing.
 192 6. The Office of Reimagining Education and Career Help.
 193 Section 7. Section 296.43, Florida Statutes, is amended to
 194 read:
 195 296.43 Purpose and statewide plan.—
 196 (1) PURPOSE.—The purpose of this part is to provide for the
 197 establishment of basic standards for the operation of veterans’
 198 adult day health care programs for eligible veterans in need of
 199 such services.
 200 (2) STATEWIDE PLAN.—The department shall develop a plan to
 201 establish adult day health care facilities across this state to
 202 serve veterans and their families.
 203 (a) The plan must include:

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204 1. Recommendations for locations that will have the most
 205 impact on the veteran population. In making such
 206 recommendations, the department shall:
 207 a. Provide an evaluation of data, including, but not
 208 limited to, veteran population and veteran population
 209 demographics.
 210 b. Provide an assessment of anticipated veteran needs.
 211 2. Potential state and federal participation.
 212 3. Estimates for the daily cost of running the facilities.
 213 4. Estimates for the daily cost of maintenance and general
 214 upkeep of the facilities.
 215 5. Location of existing potential infrastructure.
 216 6. Potential construction costs.
 217 (b) The department shall provide a report detailing the
 218 plan required by this subsection to the President of the Senate
 219 and the Speaker of the House of Representatives by November 1,
 220 2025.
 221 Section 8. Subsection (92) of section 320.08058, Florida
 222 Statutes, is amended to read:
 223 320.08058 Specialty license plates.—
 224 (92) GADSDEN FLAG LICENSE PLATES.—
 225 (a) The department shall develop a Gadsden Flag license
 226 plate as provided in this section and s. 320.08053. The design
 227 of the license plate must replicate the color, layout, and
 228 design of the Gadsden Flag. The word “Florida” must appear at
 229 the top of the plate, and the words “Don’t Tread on Me” must
 230 appear at the bottom of the plate.
 231 (b) The annual use fees shall be distributed to the Florida
 232 Veterans Foundation, a direct-support organization of the

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Department of Veterans' Affairs, and must be used to benefit veterans. Up to 10 percent of the proceeds may be used for ~~continuing~~ promotion and marketing of the license plate and for administrative costs.

Section 9. For the 2025-2026 fiscal year, the sum of \$50,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Veterans' Affairs to conduct a survey evaluating the extent to which resident veterans and their spouses and dependents are aware of existing federal, state, and local programs and services that meet their areas of need and for the department to develop a plan to establish adult day health care facilities across this state to serve veterans and their families.

Section 10. For the 2025-2026 fiscal year, the sum of \$300,000 in nonrecurring funds from the General Revenue Fund is appropriated to the contracted services category to the Department of Veterans' Affairs to implement the Veteran Suicide Prevention Training Pilot Program, as amended by this act.

Section 11. 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

SB 116 - Veterans

Bill Number or Topic

3/12/25

Meeting Date

RULES

Committee

Amendment Barcode (if applicable)

Name

BILL JEFFERSON

Phone

(904) 923-7669

Address

11514 BROAD LEAF DR

Street

Email

bill-JEFFERSON@COMCAST.NET

JACKSONVILLE

City

FL

State

32225

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)

3/12/25- 11 AM

Meeting Date

Rules

Committee

Name **AARP - Karen Murillo**

Address **215 S. Monroe St., STe. 603**

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate
APPEARANCE RECORD

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

SB 116 - Veterans

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-567-0414**

Email **kmurillo@aarp.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:

AARP

☐ 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 the Senator or Senate Professional Staff conducting the meeting)

3-12-25
Meeting Date

116
Bill Number (if applicable)

Topic Veterans

Amendment Barcode (if applicable)

Name Matt Herndon

Job Title Dir. Gov. Relations + Community Affairs, RSA

Address 113 E College Ave
Street
Tallahassee FL 32301
City State Zip

Phone 941-704-2793

Email matt@teamrsa.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing United Way of Florida; United Way Broward; United Way Miami

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

3/12/2025

Meeting Date

Rules

Committee

Name

Major General James Hartsell

Phone

727-518-3202 ext. 5587

Address

11351 Ulmerton Rd. Ste 311

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Street

Largo

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City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

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

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

116

Bill Number or Topic

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

Amendment Barcode (if applicable)

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 Rules

BILL: SB 118

INTRODUCER: Senator Brodeur and others

SUBJECT: Regulation of Presidential Libraries

DATE: March 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Hunter</u>	<u>Yeatman</u>	<u>RC</u>	Favorable

I. Summary:

SB 118 preempts to the state all regulation of the establishment, maintenance, activities, and operations of any presidential library within its jurisdiction and defers regulation of such institutions to the Federal Government.

Presidential libraries are archives and museums that bring together the documents, historical materials, and artifacts of a United States President during their administration for public use including preservation, research, and visitation.¹

Under the bill, a local government may not enact or enforce any ordinance, resolution, rule, or other measure governing a presidential library or impose any requirement or restriction upon such libraries, except as otherwise authorized by federal law.

The bill defines a presidential library as an institution administered or designated under the federal Presidential Libraries Act.

The bill takes effect upon becoming a law.

II. Present Situation:

Presidential Libraries

Former United States Presidents and their supporters often seek to build facilities to commemorate and remember their time in office at the conclusion of a presidency with official presidential materials.² Presidential libraries are archives and museums that bring together the

¹ National Archives, *About Presidential Libraries*, available at <https://www.archives.gov/presidential-libraries/about> (last visited Feb. 15, 2025.)

² Congressional Research Service, *Presidential Libraries and Museums*, 1 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

documents, historical materials, and artifacts of a President during their administration for public use including visitation, preservation, research, and discussion.

Presidential libraries and museums, including the holdings of documents and archives, belong to the American people.³ Under the Presidential Records Act (PRA)⁴ “Presidential records created on or after January 20, 1981, are subject to the requirements of and are the property of the United States.”⁵ At the end of a presidency, all presidential records and materials are transferred to the National Archives and Records Administration (NARA). As such, presidential records are the responsibility of the National Archivist of the United States (Archivist)⁶ who must maintain custody, control, preservation, and access to the records.⁷

Originally, presidential records and all historical materials were considered private property, and presidents could donate any such documents to institutions on their own accord for public display.⁸ However, in 1939 President Franklin Roosevelt donated his personal and presidential records to the Federal Government, beginning the Presidential library system.⁹

In 1955, the U.S. Congress passed the Presidential Libraries Act (PLA) which established a system of privately constructed and federally maintained libraries.¹⁰ Presidential library lands and facilities are under the purview of the Archivist. While the PRA requires presidential records to be archived, and the Act provides a system for establishing presidential libraries, federal law does not require construction of a new and separate presidential library for each presidency.¹¹

The PLA allows the Archivist, when it is in the public interest, to accept and take title to land, a facility, and equipment offered as a gift to the United States for the purpose of creating a presidential library.¹² The PLA also allows the Archivist to “maintain, operate, and protect the land, facility, and equipment as a Presidential archival depository¹³ and as part of the national archives system”¹⁴

The Archivist may also “make agreements for land and facilities with a state, political subdivision, university, institution of higher learning, institute, or foundation or other

³ National Archives, *About Presidential Libraries*, available at <https://www.archives.gov/presidential-libraries/about> (last visited Feb. 15, 2025.)

⁴ Pub. L. 95–591, 44 U.S.C. §§2201–2209

⁵ *Id.*

⁶ The National Archivist of the United States is the head of the National Archives and Records Administration.

⁷ *Id.*

⁸ Congressional Research Service, *Presidential Libraries and Museums*, 1 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

⁹ National Archives, *Laws and Regulations*, available at <https://www.archives.gov/presidential-records/laws-and-regulations> (last visited Feb 15, 2025.)

¹⁰ *Id.*

¹¹ Congressional Research Service, *Presidential Libraries and Museums*, 1 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

¹² Pub. L. No. 99-323, amending SEC. 3. (a) Section 2112(a) of title 44, United States Code

¹³ Presidential libraries are referred to as an “archival depository” in the Presidential Libraries Act. The terms are used interchangeably

¹⁴ *Id.*

organization to use as a Presidential archival depository, to be made available by it without transfer of title to the United States.”¹⁵

Additionally, the Archivist is responsible for promulgating architectural and design standards to ensure the preservation of records, and that the building contains adequate research facilities.¹⁶ This includes federal requirements relating to protection against water damage, security requirements, humidity ranges, and other federally required construction standards.¹⁷

The Act was substantially amended in 1986.¹⁸ There was a growing concern for the cost of libraries to taxpayers, and the amendments in 1986 shifted the financial burden from taxpayers to endowed funds, organizations, and foundations.¹⁹ These private organizations, often referred to as presidential library foundations, financially support construction and maintenance of the libraries and financially support exhibitions in the libraries. Each presidential library has a unique relationship with the presidential foundation that supports the facility through agreements negotiated with the federal government. Presidential libraries are not constructed with the use of federal funds but are maintained, staffed, and operated by the national archives.²⁰

Presidential foundations, the former president, and the Archivist consult on the placement and hiring of a director for the chosen facility before materials are deposited in the library. However, the final placement of presidential libraries has historically rested with the former president and their supporters, and according to the National Archives and Records Administration (NARA), “Presidents have often acknowledged their origins by placing their Libraries in their hometowns. However, in some cases Presidents place their Libraries on or near a university campus.”²¹

There are 13 presidential libraries in the national archives system, placed in 10 states across the country. Currently 4 of the 13 libraries are associated with a university system.²² The map below depicts the current placement of presidential libraries in the United States.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Congressional Research Service, *Presidential Libraries and Museums*, 2 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

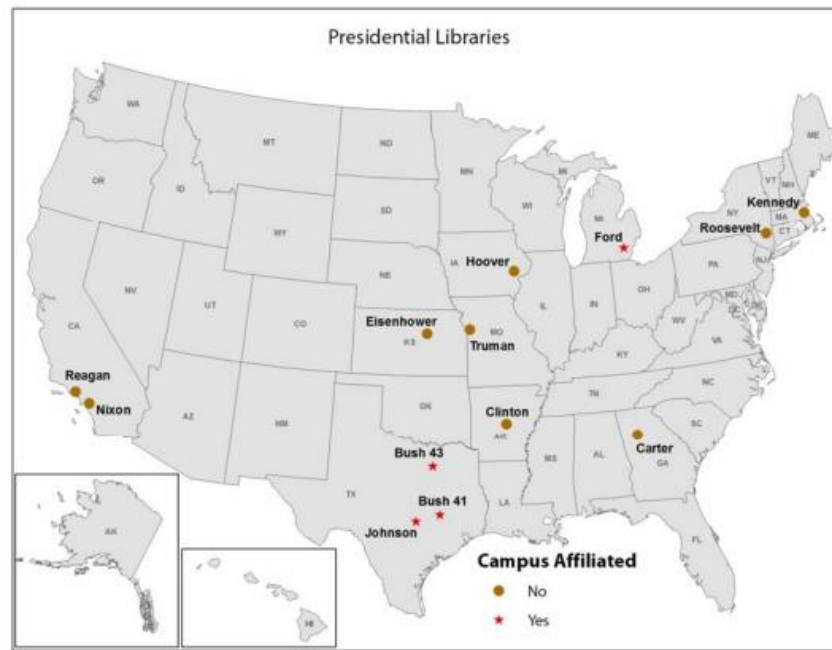
¹⁸ Pub. L. No. 99-323

¹⁹ Congressional Research Service, *Presidential Libraries and Museums*, *supra* note at 1.

²⁰ Congressional Research Service, *The Presidential Libraries Act and the Establishment of Presidential Libraries*, February 2015, available at <https://sgp.fas.org/crs/secrecy/R41513.pdf> (last visited Feb. 13, 2025)

²¹ Congressional Research Service, *Presidential Libraries and Museums*, 2 (October 2024) available at <https://crsreports.congress.gov/product/pdf/IF/IF12781> (last visited Feb. 15, 2025)

²² The NARA system currently includes the library depositories of 13 former Presidents: (1) *Herbert Hoover* (West Branch, IA); (2) *Franklin D. Roosevelt* (Hyde Park, NY); (3) *Harry Truman* (Independence, MO); (4) *Dwight D. Eisenhower* (Abilene, KS); (5) *John F. Kennedy* (Boston, MA); (6) *Lyndon B. Johnson* (Austin, TX); (7) *Richard Nixon* (Yorba Linda, CA); (8) *Gerald Ford* (Ann Arbor, MI); (9) *Jimmy Carter* (Atlanta, GA); (10) *Ronald Reagan* (Simi Valley, CA); (11) *George H. W. Bush* (College Station, TX); (12) *Bill Clinton* (Little Rock, AR); and (13) *George W. Bush* (Dallas, TX). It also includes the collections of former Presidents Barack Obama and Donald Trump.



Source: Mapping completed by the Congressional Research Service (CRS) using ArcGIS software.

Notes: The Lyndon Baines Johnson Library and Museum is affiliated with the University of Texas at Austin. The Gerald R. Ford Library and Museum is affiliated with the University of Michigan. The George Bush Presidential Library is affiliated with Texas A&M University. The George W. Bush Library is affiliated with Southern Methodist University.

Prior to accepting and taking title to any land, facility, or equipment, or prior to entering into any agreement, including a change, the archivist shall submit a written report on the proposed presidential library to the President of the United States Senate and the Speaker of the United States House of Representatives.²³ Congress has a period of 60 days from the day the report is transmitted to approve or disapprove of a proposed presidential library.²⁴

President Barack Obama's Presidential Library has begun construction in Chicago, Illinois, and is set to open in 2026. The law doesn't provide a particular timeline for the announcement of the placement or construction of presidential libraries, so it is unknown where or when libraries may be established for President Donald Trump or President Joe Biden.

Local Government Authority

The Florida Constitution grants local governments home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.²⁵ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.²⁶ Likewise, municipalities have those governmental, corporate, and proprietary powers

²³ *Id.*

²⁴ *Id.*

²⁵ FLA. CONST. art. VIII, s. 1(f).

²⁶ FLA. CONST. art. VIII, s. 1(g).

that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.²⁷

Other local government entities also have statutory authority to operate in the state as well, and the term “political subdivision” is defined as all local governments “including counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in the state.”²⁸

Special districts are separate governmental entities created for a special purpose that have jurisdiction to operate within a limited geographic boundary.²⁹ Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.³⁰

Local Government Approval of Development

All development, both public and private, and all development orders³¹ approved by local governments must be consistent with the local government’s comprehensive plan.³² The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.³³

A comprehensive plan is implemented through the adoption of land development regulations³⁴ that are consistent with the plan, and which contain specific and detailed provisions necessary to regulate the subdivision of land and the use of land in the comprehensive plan.³⁵ Land development regulations are passed through local ordinances and resolutions that govern the establishment, and often the maintenance, and operation of certain development as well.

A locality’s comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments including libraries.

As it relates to the siting of presidential libraries, the PLA allows a political subdivision to make agreements upon terms and conditions with the federal government, that the Archivist considers proper, for the use of land or facilities.³⁶ The PLA also allows for the Archivist to accept land and facilities in the name of the United States offered as a gift for the use of a presidential

²⁷ FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

²⁸ Section 1.01(8) F.S.

²⁹ Section 189.012(6), F.S.

³⁰ *Id.*

³¹ “Development order” means any order granting, denying, or granting with conditions an application for a development permit. *See* s. 163.3164(15), F.S. “Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. *See* s. 163.3164(16), F.S.

³² Section 163.3194(3), F.S.

³³ Section 163.3167(2), F.S.

³⁴ “Land development regulations” means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. [163.3213](#). *See* s. 163.3164(26), F.S.

³⁵ *Id.*

³⁶ Pub. L. No. 99-323

library,³⁷ which could potentially be incongruous with the comprehensive plan of a local government. If a local government entered into an agreement with the federal government regarding siting of a presidential library or the Archivist has accepted land for use as a presidential library, a comprehensive plan amendment may be necessary. This is because local development and zoning regulations, including comprehensive plans, do not apply to activities of the United States government under the Supremacy Clause of the United States Constitution.³⁸

Local Government Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.³⁹

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.⁴⁰ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.⁴¹ In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.⁴²

In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.⁴³ In one case, the court stated that implied preemption “is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.”⁴⁴ Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.⁴⁵ Implied preemption is found where the local legislation would present the danger of conflict with the state’s pervasive regulatory scheme.⁴⁶

³⁷ *Id.*

³⁸ U.S. Const. art VI, cl. 2. The Supremacy Clause holds that the Constitution, and the Laws of the United States made under the Authority of the United States are the supreme law of the land, superseding anything in the constitution or laws in the states to the contrary, including local government home rule power.

³⁹ See James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, Fla. B.J. 92 (June 2009) available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Feb. 13, 2025).

⁴⁰ See *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

⁴¹ *Mulligan*, 934 So. 2d at 1243.

⁴² *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010). Examples of activities “expressly preempted to the state” include: operator use of commercial mobile radio services and electronic communications devices in motor vehicles, s. 316.0075, F.S.; regulation of the use of cameras for enforcing provisions of the Florida Uniform Traffic Control Law, s. 316.0076, F.S.; and, the adoption of standards and fines related to specified subject areas under the purview of the Department of Agriculture and Consumer Services, s. 570.07, F.S.

⁴³ See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

⁴⁴ *Phantom of Clearwater, Inc.*, 894 So. 2d at 1019.

⁴⁵ *Id.*

⁴⁶ *Sarasota Alliance for Fair Elections, Inc.*, 28 So. 3d at 886.

III. Effect of Proposed Changes:

Section 1 creates s. 257.51 F.S., to preempt to the state all regulation of the establishment, maintenance, activities, and operations of any presidential library within its jurisdiction and defers regulation of such institutions to the Federal Government.

The bill provides a legislative finding that presidential libraries are unique national institutions designated to house, preserve, and make accessible the records of former presidents.

The bill defines “presidential library” to mean an institution administered or designated under the Presidential Libraries Act, as amended, Pub. L. No. 99-323, established for the preservation and accessibility of presidential records and related historical materials.

The bill’s express preemption states that a county, a municipality, or another political subdivision of this state may not enact or enforce any ordinance, resolution, rule, or other measure governing the establishment, maintenance, or operation of a presidential library or impose any requirement or restriction thereon, except as otherwise authorized by federal law.

Section 2 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that this bill may help a presidential library be placed in Florida due to less local government control on its establishment, the bill could produce positive fiscal impacts due to construction and tourism.

C. Government Sector Impact:

To the extent that this bill may help a presidential library be placed in Florida local governments and the state may see an increase in tax collections due to tourism, however the effect is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 257.51 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Brodeur

10-00328-25

2025118__

1 A bill to be entitled
2 An act relating to regulation of presidential
3 libraries; creating s. 257.51, F.S.; providing
4 legislative findings; preempting to the state all
5 regulatory authority over the establishment,
6 maintenance, activities, and operations of
7 presidential libraries; deferring such regulatory
8 authority to the Federal Government; defining the term
9 "presidential library"; prohibiting counties,
10 municipalities, or other political subdivisions from
11 enacting or enforcing any ordinance, resolution, rule,
12 or other measure regarding presidential libraries
13 unless authorized by federal law; providing an
14 effective date.

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

17
18 Section 1. Section 257.51, Florida Statutes, is created to
19 read:

20 257.51 Preemption of regulation of presidential libraries.—

21 (1) The Legislature finds that presidential libraries are
22 unique national institutions designated to house, preserve, and
23 make accessible the records of former presidents. This section
24 preempts to the state all regulation of the establishment,
25 maintenance, activities, and operations of any presidential
26 library within its jurisdiction and defers regulation of such
27 institutions to the Federal Government.

28 (2) As used in this section, the term "presidential
29 library" means an institution administered or designated under

Page 1 of 2

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

10-00328-25

2025118__

30 the Presidential Libraries Act, as amended, Pub. L. No. 99-323,
31 established for the preservation and accessibility of
32 presidential records and related historical materials.
33 (3) A county, a municipality, or another political
34 subdivision of this state may not enact or enforce any
35 ordinance, resolution, rule, or other measure governing the
36 establishment, maintenance, or operation of a presidential
37 library or impose any requirement or restriction thereon, except
38 as otherwise authorized by federal law.

39 Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request


To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 27, 2025

I respectfully request that **Senate Bill # 118**, relating to Regulation of Presidential Libraries, be placed on the:

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



Senator Jason Brodeur
Florida Senate, District 10

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 Rules

BILL: CS/SB 126

INTRODUCER: Commerce and Tourism Committee and Senator Bradley

SUBJECT: Prescription Hearing Aids

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Smith</u>	<u>Brown</u>	<u>HP</u>	Favorable
2. <u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3. <u>Smith</u>	<u>Yeatman</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 126 authorizes licensed hearing aid specialists or licensed audiologists to sell and distribute prescription hearing aids through the mail to consumers who are 18 years of age or older.

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

II. Present Situation:

Hearing Aids

Federal Regulations

The Food and Drug Administration (FDA) Reauthorization Act of 2017 (FDARA), s. 709,¹ directed the FDA to establish a category of over-the-counter (OTC) hearing aids through rulemaking and set forth various requirements for OTC hearing aids, including defining general controls for reasonable assurance of safety and effectiveness, as well as Federal preemption provisions.

¹21 U.S.C. 301, Food and Drug Administration Reauthorization Act of 1917, s. 709, *Regulation of Over-The-Counter Hearing Aids*, available at <https://www.congress.gov/115/plaws/publ52/PLAW-115publ52.pdf> (last visited Feb. 28, 2025).

On August 17, 2022, the FDA finalized a rule revising 21 C.F.R. 800,² 801,³ and 874.⁴ The FDA's new rule establishes a new category for OTC hearing aids. An OTC hearing aid is an air-conduction hearing aid that does not require implantation or other surgical intervention and is intended for use by a person aged 18 or older to compensate for perceived mild to moderate hearing impairment. The device, through tools, tests, or software, allows the user to control the hearing aid and customize it to the user's hearing needs. The device may use wireless technology or may include tests for self-assessment of hearing loss.

The device is available OTC, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online, provided that the device satisfies the requirements for consumers with "perceived mild to moderate hearing impairment" who wish to buy lower cost hearing aids not bundled with professional services and not requiring professional advice, fitting, adjustment, or maintenance. The rule became effective on October 16, 2022.⁵

The FDA rule includes provisions for simplified labeling, output limits, maximum insertion depth, and conditions for sale and distribution for both OTC and prescription hearing aids. The rule prohibits states from requiring the order, involvement, or intervention of a licensed person for consumers to access OTC hearing aids; a licensed person may service, market, sell, dispense, provide customer support for, or distribute OTC hearing aids.

Florida Regulations

In Florida, there are currently 1,289 licensed hearing aid specialists, and 1,654 licensed audiologists.⁶ In 2023, Florida's practice acts for hearing aid specialists and audiologists were amended to distinguish between prescription hearing aids and OTC hearing aids to conform to the new FDA rules.⁷ Under Florida law, prescription hearing aids are dispensed by hearing aid specialists and audiologists who are subject to the Department of Health (DOH) regulation under the Board of Hearing Aid Specialist (BHAS) and Board of Speech-Language Pathology and Audiology (BSLPA).⁸ Selling or distributing prescription hearing aids through the mail to the ultimate consumer is unlawful and is punishable as a misdemeanor of the second degree.⁹

Scope of Practice

Florida law defines the scope of practice for hearing aid specialists and audiologists and specifies the procedures which each health care practitioner is authorized to perform. Both hearing aid

² 21 CFR 800.30, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-800#800.30> (last visited Mar. 4, 2025).

³ 21 CFR 801.60 - 63, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-801/subpart-C> (last visited Mar. 4, 2025).

⁴ 21 CFR 874.5300 available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-874/subpart-F/section-874.5300> (last visited Mar. 4, 2025).

⁵ 21 CFR 800.30, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-800#800.30> (last visited Mar. 4, 2025).

⁶ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan, 2023 - 2024*, available at <https://mqawebteam.com/annualreports/2324/> (last visited Mar. 4, 2025).

⁷ Laws of Fla. 2023-71.

⁸ See Part II, ch. 484, and Part I, ch. 468, F.S., respectively.

⁹ Sections 468.1265 and 484.054, F.S.

specialists and audiologists may provide services through telehealth within this state.¹⁰ Out-of-state hearing aid specialists and audiologists may register to provide services through telehealth to patients located in this state.¹¹

Hearing Aid Specialists

Under s. 484.041, F.S., hearing aid specialists may dispense prescription hearing aids. Dispensing prescription hearing aids includes conducting and interpreting hearing tests for purposes of selecting suitable hearing aids, making earmolds or ear impressions for the fitting of hearing aids, and providing appropriate counseling regarding a suitable hearing aid device. This also includes all acts pertaining to the selling, renting, leasing, pricing, delivery, and warranty of hearing aids.¹²

Hearing aid specialists are licensed and regulated by the BHAS.¹³ Licensure for a hearing aid specialist is in accordance with s. 484.045, F.S., and includes the following requirements:

- Graduation of an accredited high school or its equivalent;
- Meeting one of the qualifying methods:
 - Completing a Florida sponsored training program;
 - Having a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing¹⁴ in such capacity for at least 12 months; or
 - Is currently certified by the National Board for Certification in Hearing Instrument Sciences (NBC-HIS) and has been actively practicing for at least 12 months.
- Has successfully completed:
 - International Licensing Examination (ILE); or
 - Active certification from the National Board for Certification in Hearing Instrument Sciences (NBC-HIS).
- Completion of a two-hour course relating to Florida laws and rules taught by an instructor approved by the BHAS.

Effective July 1, 2025, an applicant for licensure must also submit to a background screening test in accordance with s. 456.0135, F.S.

Audiologists

The practice of audiology includes the application of principles, methods, and procedures for the prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, treatment, and research, relative to hearing and the disorders of hearing, and to related language and speech disorders.¹⁵ Licensed audiologists may offer, render, plan, direct, conduct, consult, or supervise services to individuals or groups of individuals who have or are suspected of having disorders of hearing, including prevention, identification, evaluation, treatment, consultation,

¹⁰ Section 456.47, F.S.

¹¹ *Id.*

¹² Section 484.041(3)(a), F.S.

¹³ Section 484.042, F.S.

¹⁴ See Fla. Admin. Code R. 64B6-2.002 (2025), which defines “actively practicing” as dispensing hearing aids directly to clients for at least 12 months, as shown by at least two sales receipts per month for at least 12 months, each receipt bearing the applicant’s signature and address of place(s) of business.

¹⁵ Section 468.1125(6)(a), F.S.

habilitation, rehabilitation, instruction, and research.¹⁶ This includes the fitting and dispensing of hearing aids. They may also provide the following:

- Participate in hearing conservation, evaluation of noise environment, and noise control;
- Conduct and interpret tests of vestibular function and nystagmus, electrophysiologic auditory-evoked potentials, central auditory function, and calibration of measurement equipment used for such purposes;
- Habilitate and rehabilitate, including, but not limited to, hearing aid evaluation, prescription, preparation, fitting and dispensing, assistive listening device selection and orientation, auditory training, aural habilitation, aural rehabilitation, speech conservation, and speechreading;
- Fabricate earmolds;
- Evaluate tinnitus; and
- Conduct speech and language screening, limited to a pass-fail determination for identifying individuals with disorders of communication.¹⁷

Audiologists are licensed and regulated by the BSLPA.¹⁸ Licensure for audiologists includes, among other requirements, the following:

- Submission of an application and all required fees.
- A doctoral degree with a major emphasis in audiology and:
 - Applicants who have earned a doctoral degree from an approved program before January 1, 2008, must complete 60 semester hours, 24 of which must be in audiology.¹⁹
 - Applicants who earned a doctoral degree from an approved program after January 1, 2008, must complete 75 semester hours.
 - 300 clock hours of supervised experience (clinical practicum) with at least 200 hours in the area of audiology.
- Eleven months of supervised clinical experience. This requirement may be met if the applicant holds a doctoral degree, meets the requirements of s. 468.1155, F.S., and can demonstrate one year of clinical work experience within the doctoral program.
- Applicants for licensure as an audiologist with a master's degree conferred before January 1, 2008, must document that, prior to licensure, the applicant completed one year of clinical work experience.
- Passing the licensure examination no more than three years prior to the date of the application.²⁰

Effective July 1, 2025, an applicant for licensure must also submit to a background screening test in accordance with s. 456.0135, F.S.

¹⁶ Section 468.1125(6)(b), F.S.

¹⁷ *Id.*

¹⁸ Section 468.1135, F.S.

¹⁹ Section 468.1155, F.S.

²⁰ Section 468.1185, F.S. and Fla. Admin. Code R. 64B20-2.005 (2022) The BSDPA has designated the Educational Testing Services Praxis Series Examination in Speech-Language Pathology or Audiology as the licensure examination.

Minimal Procedures and Equipment²¹

Florida law requires hearing aid specialists, and audiologists only when indicated, to perform all of the following procedures to be used in the fitting and selling of prescription hearing aids:

- Pure tone audiometric testing by air and bone to determine the type and degree of hearing deficiency.
- Effective masking.
- Appropriate testing to determine speech reception thresholds, speech discrimination scores, the most comfortable listening levels, uncomfortable loudness levels, and the selection of the best fitting arrangement for maximum hearing aid benefit.

A wide range audiometer that meets the specifications of the American National Standards Institute for diagnostic audiometers, and a speech audiometer or a master hearing aid must be used by hearing aid specialists, and audiologists only when indicated, in the fitting and selling of prescription hearing aids.

A hearing aid specialist must make a final fitting ensuring physical and operational comfort of the prescription hearing aid. An audiologist must make such a final fitting only when indicated.

Each audiometric test must be made in a testing room that has been certified by the DOH and meets certain requirements established in statute and rule. However, this requirement may be waived by a client who has been provided written notice of the benefits and advantages of having the test conducted in a certified testing room.

III. Effect of Proposed Changes:

The bill provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed audiologist. The prescription hearing aids may not be activated unless the audiologist has prescribed them. If prescribed, the audiologist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

The bill provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed hearing aid specialist. The prescription hearing aids must not be activated unless the hearing aid specialist has determined that the patient should be fitted for prescription hearing aids. If that determination is made, the hearing aid specialist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

The bill establishes that any person who sells or distributes prescription hearing aids through the mail to the ultimate consumer commits a misdemeanor of the second degree.

The bill takes effect July 1, 2025.

²¹ Sections 468.1225 and 484.0501, F.S. See also Fla. Admin. Code R. 64B6-6, 64B20-8, and 64B20-9.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

To implement the bill, the Department of Health would need to develop a communication plan to ensure compliance and operational readiness. The department anticipates that this would include updating websites and the Artificial Intelligence chatbot, notifying stakeholder groups, and communicating the statutory changes to staff through training.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²² Department of Health, Senate Bill 126 Legislative Analysis (Feb. 11, 2025) (on file with the Senate Committee on Health Policy).

VIII. Statutes Affected:

This bill substantially amends sections 468.1265 and 484.054 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 Commerce and Tourism on March 3, 2024:

The committee substitute provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed audiologist. The prescription hearing aids may not be activated unless the audiologist has prescribed them. If prescribed, the audiologist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

The committee substitute also provides that prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a licensed hearing aid specialist. The prescription hearing aids must not be activated unless the hearing aid specialist has determined that the patient should be fitted for prescription hearing aids. If that determination is made, the hearing aid specialist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

Except in the above instances, any person who sells or distributes prescription hearing aids through the mail to the ultimate consumer commits a misdemeanor of the second degree.

B. Amendments:

None.

By the Committee on Commerce and Tourism; and Senator Bradley

577-02092-25

2025126c1

A bill to be entitled

An act relating to prescription hearing aids; amending ss. 468.1265 and 484.054, F.S.; authorizing the distribution of prescription hearing aids through the mail to patients 18 years of age or older before a scheduled telehealth appointment with a Florida-licensed audiologist or hearing aid specialist, respectively, if certain requirements are met; authorizing the sale of prescription hearing aids through the mail to patients 18 years of age or older who have been fitted for such hearing aids by a licensed audiologist or licensed hearing aid specialist, respectively; providing an effective date.

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

Section 1. Section 468.1265, Florida Statutes, is amended to read:

468.1265 Sale or distribution of prescription hearing aids through mail; penalty.—

(1) Except as provided in subsection (2) and in s. 484.054(2), it is unlawful for a ~~any~~ person to sell or distribute prescription hearing aids through the mail to the ultimate consumer. A ~~Any~~ person who violates this subsection ~~section~~ commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with an audiologist

577-02092-25

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licensed under this part. The prescription hearing aids may not be activated unless the audiologist has prescribed them. If the audiologist prescribes prescription hearing aids to the patient, the audiologist must conduct a fitting during the telehealth appointment or a subsequent appointment to ensure the physical and operational comfort of the prescription hearing aids.

(b) Prescription hearing aids may be sold through the mail to a patient who is 18 years of age or older who has been fitted for those prescription hearing aids by an audiologist licensed under this part.

Section 2. Section 484.054, Florida Statutes, is amended to read:

484.054 Sale or distribution of prescription hearing aids through mail; penalty.—

(1) Except as provided in subsection (2) and in s. 468.1265(2), it is unlawful for a ~~any~~ person to sell or distribute prescription hearing aids through the mail to the ultimate consumer. A person who violates this subsection commits
~~Any violation of this section constitutes~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Prescription hearing aids may be distributed through the mail to a patient who is 18 years of age or older before the patient's scheduled telehealth appointment with a hearing aid specialist licensed under this part. The prescription hearing aids may not be activated unless the hearing aid specialist has determined that the patient should be fitted for prescription hearing aids. If the hearing aid specialist makes that determination, the hearing aid specialist must conduct a fitting

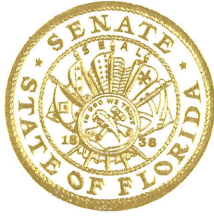
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59 during the telehealth appointment or a subsequent appointment to
60 ensure the physical and operational comfort of the prescription
61 hearing aids.

62 (b) Prescription hearing aids may be sold through the mail
63 to a patient who is 18 years of age or older who has been fitted
64 for those prescription hearing aids by a hearing aid specialist
65 licensed under this part.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

March 6, 2025

Senator Kathleen Passidomo, Chair
Senate Committee on Rules
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Passidomo:

I respectfully request that CS/SB 126 be placed on the committee's agenda at your earliest convenience. This bill relates to prescription hearing aids.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Tom Yeatman, Staff Director
Shasta W. Kruse, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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3-12-25

Meeting Date

Rules

126

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E College Ave

Email

DMartinez@AFPHE.org

Street

Tallahassee

State

FL

Zip

32301

City

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Americans for
Prosperity in Florida

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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CS/SB 126

Bill Number or Topic

Amendment Barcode (if applicable)

3/12/2025

Meeting Date

Rules

Committee

Name

Veit Albert

Phone

305 766 5062

Address

8201 SW 176th St

Street

Email

veit.albert@hear.com

Palmetto Bay FL 33157

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:

hear.com

☐

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 Rules

BILL: CS/SB 150

INTRODUCER: Criminal Justice Committee; Senators Gaetz and Arrington

SUBJECT: Abandoning Restrained Animals During Natural Disasters

DATE: March 11, 2025

REVISED: 2/28/25

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Stokes	CJ	Fav/CS
2. Becker	Becker	AG	Favorable
3. Cellon	Yeatman	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 150 amends s. 828.13, F.S., to create a new offense of animal cruelty for abandoning an animal by using a restraint on the animal and leaving it restrained outside during a natural disaster. The offense is a third degree felony.^{1,2}

The bill defines the terms “natural disaster” and “restraint.”

The bill names the act “Trooper’s Law.”

The bill has a positive indeterminate impact. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

¹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082, F.S. and 775.083, F.S.

² As is the case with other animal cruelty offenses, the bill provides for the possibility of a fine that may be elevated above the typical fine. For example, the third degree felony fine is generally up to \$5,000 but this new offense provides for a fine up to \$10,000. Sections 775.082(3) F.S., 775.083(1)(g), F.S., and 820.13, F.S.

II. Present Situation:

Dog Rescued by Florida Highway Patrol Trooper Tied Up During Hurricane Milton

Hurricane Milton struck the state in early October 2024. During the storm, a Florida Highway Patrol trooper discovered a dog tied to a fence off I-75 surrounded by rising water. The dog, now named Trooper, was rescued and taken to the Tallahassee Humane Society, where he was subsequently adopted. This bill addresses that situation.³

General Animal Cruelty Statutes

Section 828.12(1), F.S., provides first degree misdemeanor penalties⁴ for certain cases involving cruelty to animals. A person commits the crime of animal cruelty if he or she:

- Unnecessarily overloads;
- Overdrives;
- Torments;
- Deprives of necessary sustenance or shelter;
- Unnecessarily mutilates, or kills any animal, or causes such to be done; or
- Carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

A person who is convicted of a violation of s. 828.12, F.S., may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.⁵

Section 828.12(2), F.S., specifies that a person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree.⁶

Also, s. 828.13(2)(a), (b), and (c) F.S., provide that a person commits a first degree misdemeanor⁷ if he or she:

- Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased;

³ Tallahassee Democrat, *Trooper, abandoned amid Hurricane Milton and sent to Leon County, finds 'fur-ever' home*, December 2, 2024, Kyla A. Sanford, available at <https://www.tallahassee.com/story/news/local/2024/12/02/trooper-dog-abandoned-amid-hurricane-milton-finds-fur-ever-home-leon-county-humane-society/76709656007/> (last visited February 28, 2025).

⁴ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, F.S., and 775.083, F.S. However, a violation of s. 828.12(1), F.S., may result in a fine of up to \$5,000. Section 828.12(1), F.S.

⁵ Section 828.12(6), F.S.

⁶ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. However, a violation of s. 828.12(2), F.S., may result in a fine of up to \$10,000. Sections 775.082(3) F.S., 775.083(1)(g), F.S., and 828.12(2), F.S.

⁷ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, F.S., and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.082, 775.083, and 828.13(2), F.S.

Section 828.13(3), F.S., prohibits a person who is the owner or possessor or has charge or custody of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal which is punishable as a misdemeanor of the first degree.⁸

Section 828.13(1)(a), F.S., defines the term “abandon” to mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner. The term “owner” is defined as any owner, custodian, or other person in charge of an animal.

Emergency Powers, Disaster Preparedness

Section 252.36, F.S., specifies that in the event of an emergency beyond local control, the Governor may assume direct operational control over all or any part of the emergency management functions within this state and is authorized to delegate such powers as she or he may deem prudent. The Governor has declared a state of emergency for various weather related conditions, including numerous hurricanes.⁹

Section 252.3568, F.S., provides, in accordance with s. 252.35, F.S.,¹⁰ the Division of Emergency Management within the Executive Office of the Governor (Division) must address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and must include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services and the Department of Education must assist the division in determining strategies regarding this activity.

If a county maintains designated shelters, it must also designate a shelter that can accommodate persons with pets. The shelter must be in compliance with applicable FEMA Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

III. Effect of Proposed Changes:

The bill creates a third degree felony¹¹ animal cruelty offense in s. 812.13, F.S., for abandoning an animal by using a restraint on the animal and leaving it restrained outside during a natural disaster.

The bill defines the following terms:

⁸ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, F.S., and 775.083, F.S. However, a violation of s. 828.13(3), F.S., may result in a fine of up to \$5,000. Sections 775.082, and 775.083, F.S. and 828.13(3), F.S..

⁹ See Fla. Exec. Order No. 24-215 (October 5, 2024), available at, <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-24-215-1.pdf> (Last visited February 28, 2025).

¹⁰ Section 252.35, F.S., relates to Emergency management powers and the Division of Emergency Management.

¹¹ The third degree felony is punishable by up to 5 years imprisonment, and in these cases up to a \$10,000 fine. Sections 775.082(3) F.S., 775.083(1)(g), F.S., and 828.13(4).

- “Natural disaster” means a situation in which a hurricane, tropical storm, or tornado warning has been issued for a municipality or a county by the National Weather Service, or in which a municipality or county is under a mandatory or voluntary evacuation order.
- “Restraint” means a chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

The bill names the act “Trooper’s Law.”

The bill takes effect on 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:

None.

C. Government Sector Impact:

The bill has a positive indeterminate impact due to the penalties provided in the bill. It is unknown how many offenses of animal cruelty have taken place during a declared emergency, and therefore the prison bed impact cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 828.12

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 Criminal Justice on February 11, 2025:

The committee substitute:

- Creates an animal cruelty offense in s. 828.13, F.S., for abandoning an animal by using a restraint on the animal and leaving it restrained outside during a natural disaster.
- It defines the terms “natural disaster” and “restraint”.
- The CS names the act “Trooper’s Law”.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Gaetz

591-01944-25

2025150c1

A bill to be entitled

An act relating to abandoning restrained animals during natural disasters; providing a short title; amending s. 828.13, F.S.; defining terms; prohibiting the abandonment of an animal that is restrained outside during a natural disaster; providing criminal penalties; providing an effective date.

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

Section 1. This act may be cited as "Trooper's Law."

Section 2. Section 828.13, Florida Statutes, is amended to read:

828.13 Confinement of animals without sufficient food, water, or exercise; abandonment of animals.—

(1) As used in this section:

(a) "Abandon" means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

(b) "Natural disaster" means a situation in which a hurricane, tropical storm, or tornado warning has been issued for a municipality or a county by the National Weather Service, or in which a municipality or county is under a mandatory or voluntary evacuation order.

(c) "Owner" includes any owner, custodian, or other person in charge of an animal.

(d) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

591-01944-25

2025150c1

(2) A person who ~~Whoever:~~

(a) Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,

(b) Keeps any animals in any enclosure without wholesome exercise and change of air, or

(c) Abandons to die any animal that is maimed, sick, infirm, or diseased,

~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or ~~by both imprisonment and a fine.~~

(3) A ~~Any~~ person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal commits is ~~guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or ~~by both imprisonment and a fine.~~

(4) A person who abandons an animal by using a restraint on the animal and leaving that animal restrained outside during a natural disaster commits a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 4, 2025

I respectfully request that **Senate Bill #150**, relating to Abandoning Restrained Animals During Natural Disasters, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Don Gaetz", is written over a horizontal line.

Senator Don Gaetz
Florida Senate, District 1

Weds March 12 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 150 Troopers Bill

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sharon D. Regan**

Phone **850-206-4931**

Address **202 Camelia Street**

Email **sharonregan@hotmail.com**

Street

Gulf Breeze

FL

32561

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)

Weds March 12 2025

The Florida Senate
APPEARANCE RECORD

SB 150 Troopers Bill

Meeting Date

Criminal Justice

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Connie Hillis

Phone 850-564-1914

Address Oakfield Dr

Email NA

Street

Milton

City

FL

State

32583

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

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150

Bill Number or Topic

Amendment Barcode (if applicable)

3/12/25

Meeting Date

Rules

Committee

Name

Diana Ferguson

Phone

850-681-6788

Address

119 S Monroe St Ste 202

Street

Email

dferguson@outlook-econ.com

Teco

City

FL

State

32601

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 Animal Control Association

☐

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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3-12-25

Meeting Date

Rules

Committee

150

Bill Number or Topic

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020

Street

St. Petersburg

City

FL

State

33731

Zip

Email travis@moore-relations.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:

Animal Legal Defense Fund

☐ 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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3-12-25

Meeting Date

150

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name

Amy CARotenuto

Phone

386-566-3734

Address

250 Rodes Rd

Email

acarotenuto@flagler
humansociety.org

Street

Ormond Beach

City

State

Zip

Speaking:



☐ Against

☐ Information

OR

Waive Speaking:



☐ 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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CSB 150

Bill Number or Topic

Amendment Barcode (if applicable)

3/12/25

Meeting Date

Rules

Committee

Name

Kate MacFall

Phone

850 508-1001

Address

1206 Walton Dr.

Street

Email

kmacfall@hsus.org

Tallahassee FL

City

32312

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:

Humane Society of the United States

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)

Weds March 12 2025

The Florida Senate
APPEARANCE RECORD

SB 150 Troopers Bill

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Sally Dutcher

Phone

850 376 9080

Address

7333 Pine Forest Rd Lt 192

Email

sallydutcher@gmail

Street

Pensacola FL

32526

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 following appearance
records were not read
into the record

Weds March 12 2025

APPEARANCE RECORD

SB 150 Troopers Bill

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Susan Cundiff

Phone

850 932 8007

Address

Street

Gulf Breeze FL 32563

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

Weds March 12 2025

APPEARANCE RECORD

SB 150 Troopers Bill

Meeting Date

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name

Cynthia Carroll

Phone

888-723-0558

Address

5151 Yesterdays Circle

Email

cc4hmm@gmail.com

Street

City

Pensacola

State

FL

Zip

32504

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 Rules

BILL: CS/SB 160

INTRODUCER: Regulated Industries Committee; Senator Gruters and others

SUBJECT: Public Accountancy

DATE: March 11, 2025

REVISED: 3/5/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Fav/CS
2.	Davis	Betta	AEG	Favorable
3.	Oxamendi	Yeatman	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 160 revises the regulation of certified public accountants (CPAs) by the Florida Board of Accountancy (board) within the Department of Business and Professional Regulation (department).

The bill allows the board to, by a majority vote, delegate duties to the appropriate division within the department, and to further provide that the board may delegate duties by contract pursuant to corporations not for profit organized before 2024 under ch. 617, F.S.

The bill revises the requirements for licensure of CPAs, including licensure by endorsement and of international applicants, by providing four separate pathways to qualify for a license based on education and work experience criteria. Effective January 1, 2026, a person may qualify for a CPA license if he or she:

- Complete at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the board, and have one year of work experience;
- Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board, and have one year of work experience;
- Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board, and have two years of work experience; or

- Hold a baccalaureate degree in any major course of study conferred by an accredited college or university, have completed coursework required for a concentration in accounting and business as prescribed by the board, and have two years of work experience.

In addition, the bill requires the board to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States. If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the board.

The bill revises the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding a license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination.

Effective January 1, 2026, the bill revises the requirements for the licensure of international applicants. The bill provides the following two pathways for licensure by applicants who hold an active license in good standing to practice public accounting, or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined:

- The license standards are equal to those in the United States and who have passed an examination pursuant to s. 473.306(5), F.S.; or
- Have not met the licensure standards but meets the Florida requirements for education, work experience, and good moral character and have passed the Uniform CPA exam.

Regarding continuing education, the bill requires the continuing education requirement to be administered by reputable providers determined and provided by the board. The board must give preference to corporations not for profit organized under ch. 617, F.S., that are exempt from taxation under s. 501(c)(6) of the Internal Revenue Code and that demonstrate their experience, integrity, knowledge, practice, professional responsibility, and representation of the largest numbers of CPAs in this state.

Effective January 1, 2026, the bill permits, a person who holds an active license in good standing in another state or territory to practice limited accountancy services, such as tax advisory services or consulting services that do not require the expression of an opinion or an attestation, by showing evidence to the board of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination.

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

The bill takes effect July 1, 2025, except as expressly provided.

II. Present Situation:

Certified Public Accountants

The Florida Board of Accountancy (board) within the Department of Business and Professional Regulation (department) is responsible for regulating and licensing of nearly 35,667 active certified public accountants (CPAs) in Florida.¹ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.²

A CPA is an individual who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.³

Section 473.302(8), F.S., defines the practice of public accounting to include offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements. To engage in the practice of public accounting,⁴ an individual or firm must be licensed pursuant to s. 473.308, F.S., or s. 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

CPA Licensing

Section 473.308, F.S., provides licensing requirements for CPAs. To be licensed as a CPA, a person must be of good moral character, pass the licensure exam, and have at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university with a concentration in accounting and business in the total education program to the extent specified by the board.⁵

An applicant for a CPA license must also have at least one year of work experience.⁶ If the applicant completed the education requirements by December 31, 2008, and passed the licensure examination on or before December 31, 2010, he or she was exempt from the work experience requirement.

An applicant must also have good moral character.⁷ Section 473.308(7)(a), F.S., defines “good moral character” to mean “a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.”

¹ Department of Business and Professional Regulation, *Fiscal Year 2023-2024 Annual Report*, page 20, (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

² Section 473.303, F.S.

³ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁴ Section 473.302(8), F.S., defines the terms “practice of,” “practicing public accountancy,” and “public accounting.”

⁵ Sections 473.308(2)-(4), F.S.

⁶ Sections 473.308(5), F.S.

⁷ Sections 473.308(6) and (7), F.S.

CPA licenses must be renewed on a biennial basis through procedures adopted by the DBPR.⁸

Licensure by Endorsement

Section 473.308(8), F.S., provides for licensure of certified public accountants by endorsement.

The board may certify for licensure by endorsement an applicant who:

- Is not licensed in another state or territory, and:
 - Meets the requirements for education, work experience, and good moral character; and
 - Passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.;⁹
- Holds a valid license to practice public accounting in another state or territory, and has satisfied licensing criteria that were substantially equivalent to the licensure criteria in this state at the time the license was issued;
- If the licensing criteria was not substantially equivalent to Florida's, has met the education, work experience, good moral character requirements, and has passed a national, regional, state or territorial licensing examination with examination criteria that was substantially equivalent to the examination criteria required in Florida; or¹⁰
- Has a valid license in another state or territory for at least 10 years before applying for a license in Florida, has passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state, and has met the good moral character requirement.¹¹

Section 473.08(9), F.S., provides that the board may issue a licensure by endorsement and waive education requirements that exceed a baccalaureate degree if the applicant has:

- At least five years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States; or
- At least five years of work experience that meets the requirements of s. 473.08(5), F.S.

The work experience that is used as a basis for waiving the education requirements of s. 473.08(4), F.S., must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy¹² has determined has licensure standards that are substantially equivalent to those in the United States.

⁸ Section 473.311(2), F.S.

⁹ Section 473.308(8)(a), F.S.

¹⁰ Section 473.308(7)(b), F.S.

¹¹ Section 473.308(7)(c), F.S.

¹² The National Association of State Boards of Accountancy is a forum for the 55 State Boards of Accountancy, which administer the Uniform CPA Examination. See National Association of State Boards of Accountancy, *About Us*, at <https://nasba.org/about/> (last visited February 18, 2025).

Continuing Education

As a part of the license renewal procedure, CPAs are required to submit proof satisfactory to the board that, during the two years prior to the application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the board.¹³ The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the two-year period.¹⁴

Not less than 10 percent of the total continuing education hours required by the board shall be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.¹⁵

Not less than five percent of the continuing education must be in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S., relating to the regulations of businesses and professions, ch. 473, F.S., and the related administrative rules. This requirement must be administered by providers approved by the board.¹⁶

CPA Mobility

Section 473.3141, F.S., provides what is known as “CPA mobility” or practice mobility for CPAs.¹⁷ CPA mobility permits a CPA in another state who is not licensed in Florida, but is licensed in another state, to perform limited accounting services in Florida without obtaining a Florida license, notifying or registering with the board, or paying a fee.

An out-of-state CPA is not required to be licensed in Florida to provide accounting services from outside the state. The types of accounting services that may be provided are limited to the services in ss. 473.302(8)(b) and (c), F.S. If the CPA provides the types of services described in s. 473.302(8)(a), F.S., the CPA must first obtain a Florida license. For example, under practice mobility, the out-of-state CPA could provide tax advisory services or consulting services in Florida from out-of-state, but he or she could not provide the types of services that require the expression of an opinion or an attestation. Section 473.3141, F.S., requires that an individual who provides accountancy services that require the expression of an opinion must obtain a firm license from the board as required by s. 473.3101, F.S.

Certified public accountants in another state who practice in Florida under practice mobility consent, as a condition for the privilege, to the personal and subject matter jurisdiction and disciplinary authority of the board. They also must comply with ch. 473, F.S., and the applicable board rules.

¹³ Section 473.312(1)(a), F.S.

¹⁴ *Id.*

¹⁵ Section 473.312(1)(b), F.S.

¹⁶ Section 473.312(1)(c), F.S.

¹⁷ Florida Institute of Certified Public Accountants, *What is CPA Mobility?*, available at: <https://www.ficpa.org/mobility> (last visited February 12, 2025).

Section 473.3141(1), F.S., provides the following minimum requirements for CPAs in other states who may practice accountancy in Florida through practice mobility. The individual must:

- Hold a valid CPA license in another state that the board has determined has adopted standards that are substantially equivalent to the certificate requirements in the Uniform Accountancy Act; and
- Have satisfied license qualifications that are substantially equivalent to the license qualifications in the Uniform Accountancy Act.

Under current law, the CPA mobility provision does not apply to CPAs who are licensed in the territories of the United States.¹⁸

International Applicants

Section 473.306(5), F.S., authorizes the board to adopt an alternative licensure examination for persons who have been licensed to practice public accountancy or its equivalent in a foreign country so long as the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has ratified an agreement with that country for reciprocal licensure.

III. Effect of Proposed Changes:

Purpose of Chapter 473, F.S.

The bill amends s. 473.301, F.S., which states the legislative purpose for the regulation of the practice of public accountancy, to revise the term “public accountants” to “certified public accountants” (CPAs).

Definition

The bill amends s. 473.302, F.S., to delete the definition of the term “Uniform Accountancy Act.”¹⁹ The bill deletes all references to “Uniform Accountancy Act” in ch. 473, F.S.

Division of Certified Public Accounting

The bill amends s. 473.3035(1), F.S., which provides that the Florida Board of Accountancy (board) may, by a majority vote, delegate a duty or duties to the appropriate division within the Department of Business and Professional Regulation (department), to further provide that the board may delegate duties by contract pursuant to part I of ch. 287, F.S.,²⁰ for the performance of such duties by corporations not for profit organized before 2024 under ch. 617, F.S.²¹

¹⁸ The territories of the United States include American Samoa, Guam, Republic of the Marshall Islands, Federated States of Micronesia, Commonwealth of the Northern Mariana Islands, Republic of Palau, Puerto Rico, and the U.S. Virgin Islands. See U.S. Department of the Interior, *Insular Areas of the United States and Freely Associated States*, available at: <https://www.doi.gov/library/internet/insular> (last visited February 12, 2025).

¹⁹ Section 473.302(9), F.S., defines the term “Uniform Accountancy Act” to mean the Uniform Accountancy Act, Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

²⁰ Part I of ch. 287, F.S., relates to the state’s procurement of commodities, insurance, and contractual services.

²¹ Chapter 617, F.S., relates to corporations not for profit.

Licensure***Education***

The bill, effective January 1, 2026, amends s. 473.308, F.S., to revise the requirements for licensure of CPA, including licensure by endorsement and of international applicants.

Effective July 1, 2026, the bill amends s. 473.308(4), F.S., to revise the education requirements for a CPA license by providing four separate pathways to qualify for a license. A person may qualify for a CPA license if they:

- Complete at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the board;
- Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board;
- Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board; or
- Hold a baccalaureate degree in any major course of study conferred by an accredited college or university and have completed coursework required for a concentration in accounting and business as prescribed by the board.

In addition, the bill requires the board to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States.

If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the board.

Work Experience

Effective January 1, 2026, the bill also amends s. 473.308(5), F.S., to require a CPA license applicant to have at least one year of work experience if the applicant education requirement is based on:

- Having completed at least 150 semester hours of college education, including a baccalaureate or higher degree, with a concentration in accounting and business; or
- Holding a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business.

Under the bill, a CPA license applicant must have at least two years of work experience if the applicant education requirement is based on holding:

- A baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board; or
- A baccalaureate degree in any major course of study conferred by an accredited college or university and having completed coursework required for a concentration in accounting and business as prescribed by the board.

The bill also amends s. 473.308(5), F.S., to delete the work experience exception for applicants who completed the education requirements by December 31, 2008, and passed the licensure examination on or before December 31, 2010.

Licensure by Endorsement

Effective January 1, 2026, the bill amends s. 473.308(7), F.S., to revise the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding a license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination.

The bill deletes provisions allowing a person to be licensed if he or she holds a valid license in another state or territory and has met the requirements of the section for education, work experience, good moral character, and passed a national, regional, state, or territorial licensing examination substantially equivalent to s. 473.306, F.S. It also deletes the provisions allowing a person to be licensed if they had been licensed in another jurisdiction for 10 years.

International Applicants

Effective January 1, 2026, the bill amends s. 473.308(8), F.S., to revise the requirements for the licensure of international applicants to. The bill provides the following two pathways for licensure by applicants who hold an active license in good standing to practice public accounting, or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined:

- The licensure standards are equal to those in the United States and who have passed an examination pursuant to s. 473.306(5), F.S.; or
- Have not met the licensure standards but meets the Florida requirements for education, work experience, and good moral character and have passed the Uniform CPA exam.

Continuing Education

The bill amends s. 473.312(1)(c), F.S., to require the continuing education requirement to be administered by reputable providers to be determined and provided by the board. The bill requires the board to give preference to corporations not for profit organized under ch. 617, F.S., who are exempt from taxation under s. 501(c)(6) of the Internal Revenue Code and who demonstrate their experience, integrity, knowledge, practice, professional responsibility, and representation of the largest numbers of CPAs in this state.

The bill republishes s. 473.311(1)(b), F.S., relating to the renewal of a nonresident CPA license, to incorporate the amendment in the bill to s. 473.312, F.S., relating to continuing education requirements.

CPA Mobility

The bill amends s. 473.3141(1) and (3), F.S., to revise the requirements for CPA mobility. Effective January 1, 2026, a person who holds an active license in good standing in another state or territory can qualify for CPA mobility by evidence to the board of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination.

Cross-reference Correction

The bill amends s. 473.306(3)(a), F.S., relating to examinations, to correct a cross-reference to the license requirements in s. 473.308, F.S., as revised by the bill.

Effective Date

The bill takes effect July 1, 2025, except as expressly provided.

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 Department of Business and Professional Regulation (department) may incur an indeterminate increase in costs related to contracting delegated duties to certain authorized corporations; however, it's expected that any contract costs could be handled with existing resources. To date, no analysis by the department of the impact of the bill on its operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 473.301, 473.302, 473.3035, 473.306, 473.308, 473.312, 473.3141, and 473.311.

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

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

CS by Regulated Industries on February 18, 2025:

The committee substitute:

- Changes the effective date from July 1, 2026 to January 1, 2026, for the sections of the bill amending s. 473.306, F.S., relating to examinations, s. 473.308, F.S., relating to licensure, and s. 473.3141, F.S., relating to certified public accountants (CPAs) licensed in other states.
- Amends s. 473.308, F.S., to revise the requirements for licensure of international applicants by providing a pathway for licensure applicants whose country has licensing standards that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined are equal to those in the United States and who have passed an examination, and provides a pathway for applicants whose country has not met those standards but meets the Florida requirements for education, work experience, and good moral character and have passed the Uniform CPA exam.
- Deletes new s. 473.3085, F.S., relating to the licensure of international applicants.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senators Gruters
and Boyd

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1 A bill to be entitled
2 An act relating to public accountancy; amending s.
3 473.301, F.S.; making a technical change regarding the
4 purpose of ch. 473, F.S.; amending s. 473.302, F.S.;
5 deleting the definition of the term "Uniform
6 Accountancy Act"; amending s. 473.3035, F.S.;
7 authorizing the Board of Accountancy to contract with
8 certain corporations not for profit for the
9 performance of certain duties assigned to the Division
10 of Certified Public Accounting of the Department of
11 Business and Professional Regulation; amending s.
12 473.306, F.S.; conforming a cross-reference; making a
13 technical change; amending s. 473.308, F.S.; revising
14 the education and work experience requirements for a
15 certified public accountant license; directing the
16 board to prescribe specified coursework for licensure;
17 revising requirements for licensure by endorsement;
18 revising requirements for licensure of international
19 applicants; deleting obsolete language; amending s.
20 473.312, F.S.; revising requirements for the approval
21 of providers who administer continuing education on
22 ethics for certified public accountants; requiring the
23 board to give preference to certain providers;
24 amending s. 473.3141, F.S.; revising requirements for
25 certified public accountants licensed in another state
26 or a territory of the United States to practice in
27 this state without obtaining a license; reenacting s.
28 473.311(1)(b), F.S., relating to renewal of license,
29 to incorporate the amendment made to s. 473.312, F.S.,

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30 in references thereto; providing effective dates.
31
32 Be It Enacted by the Legislature of the State of Florida:
33
34 Section 1. Section 473.301, Florida Statutes, is amended to
35 read:
36 473.301 Purpose.—The Legislature recognizes that there is a
37 public need for independent and objective certified public
38 accountants and that it is necessary to regulate the practice of
39 public accounting to assure the minimum competence of
40 practitioners and the accuracy of audit statements upon which
41 the public relies and to protect the public from dishonest
42 practitioners and, therefore, deems it necessary in the interest
43 of public welfare to regulate the practice of public accountancy
44 in this state.
45 Section 2. Subsection (9) of section 473.302, Florida
46 Statutes, is amended to read:
47 473.302 Definitions.—As used in this chapter, the term:
48 ~~(9) "Uniform Accountancy Act" means the Uniform Accountancy~~
49 ~~Act, Eighth Edition, dated January 2018 and published by the~~
50 ~~American Institute of Certified Public Accountants and the~~
51 ~~National Association of State Boards of Accountancy.~~
52
53 However, these terms shall not include services provided by the
54 American Institute of Certified Public Accountants or the
55 Florida Institute of Certified Public Accountants, or any full
56 service association of certified public accounting firms whose
57 plans of administration have been approved by the board, to
58 their members or services performed by these entities in

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reviewing the services provided to the public by members of these entities.

Section 3. Subsection (1) of section 473.3035, Florida Statutes, is amended to read:

473.3035 Division of Certified Public Accounting.—

(1) All services concerning this chapter, including, but not limited to, recordkeeping services, examination services, legal services, and investigative services, and those services in chapter 455 necessary to perform the duties of this chapter are assigned to shall be provided by the Division of Certified Public Accounting. The board may, by majority vote, delegate such a duty or duties to the appropriate division within the department or contract pursuant to part I of chapter 287 for the performance of such duties by corporations not for profit organized before 2024 under chapter 617. The board may, by majority vote, rescind any such delegation of duties at any time.

Section 4. Effective January 1, 2026, subsection (3) of section 473.306, Florida Statutes, is amended, and subsection (4) of that section is republished, to read:

473.306 Examinations.—

(3) An applicant is entitled to take the licensure examination to practice in this state as a certified public accountant if:

(a) The applicant has completed 120 semester hours or 180 quarter hours from an accredited college or university with a concentration in accounting and business ~~courses~~ as prescribed ~~specified~~ by the board by rule; and

(b) The applicant shows that she or he has good moral

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character. For purposes of this paragraph, the term "good moral character" has the same meaning as provided in s. 473.308(6)(a) ~~s. 473.308(7)(a)~~. The board may refuse to allow an applicant to take the licensure examination for failure to satisfy this requirement if:

1. The board finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the board of lack of good moral character is supported by competent substantial evidence.

If an applicant is found pursuant to this paragraph to be unqualified to take the licensure examination because of a lack of good moral character, the board must ~~shall~~ furnish to the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(4) The board shall have the authority to establish the standards for determining and shall determine:

(a) What constitutes a passing grade for each subject or part of the licensure examination;

(b) Which educational institutions, in addition to the universities in the State University System of Florida, shall be deemed to be accredited colleges or universities;

(c) What courses and number of hours constitute a major in accounting; and

(d) What courses and number of hours constitute additional

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accounting courses acceptable under s. 473.308(4).

Section 5. Effective January 1, 2026, subsections (4) through (10) of section 473.308, Florida Statutes, are amended to read:

473.308 Licensure.—

(4)(a) An applicant for licensure must do at least one of the following:

1. Complete ~~have~~ at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the board in the total educational program to the extent specified by the board.

2. Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board.

3. Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the board.

4. Hold a baccalaureate degree in any major course of study conferred by an accredited college or university and have completed coursework required for a concentration in accounting and business as prescribed by the board.

(b) The board shall prescribe the coursework required for a concentration in accounting and business. The board may deem an applicant to have satisfied requirements for such coursework if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or

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university in a state or territory of the United States. An applicant receiving a baccalaureate or higher degree with a major course of study other than accounting or finance must complete the coursework required for a concentration in accounting and business as prescribed by the board.

(5)(a) An applicant for licensure who completes the education requirements under subparagraph (4)(a)1. or subparagraph (4)(a)2. after December 31, 2008, must show that ~~he or she has had~~ 1 year of work experience. An applicant who completes the education requirements under subparagraph (4)(a)3. or subparagraph (4)(a)4. must show 2 years of work experience.

(b) Such work ~~This experience includes~~ shall include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, all of which must be verified by a certified public accountant who is licensed by a state or territory of the United States. This experience is acceptable if it was gained through employment in government, industry, academia, or public practice; constituted a substantial part of the applicant's duties; and was verified by a certified public accountant licensed by a state or territory of the United States. The board shall adopt rules specifying standards and providing for the review and approval of the work experience required by this subsection ~~section~~.

~~(b) However, an applicant who completed the requirements of subsection (4) on or before December 31, 2008, and who passes the licensure examination on or before June 30, 2010, is exempt from the requirements of this subsection.~~

(6)(a) An applicant for licensure must ~~shall~~ show that he

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or ~~she the applicant~~ has good moral character. For purposes of this paragraph, the term

~~(7)(a)~~ "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.

(b) The board may refuse to certify an applicant for failure to satisfy this requirement if:

1. The board finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the board of lack of good moral character is supported by competent substantial evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish to the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

~~(7)(8)~~ The board shall certify as qualified for a license by endorsement an applicant who:

~~(a) Is not licensed and has not been licensed in any state or territory and who has met the requirements of this section for education, work experience, and good moral character and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or~~

~~(b)~~ 1. holds an active a valid license in good standing to practice public accounting issued by another state or a

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territory of the United States, if the applicant has maintained good moral character and, at the time of licensure by such other state or territory, the applicant was required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination ~~criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued;~~

~~2. Holds a valid license to practice public accounting issued by another state or territory of the United States but the criteria for issuance of such license did not meet the requirements of subparagraph 1.; has met the requirements of this section for education, work experience, and good moral character; and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or~~

~~3. Holds a valid license to practice public accounting issued by another state or territory of the United States for at least 10 years before the date of application; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; and has met the requirements of this section for good moral character.~~

~~(8)(9)~~ An international applicant who seeks licensure as a certified public accountant in this state must do at least one of the following:

(a) Hold an active license in good standing to ~~if the applicant has at least 5 years of experience in the practice of public accountancy in the United States or in the practice of~~

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public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States, or has at least 5 years of work experience that meets the requirements of subsection (5), the board must waive the requirements of subsection (4) which are in excess of a baccalaureate degree. All experience that is used as a basis for waiving the requirements of subsection (4) must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accounting, accountancy or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards equal that are substantially equivalent to those in the United States and has passed an exam pursuant to s. 473.306(5).

(b) Hold an active license in good standing to practice public accounting, or its equivalent, in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has not determined has licensure standards equal to those in the United States and has met the requirements for education, work experience, and good moral character under subsections (4), (5), and (6) and has passed the Uniform CPA exam. The board shall have the authority to establish the standards for experience that meet this requirement.

(9) (10) The board may refuse to certify for licensure any applicant who is under investigation in another state for any

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act that would constitute a violation of this act or chapter 455, until such time as the investigation is complete and disciplinary proceedings ~~are have been~~ terminated.

Section 6. Paragraph (c) of subsection (1) of section 473.312, Florida Statutes, is amended to read:

473.312 Continuing education.—

(1)

(c) At least ~~Not less than~~ 5 percent of the total hours required by the board must ~~shall~~ be in ethics applicable to the practice of public accounting. ~~This requirement shall be administered by providers approved by the board,~~ and a majority of the hours must ~~shall~~ include a review of the provisions of chapter 455 and this chapter and the related administrative rules. Such requirement must be administered by reputable providers determined by the board. The board shall give preference to corporations not for profit organized under chapter 617 who are exempt from taxation under s. 501(c)(6) of the Internal Revenue Code and who demonstrate their experience, integrity, knowledge, practice, professional responsibility, and representation of the largest numbers of certified public accountants in this state.

Section 7. Effective January 1, 2026, subsections (1) and (3) of section 473.3141, Florida Statutes, are amended to read:

473.3141 Certified public accountants licensed in other states.—

(1) ~~Except as otherwise provided in this chapter,~~ An individual who holds an active license in good standing to practice public accounting in another state or a territory of the United States and who does not have an office in this state

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has the privileges of Florida certified public accountants and may provide public accounting services in this state without obtaining a license under this chapter or notifying or registering with the board or paying a fee if, at the time of licensure by such other state or territory, the individual was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination+

~~(a) Holds a valid license as a certified public accountant from a state that the board or its designee has determined by rule to have adopted standards that are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act in the issuance of licenses; or~~

~~(b) Holds a valid license as a certified public accountant from a state that has not been approved by the board as having adopted standards in substantial equivalence with s. 5 of the Uniform Accountancy Act, but obtains verification from the board, or its designee, as determined by rule, that the individual's certified public accountant qualifications are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act.~~

The board shall define by rule what constitutes an office.

(3) An individual certified public accountant from another state or a territory of the United States who practices pursuant to this section, and the firm that employs that individual, must ~~shall~~ both consent, as a condition of the privilege of practicing in this state:

(a) To the ~~personal and subject matter~~ jurisdiction and

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disciplinary authority of the board;

(b) To comply with this chapter and the applicable board rules;

(c) That if the individual's license as a certified public accountant from another the state or a territory of the United States becomes invalid of the individual's principal place of business is no longer valid, the individual must ~~will~~ cease offering or rendering public accounting services in this state, individually and on behalf of a firm; and

(d) To the appointment of the ~~state~~ board that issued the individual's license as the agent upon whom process may be served in any action or proceeding by the board or department against the individual or firm.

Section 8. For the purpose of incorporating the amendment made by this act to section 473.312, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 473.311, Florida Statutes, is reenacted to read:

473.311 Renewal of license.—

(1)

(b) A nonresident licensee seeking renewal of a license in this state shall be determined to have met the continuing education requirements in s. 473.312, except for the requirements in s. 473.312(1)(c), if the licensee has complied with the continuing education requirements applicable in the state in which his or her office is located. If the state in which the nonresident licensee's office is located has no continuing education requirements for license renewals, the nonresident licensee must comply with the continuing education requirements in s. 473.312.

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349 Section 9. Except as otherwise expressly provided in this
350 act, this act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

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3/12/25

Meeting Date

160

Bill Number or Topic

Rules

Committee

Amendment Barcode (if applicable)

Name Jason Harrell

Phone 850-345-6835

Address 119 S Monroe St
Street

Email Jasonh@ficpa.org

Tallahassee
City

FL
State

32301
Zip

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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 Rules

BILL: SB 294

INTRODUCER: Senator Harrell

SUBJECT: Collaborative Pharmacy Practice for Chronic Health Conditions

DATE: March 11, 2025

REVISED: 02/19/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	Favorable
2.	Gerbrandt	McKnight	AHS	Favorable
3.	Smith	Yeatman	RC	Favorable

I. Summary:

SB 294 amends s. 465.1865, F.S., relating to collaborative pharmacy practice agreements. Under current law, collaborative pharmacy practice describes an arrangement in which a physician authorizes a pharmacist to provide specified patient care services relating to chronic health conditions to one or more of the physician's patients. The bill provides that the term "chronic health condition" does not include heart failure, coronary heart disease, and cardiac rhythm disorder.

In practice, this would ensure that those conditions remain excluded from any definition of the term that may be adopted in rule by the Board of Pharmacy.

The bill has no fiscal impact on state revenues or expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Pharmacist Licensure

Pharmacy is the third largest health profession behind nursing and medicine.¹ The Board of Pharmacy (BOP), in conjunction with the Department of Health (DOH), regulates the practice of pharmacists pursuant to ch. 465, F.S.² To be licensed as a pharmacist, a person must:³

- Complete an application and remit an examination fee;

¹ American Association of Colleges of Pharmacy, *About AACP*, available at <https://www.aacp.org/about-aacp> (last visited Feb. 13, 2025).

² Sections 465.004 and 465.005, F.S.

³ Section 465.007, F.S. The DOH may also issue a license by endorsement to a pharmacist who is licensed in another state upon meeting the applicable requirements set forth in law and rule. *See* s. 465.0075, F.S.

- Be at least 18 years of age;
- Hold a degree from an accredited and approved school or college of pharmacy;⁴
- Have completed a BOP-approved internship; and
- Successfully complete the BOP-approved examination.

A pharmacist must complete at least 30 hours of BOP-approved continuing education during each biennial renewal period.⁵

Pharmacist Scope of Practice

In Florida, the practice of the profession of pharmacy includes:⁶

- Compounding, dispensing, and consulting concerning the contents, therapeutic values, and uses of any medicinal drug;
- Consulting concerning therapeutic values and interactions of patent or proprietary preparations;
- Monitoring a patient's drug therapy and assisting the patient in the management of his or her drug therapy, including the review of the patient's drug therapy and communication with the patient's prescribing health care provider or other persons specifically authorized by the patient;
- Transmitting information from prescribers to their patients;
- Administering specified vaccines to adults and influenza vaccines to persons seven years of age or older;⁷
- Administering epinephrine autoinjections;⁸
- Administering antipsychotic medications by injection;⁹ and
- Screen an adult for Human Immunodeficiency Syndrome (HIV) exposure.¹⁰

A pharmacist may not alter a prescriber's directions, diagnose or treat any disease, initiate any drug therapy, or practice medicine or osteopathic medicine, unless permitted by law.¹¹

Pharmacists may order and dispense drugs that are included in a formulary developed by a committee composed of members of the Board of Medicine (BOM), the Board of Osteopathic Medicine (BOOM), and the BOP.¹² The formulary may only include:¹³

- Any medicinal drug of single or multiple active ingredients in any strengths when such active ingredients have been approved individually or in combination for over-the-counter sale by the U.S. Food and Drug Administration (FDA);

⁴ If the applicant has graduated from a 4-year undergraduate pharmacy program of a school or college of pharmacy located outside the U.S., the applicant must demonstrate proficiency in English, pass the board-approved Foreign Pharmacy Graduate Equivalency Examination, and complete a minimum of 500 hours in a supervised work activity program within Florida under the supervision of a DOH licensed pharmacist.

⁵ Section 465.009, F.S.

⁶ Section 465.003(13), F.S.

⁷ See s. 465.189, F.S.

⁸ *Id.*

⁹ Section 465.1893, F.S.

¹⁰ Section 465.1861, F.S.

¹¹ Section 465.003(22), F.S.

¹² Section 465.186, F.S.

¹³ *Id.*

- Any medicinal drug recommended by the FDA Advisory Panel for transfer to over-the-counter status pending approval by the FDA;
- Any medicinal drug containing any antihistamine or decongestant as a single active ingredient or in combination;
- Any medicinal drug containing fluoride in any strength;
- Any medicinal drug containing lindane in any strength;
- Any over-the-counter proprietary drug under federal law that has been approved for reimbursement by the Florida Medicaid Program; and
- Any topical anti-infectives, excluding eye and ear topical anti-infectives.

A pharmacist may order the following, within his or her professional judgment and subject to the following conditions:

- Certain oral analgesics for mild to moderate pain. The pharmacist may order these drugs for minor pain and menstrual cramps for patients with no history of peptic ulcer disease. The prescription is limited to a six-day supply for one treatment of:
 - Magnesium salicylate/phenyltoloxamine citrate;
 - Acetylsalicylic acid (zero order release, long acting tablets);
 - Choline salicylate and magnesium salicylate;
 - Naproxen sodium;
 - Naproxen;
 - Ibuprofen;
 - Phenazopyridine, for urinary pain; and
 - Antipyrine 5.4 percent, benzocaine 1.4 percent, glycerin, for ear pain if clinical signs or symptoms of tympanic membrane perforation are not present;
- Anti-nausea preparations;
- Certain antihistamines and decongestants;
- Certain topical antifungal/antibacterials;
- Topical anti-inflammatory preparations containing hydrocortisone not exceeding 2.5 percent;
- Certain otic antifungal/antibacterial;
- Salicylic acid 16.7 percent and lactic acid 16.7 percent in flexible collodion, to be applied to warts, except for patients under 2 years of age, and those with diabetes or impaired circulation;
- Vitamins with fluoride, excluding vitamins with folic acid in excess of 0.9 mg.;
- Medicinal drug shampoos containing lindane for the treatment of head lice;
- Ophthalmic. Naphazoline 0.1 percent ophthalmic solution;
- Certain histamine H2 antagonists;
- Acne products; and
- Topical antiviral for herpes simplex infections of the lips.¹⁴

Collaborative Pharmacy Practice Agreements

Under s. 465.1865, F.S., a collaborative pharmacy practice agreement (CPPA) is a formal agreement in which a physician licensed under ch. 458 or 459, F.S., makes a diagnosis, supervises patient care, and refers patients to a pharmacist under a protocol that allows the

¹⁴ Fla. Admin. Code R. 64B16-27.220 (2025).

pharmacist to provide specified patient care services for certain chronic medical conditions. A CPPA specifies what functions beyond the pharmacist's typical scope of practice can be delegated to the pharmacist by the collaborating physician. Common tasks include initiating, modifying, or discontinuing medication therapy and ordering and evaluating tests.

Pharmacist Training for Collaborative Practice

To provide services under a CPPA, a pharmacist must be certified by the BOP. To obtain certification a pharmacist must complete a 20-hour course approved by the BOP, in consultation with the BOM and the BOOM, and:

- Hold an active and unencumbered license to practice pharmacy;
- Have a Ph.D. in pharmacy or have five years of experience as a licensed pharmacist;
- Have completed the BOP-approved, 20-hour course, eight hours of which must be live or live video conference that includes instruction in:
 - Performance of patient assessments;
 - Ordering, performing, and interpreting clinical and laboratory tests;
 - Evaluating and managing diseases and health conditions in collaboration with other health care practitioners; and
 - Writing and entering into a CPPA.
- Maintains at least \$250,000 of professional liability insurance coverage; and
- Has established a system to maintain patient records of patients receiving services under a CPPA for five years from the patient's most recent service.¹⁵

Required Contents of CPPA

The terms and conditions of the CPPA must be appropriate to the pharmacist's training, and the services delegated to the pharmacist must be within the collaborating physician's scope of practice. A copy of the certification received from the BOP must be included as an attachment to the CPPA. A CPPA must include the following:

- The name of the collaborating physician's patient(s) for whom a pharmacist may provide services;
- Each chronic health condition to be collaboratively managed;
- The specific medicinal drug(s) to be managed for each patient;
- Material terms defined as those terms enumerated in s. 465.1865(3)(a), F.S.;
- Circumstances under which the pharmacist may order or perform and evaluate laboratory or clinical tests;
- Conditions and events in which the pharmacist must notify the collaborating physician and the manner and timeframe in which notification must occur;
- The start and ending dates of the CPPA and termination procedures, including procedures for patient notification and medical records transfers;
- A statement that the CPPA may be terminated, in writing, by either party at any time; and
- In the event of an addendum to the material terms of an existing CPPA, a copy of the addendum and the initial agreement.

¹⁵ Section 465.1865(2), F.S.

A CPPA will automatically terminate two years after execution if not renewed. The pharmacist, along with the collaborating physician, must maintain the CPPA on file at his or her practice location and must make the CPPA available to the DOH or BOP upon request or inspection. A pharmacist who enters into a CPPA must submit a copy of the signed agreement to the BOP before the agreement may be implemented.¹⁶

Allowable Chronic Health Conditions

CPPAs in Florida allow a pharmacist to provide specific patient care services for chronic health conditions. Section 465.1865(1)(b), F.S., establishes that the term “chronic health condition” means:

- Arthritis;
- Asthma;
- Chronic obstructive pulmonary diseases;
- Type 2 diabetes;
- Human immunodeficiency virus or acquired immune deficiency syndrome;
- Obesity; or
- Any other chronic condition adopted in rule by the board, in consultation with the BOM and the BOOM.

The BOP has adopted the following list of chronic health conditions for which a pharmacist certified pursuant to s. 465.1865, F.S., can provide specified patient care services to patients of a collaborating physician pursuant to a pending CPPA:

- Hyperlipidemia;
- Hypertension;
- Anti-coagulation management;
- Nicotine Dependence;
- Opioid use disorder;
- Hepatitis C
- Those chronic health conditions enumerated in s. 465.1865(1)(b), F.S.¹⁷

On May 23, 2024, the Boards of Pharmacy, Medicine, and Osteopathic Medicine held a Joint Rules Committee meeting to discuss adding heart disease to the list of chronic health conditions.¹⁸ The committee ultimately decided not to proceed with the proposed rule language.¹⁹

Prohibited Acts Regarding a CPPA

A pharmacist may not:

- Modify or discontinue medicinal drugs prescribed by a health care practitioner with whom he or she does not have a CPPA; or
- Enter into a CPPA while acting as a pharmacy employee without the written approval of the owner of the pharmacy.

¹⁶ Section 465.1865(3), F.S. and Fla. Admin. Code R. 64B16-31.003 (2025).

¹⁷ Fla. Admin. Code R. 64B16-31.007, F.A.C. (2025).

¹⁸ Florida Department of Health, *Senate Bill 294 Analysis* (Feb. 17, 2025) (on file with Senate Committee on Health Policy).

¹⁹ *Id.*

A physician may not delegate the authority to initiate or prescribe a controlled substance listed in s. 893.03, F.S. or 21 U.S.C. s. 812, to a pharmacist.

Continuing Education

A pharmacist who practices under a CPPA must complete an eight-hour continuing education (CE) course approved by the BOP that addresses CPPA-related issues each biennial licensure renewal, in addition to the CE requirements under s. 465.009, F.S. A pharmacist wishing to maintain CPPA certification must submit confirmation of having completed such course when applying for licensure renewal. A pharmacist who fails to complete this CE is prohibited from practicing under a CPPA.

CPPAs in Effect

According to the DOH 2023-2024 Annual Report, there are 39,486 licensed pharmacists in Florida.²⁰ In fiscal year 2023-2024, 87 pharmacists became certified to provide care under a CPPA.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 465.1865, F.S., to exclude heart failure, coronary heart disease, and cardiac rhythm disorders from the definition of “chronic health condition.” This would remove the authority of the Board of Pharmacy (BOP) to include those conditions as “chronic health conditions” in rule.

Under current law and rule, pharmacists are not authorized to “collaboratively manage” heart failure, coronary heart disease, and cardiac rhythm disorders with a collaborating physician under a collaborative pharmacy agreement (CPPA). This would not change upon the enactment of the bill, but it would prevent the BOP from classifying those conditions by rule as chronic health conditions that may be included in a CPPA prospectively.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2023-2024*, at pg. 4, available at <https://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/annual-reports.html> (last visited Feb. 13, 2025).

²¹ *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:

None.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 465.1865 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Harrell

31-00563-25

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1 A bill to be entitled
2 An act relating to collaborative pharmacy practice for
3 chronic health conditions; amending s. 465.1865, F.S.;
4 revising the definition of the term "chronic health
5 condition" to exclude specified heart conditions for
6 purposes of collaborative pharmacy practice for
7 chronic health conditions; providing an effective
8 date.
9
10 Be It Enacted by the Legislature of the State of Florida:
11
12 Section 1. Paragraph (b) of subsection (1) of section
13 465.1865, Florida Statutes, is amended to read:
14 465.1865 Collaborative pharmacy practice for chronic health
15 conditions.—
16 (1) For purposes of this section, the term:
17 (b) "Chronic health condition" means:
18 1. Arthritis;
19 2. Asthma;
20 3. Chronic obstructive pulmonary diseases;
21 4. Type 2 diabetes;
22 5. Human immunodeficiency virus or acquired immune
23 deficiency syndrome;
24 6. Obesity; or
25 7. Any other chronic condition adopted in rule by the
26 board, in consultation with the Board of Medicine and the Board
27 of Osteopathic Medicine.
28
29 The term does not include heart failure, coronary heart disease,

Page 1 of 2

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31-00563-25

2025294__

30 or a cardiac rhythm disorder.
31 Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

SENATOR GAYLE HARRELL

31st District

March 6, 2025

Senator Passidomo
402 Senate Office Building
Tallahassee, FL 32399

Dear Chair Passidomo,

I respectfully request that SB 294 –Collaborative Pharmacy Practice for Chronic Health Conditions be placed on the next available agenda for the Rules Committee.

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

Thank you,

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

Senator Gayle Harrell
Senate District 31

Cc: Tom Yeatman, Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:

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

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President of the Senate

JASON BRODEUR
President Pro Tempore

3/12/25

RULES

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Committee

Dr. David Winchester M.D. FACC

Name

The Florida Senate

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294

Bill Number or Topic

Amendment Barcode (if applicable)

1-352-682-8473

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8030 South West 74th Lane

dwinches@gmail.com

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32608

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S-001 (08/10/2021)

March 12, 2025

Meeting Date

Rules

Committee

Name **Chris Lyon**

Phone

850/222-5702

Address **106 E College Ave, Suite 1500**

Email

clyon@llw-law.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

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For

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compensation or sponsorship.

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I am a registered lobbyist,
representing:

**Florida Osteopathic Medical
Association**

☐

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

SB294

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to

Senate professional staff conducting the meeting

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/12/25

Meeting Date

294

Bill Number (if applicable)

Topic Collaborative Pharmacy Practice for Chronic Health Conditions

Amendment Barcode (if applicable)

Name Brittany Jackson

Job Title Director of Legislative Operations

Address 140 Piedmont Drive E

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City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Medical Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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 Rules

BILL: SM 314

INTRODUCER: Senators Wright and Collins

SUBJECT: Florida National Guard Increased Force Structure

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2. <u>Ingram</u>	<u>Yeatman</u>	<u>RC</u>	Favorable

I. Summary:

SM 314 is a memorial to the Congress of the United States, urging Congress to impel the National Guard Bureau to examine the present allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

National Guard and the National Guard Bureau

The National Defense Act of 1916¹ established the National Guard Bureau as a separate unit of the militia division of the federal government.² In 1948, the United States Secretary of Defense issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.³ Today, the National Guard Bureau oversees each of the 54 National Guards in U.S. states and territories.⁴

¹ National Defense Act of 1916, Pub. L. 64-85 (June 3, 1916).

² National Archives, *Guide to Federal Records, Records of the National Guard Bureau (NGB)*, available at <https://www.archives.gov/research/guide-fed-records/groups/168.html> (last visited Jan. 27, 2025).

³ *Id.* Section 250.01(13), F.S.

⁴ Air Force, *Air National Guard*, available at <https://www.af.mil/About-Us/Fact-Sheets/Display/Article/104546/air-national-guard/> (last visited Jan. 27, 2025).

The National Guard is unique among militia in that it serves the country in both the local community and overseas. The dual mission of a National Guard member means that each member serves through both the National Guard of the state and through the U.S. Army or the U.S. Air Force.⁵ The collective membership of each National Guard is designated as its force structure. The force structure of each National Guard is allocated by the National Guard Bureau.⁶

Florida National Guard

The Florida National Guard dates back to 1565, when Spanish founders of St. Augustine organized a company of citizen-soldiers to protect the local community.⁷ A member of the Florida National Guard serves either in the state Army National Guard or in the state Air National Guard, considered a reserve component of each of those armed forces.⁸ Overseeing the Florida National Guard as a federally-recognized officer, the adjutant general is appointed by the Governor and subject to Senate confirmation.⁹ The adjutant general, responsible for training and operations of the National Guard, must have served in the Florida National Guard for the preceding 5 years and attained the rank of colonel or higher.¹⁰ Ranked above adjutant general is the Governor, who serves as commander-in-chief of all militia in the state.¹¹

Recent Duties of the Florida National Guard

Over the past year, Florida National Guard members have been mobilized to multiple overseas deployments and assigned to assist domestically with:

- Hurricanes Debby, Helene, and Milton response;
- Migration support; and
- State corrections support.¹²

Since September 11, 2001, Florida National Guard members have mobilized to respond to out-of-state and overseas operations at a rate of over 28,000 deployments.¹³

Demographics

The force structure of the Florida National Guard is comprised of more than 12,000 members,¹⁴ while Florida is the third most-populous state,¹⁵ estimated at more than 22 million residents.¹⁶

⁵ *Id.*

⁶ 10 U.S.C. s. 10503(1).

⁷ Dep't of Military Affairs, *Home*, available at <https://dma.myflorida.com/> (last visited Jan. 27, 2025).

⁸ Section 250.01(3), (6), and (13), F.S.

⁹ Section 250.10(1), F.S.

¹⁰ *Id.*

¹¹ Section 250.06(1), F.S.

¹² Major General John D. Haas, Florida National Guard, Dep't of Military Affairs, PowerPoint, *Florida National Guard, Dep't of Military Affairs, Senate Committee on Military and Veteran Affairs, Space, and Domestic Security*, pp. 6-7 (published Feb. 17, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹³ Dep't of Military Affairs, *Senate Memorial 314 Agency Legislative Bill Analysis* (Feb. 10, 2025) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁴ Major General John D. Haas, *supra* note 12, at 3.

¹⁵ United States Census Bureau, *Quick Facts, Florida*, available at <https://www.census.gov/quickfacts/fact/dashboard/FL,US/PST045222> (last visited Jan. 27, 2025).

¹⁶ *Id.*

This force structure in proportion to the state population ranks last in the nation.¹⁷ In addition to the state's low positioning of Florida National Guard members to current population, the Florida National Guard members are activated an average of 91 days per year, which is more than the national average.¹⁸ In addition to this, Florida's population is expected to grow with the addition of another 1.4 million residents by the end of 2029.¹⁹

Congressional Support for Increased Funding and Allocation

On March 24, 2021, members of the Florida Congressional Delegation sent a written request to both the United States Secretary of Defense and the Chief of the National Guard Bureau.²⁰ In their request, Congress members asked for more equitable funding and resource allocation for the Florida National Guard. These members of Congress based their request on the disproportionality between the state population compared to the size of the force structure, along with the state's unique vulnerability to continuing disasters.²¹ Specifically, Congressional members specified that if force structure were proportional, the Florida National Guard would have 21,000, rather than 12,000 Guard members.²²

On June 1, 2021, members of Congress representing California, Texas, and Florida sent a written request to the United States Secretary of Defense for an increased allocation for the National Guard particular to these states.²³ In support, Congressional members cite that California, Texas, and Florida rank at the lowest level of force structure to population and at the top for highest percentage of largest counties in the United States and that these states expect to receive a disproportionate future increase in migration.²⁴

Memorial

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

III. Effect of Proposed Changes:

SM 314 is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to examine present allocations to the Florida National Guard and allow an increase to the state's force structure.

¹⁷ Dep't of Military Affairs, *Senate Memorial 314 Agency Legislative Bill Analysis (Feb. 10, 2025)* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Letter from members of the Florida Congressional Delegation to Secretary Lloyd J. Austin III, U.S. Dep't of Defense and Chief Daniel R. Hokanson, National Guard Bureau, March 24, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²¹ *Id.*

²² *Id.*

²³ Letter from members of the California, Texas, and Florida Congressional Delegations to Secretary Lloyd Austin, U.S. Dep't of Defense, June 1, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁴ *Id.*

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because the bill is a memorial, there is no mandated fiscal impact. However, should the state receive an increase in Florida National Guard members, the state may incur an indeterminate initial cost of activating additional Florida National Guard members based on training and equipment costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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 Wright

8-00105-25

2025314

Senate Memorial

A memorial to the Congress of the United States, urging Congress to impel the National Guard Bureau to examine the present allocations of the Florida National Guard and allow an increase in its force structure.

WHEREAS, the number of soldiers and airmen allocated to each state's National Guard, known as its "force structure," is determined by the National Guard Bureau in Washington, D.C., and

WHEREAS, with approximately 21 million residents, Florida is the third most populous state in the nation but has a force structure of just over 12,000 Guardsmen, and its ratio of one Guardsman for every 1,833 residents ranks 53rd among the 54 states and territories of the United States which have a National Guard component, and

WHEREAS, due to the unprecedented events of 2020 and 2021, including COVID-19 response, natural disasters, and overseas deployments, the Florida National Guard expended the same number of workdays in 18 months as it had expended during the previous 20 years, and

WHEREAS, the Florida National Guard continues to meet its mission goals; however, the shortage of these invaluable "citizen soldiers," combined with the state's growing population and increased need for National Guard activation and response, has resulted in the repeated redeployment of the same soldiers, which ultimately leads to excessive stress and fatigue and negatively impacts recruitment, retention, and readiness, and

WHEREAS, the National Guard Bureau's report titled "Impact

Page 1 of 2

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

8-00105-25

2025314

of U.S. Population Trends on National Guard Force Structure," released to Congress in April 2021, acknowledges the aforementioned concerns within Florida and other regions, stating that "the National Guard may need to evaluate re-allocating mission sets to other geographic areas to keep pace with changing demographics across the country," NOW, THEREFORE,

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

That the Florida Legislature respectfully urges the United States Congress to impel the National Guard Bureau to examine the present allocations of the Florida National Guard and allow an increase in its force structure.

BE IT FURTHER RESOLVED that the Secretary of State dispatch copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 19, 2025

I respectfully request that **Senate Bill 314**, relating to Florida National Guard, be placed on the:

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

Thank you for your consideration.

A handwritten signature in cursive script that reads "Tom A. Wright".

Senator Tom A. Wright
Florida Senate, District 8

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 Rules

BILL: CS/CS/SB 322

INTRODUCER: Rules Committee; Judiciary Committee and Senator Rodriguez

SUBJECT: Property Rights

DATE: March 12, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bond	Cibula	JU	Fav/CS
2. Kolich	Harkness	ACJ	Favorable
3. Bond	Yeatman	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 322 creates a nonjudicial procedure for a property owner to request that the county sheriff remove an unauthorized person from commercial real property. This procedure is similar to procedures in existing law for the removal of an unauthorized person from a residential property. It provides that an owner of commercial property may request that the sheriff immediately remove an unauthorized person from the owner's property. An unauthorized person is someone not authorized to occupy the property who is not a current or former tenant.

An owner must contact the sheriff and file a complaint under penalty of perjury listing the relevant facts that show eligibility for relief. The complaint form is in the bill. If the complaint shows that the owner is eligible for relief and the sheriff can verify ownership of the property, the sheriff must remove the unauthorized person. The property owner must pay the sheriff the civil eviction fee plus an hourly rate if a deputy must stand by and keep the peace while the unauthorized person is removed.

A person wrongfully removed pursuant to this procedure has a cause of action against the owner for three times the fair market rent, damages, costs, and attorney fees.

Additionally, the bill expands crimes relating to unlawfully occupying a residential dwelling or fraudulently advertising residential property for sale or lease to include commercial properties.

The procedures in the bill are similar to procedures enacted during the 2024 Legislative Session for the removal of an unauthorized person from a residential dwelling. The bill also amends that 2024 enactment to add an express grant of authority to a sheriff to use reasonably necessary force to enter a property and corrects a cross-reference.

The bill may have an indeterminate positive impact on state prison beds. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

The Founders of this country recognized that the protection of private property is indispensable to the promotion of individual freedom.¹ John Adams said that “[p]roperty must be secured, or liberty cannot exist.”² The right to exclude others is “one of the most treasured” rights of property ownership.³ The right to exclude is “universally held to be a fundamental element of the property right,” and is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.”⁴

A squatter is a person who unlawfully occupies real property and refuses to leave when asked. By refusing to leave, the squatter violates the landowner’s right to exclude and the landowner’s freedom to enjoy the property as he or she wants.

Legal Remedies to Remove a Squatter

The existing legal remedies to remove a squatter are:

Criminal Trespass

Section 810.08, F.S., provides that a person commits the criminal offense of trespass in a structure or conveyance if the person:

without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so.⁵

Where a criminal trespass is occurring, a law enforcement officer arrests the trespasser and immediately restores the real property owner to possession of the real property, without cost.

However, where the criminal trespass offense is not readily observable because the trespasser claims ownership or lease rights, a law enforcement officer may decline to arrest or remove the person from the property and view the dispute as a “civil matter.” In that situation, the law

¹ *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2071, 210 L. Ed. 2d 369 (2021).

² *Id.*, citing *Discourses on Davila*, in 6 Works of John Adams 280 (C. Adams ed. 1851).

³ *Cedar Point Nursery*, citing *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 435 (1982).

⁴ *Cedar Point Nursery* at 2072; citing *Kaiser Aetna v. United States*, 444 U.S. 164, 176, 179–180 (1979).

⁵ Section 810.08(1), F.S.

enforcement officer will not force the unwanted person to surrender possession of the property without a court order.

Civil Action for Unlawful Detainer

“Unlawful detention” means possessing real property, even if the possession is temporary or applies only to a portion of the real property, without the consent of a person entitled to possession of the real property or after the withdrawal of consent by such person.⁶

Where an unlawful detention occurs, the person entitled to possession may bring a civil action for unlawful detainer. An unlawful detainer action is filed in county court⁷ and is entitled to the summary procedure of s. 51.011, F.S., for expedited review by the court.⁸ If the person to be served is not found at the usual place of residence, the process server may serve a summons by posting a copy in a conspicuous place on the property.⁹

If the owner or rightful resident prevails in the action, the clerk of court will issue a writ of possession to the sheriff describing the premises and commanding the Sheriff to put him or her in possession of the property.¹⁰ In addition to the delay caused by the time it takes to obtain and serve a writ of possession, the property owner or rightful resident must pay a number of fees and costs.

Civil Action for Landlord-Tenant Eviction

Some landowners looking to remove a squatter treat the person like a tenant and use the existing landlord-tenant eviction process. Eviction of a tenant can be for violation of lease terms, expiration of the lease, or nonpayment of rent. First, the landlord must deliver or post a notice to vacate by a date certain (3 days for non-payment of rent, 7 days for any other cause). If the tenant does not vacate (or cure the problem), the landlord may file a civil action for eviction.

An eviction action is filed in county court¹¹ and is entitled to the summary procedure of s. 51.011, F.S., for expedited review by the court. At this point forward, the court procedure for eviction is the same as an action for unlawful detainer (see previous section).

Transient Occupant Law (nonjudicial remedy)

In 2015, the Legislature addressed squatters by creating a nonjudicial civil remedy for removal by law enforcement officers of a transient occupant to address squatters.¹² It was amended in

⁶ Section 82.01(4), F.S.

⁷ Section 34.011(2), F.S.

⁸ Section 82.03(4), F.S. Under the summary procedure of s. 51.011, F.S., all defenses of law or fact are required to be contained in the defendant’s answer which must be filed within five days after service of process of the plaintiff’s complaint. If the answer incorporates a counterclaim, the plaintiff must include all defenses of law or fact in his or her answer to the counterclaim and serve it within five days after service of the counterclaim. No other pleadings are permitted, and all defensive motions, including motions to quash, are heard by the court prior to trial. Postponements are not permitted for discovery, and the procedure also provides for an immediate trial, if requested.

⁹ Section 82.05, F.S.

¹⁰ Section 82.091, F.S.

¹¹ Section 34.011(2), F.S.

¹² Chapter 2015-89, Laws of Fla.; codified as s. 82.035, F.S.

2018.¹³ A transient occupant is “a person whose residency in real property intended for residential use has occurred for a brief length of time, is not pursuant to a lease, and whose occupancy was intended as transient in nature.” The statute lists the following factors for consideration of whether an occupancy was intended as transient:

- The person does not have an ownership interest, financial interest, or leasehold interest in the property entitling him or her to occupancy of the property.
- The person does not have any property utility subscriptions.
- The person cannot produce documentation, correspondence, or identification cards sent or issued by a government agency, including, but not limited to, the Department of Highway Safety and Motor Vehicles or the supervisor of elections, which show that the person used the property address as an address of record with the agency within the previous 12 months.
- The person pays minimal or no rent for his or her stay at the property.
- The person does not have a designated space of his or her own, such as a room, at the property.
- The person has minimal, if any, personal belongings at the property.
- The person has an apparent permanent residence elsewhere.¹⁴

If the property owner is able to convince the law enforcement officer that an occupant of the property qualifies as a transient occupant, and if the owner has asked the transient occupant to leave, the law enforcement officer may direct the transient occupant to immediately leave.¹⁵

The property owner initiates the process by contacting a law enforcement agency. The property owner must file an affidavit that sets forth the facts and addresses each of the factors listed above.¹⁶ No fees are required.

A person wrongfully removed pursuant to this statute has a cause of action for wrongful removal against the person who requested the removal and may recover injunctive relief and compensatory damages. However, a wrongfully removed person does not have a cause of action against the law enforcement officer or the agency employing the law enforcement officer absent a showing of bad faith by the law enforcement officer.¹⁷ The statute includes process and procedure regarding the personal property of the transient occupant.¹⁸

2024 New Process for Removal of Unauthorized Person from Residential Property

Legislation enacted during the 2024 Legislative Session provides that an owner of residential property finding an unauthorized person residing on his or her property may request the sheriff to immediately remove the unauthorized person. The owner must show entitlement to relief in a sworn application. The legislation addressed the perceived ineffectiveness of other legal remedies, but only applies to residential property.¹⁹

¹³ Chapters 2018-83 and 2018-94, Laws of Fla.

¹⁴ Section 82.035(1)(a), F.S.

¹⁵ Section 82.035(3), F.S.

¹⁶ *Id.*

¹⁷ Section 82.035(3)(b), F.S.

¹⁸ Section 82.035(5), F.S.

¹⁹ Chapter 2024-44, Laws of Fla.

Criminal Laws That May Apply to Squatters

Florida criminalizes various behaviors related to fraudulently obtaining or damaging property that a person does not own. In addition to criminal trespass (discussed above), criminal laws that may apply to a squatter include:

Criminal Mischief

Section 806.13, F.S., provides criminal penalties for acts of criminal mischief.

A person commits criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto. If the damage to the property is:

- Two-hundred dollars or less, it is a second degree misdemeanor.²⁰
- Greater than \$200 but less than \$1,000, it is a first degree misdemeanor.
- One thousand dollars or greater, or if there is interruption or impairment of a business operation or public communications, transportation, supply of water, gas or power, or other public service which costs \$1,000 or more in labor and supplies to restore, it is a third degree felony.²¹

The 2024 squatters legislation created a new criminal offense providing that a person who unlawfully detains or occupies or trespasses upon a residential dwelling and who intentionally damages the dwelling causing \$1,000 or more in damages commits a felony of the second degree.²²

False Statements

The 2024 squatters legislation created a new criminal offense providing that a person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights commits a misdemeanor of the first degree.²³

Fraudulent Sale or Lease of Real Property

The 2024 squatters legislation created the criminal offense of Fraudulent Sale or Lease of Residential Real Property. A person who lists or advertises residential real property for sale knowing that he or she has no legal title or authority to sell the property or rents or leases the property to another person knowing that he or she has no lawful ownership in the property or leasehold interest in the property, commits a felony of the first degree.²⁴

²⁰ *Id.* A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

²¹ A third degree felony is punishable by up to 5 years' incarceration and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²² Section 806.13(4), F.S. A second degree felony is punishable by up to 15 years' incarceration and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

²³ Section 817.03(2), F.S.

²⁴ Section 817.0311, F.S. A first degree felony is punishable by up to 30 years' incarceration and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

Ineffectiveness of Existing Remedies to Address Unauthorized Persons

Existing legal remedies to remove a squatter are considered ineffective by some members of the public.²⁵ The 2024 squatters legislation only applies to residential property, effectively excluding commercial real property. Squatters go so far as to publish videos on how to avoid law enforcement officers and how to destroy a home while squatting.²⁶ A squatter confronted by a law enforcement officer may present a false deed, false lease, or other false or fraudulent document to avoid summary removal under the transient occupant law or arrest on a trespass charge. Some people thought to be unlawful squatters have been victims of a scam artist who falsely leased or sold the property after falsely claiming to be the owner or an authorized agent of the property owner.²⁷ Some landowners have resorted to dangerous self-help eviction because they believed current law inadequate.²⁸ Squatters have caused significant damage to properties.²⁹

III. Effect of Proposed Changes:

Civil Remedy to Remove Unauthorized Persons from Commercial Property

The bill creates s. 82.037, F.S., to provide a limited alternative remedy to remove unauthorized persons from commercial real property. The remedy is a nonjudicial process that closely follows the 2024 law limited to residential real property.

A property owner or his or her authorized agent may request the sheriff of the county in which the property is located to immediately remove a person or persons unlawfully occupying a commercial property if all of the following are met:

- The person requesting relief is the property owner or authorized agent of the property owner;
- The real property that is being occupied includes commercial real property;
- An unauthorized person or persons have unlawfully entered and remain or continue to reside on the property owner's commercial real property;
- The real property was not open to members of the public at the time the unauthorized person or persons entered;
- The owner has directed the unauthorized person or persons to leave the real property;
- The unauthorized person or persons are not current or former tenants pursuant to a written or oral rental agreement authorized by the property owner;
- There is no pending litigation related to the real property between the property owner and any known unauthorized person.

²⁵ Andrew Mark Miller, *Squatters torment homeowners across US with no resolution in sight: 'It's a problem,'* FOX NEWS (Mar. 21, 2023), <https://www.foxnews.com/us/squatters-torment-homeowners-across-u-s-with-no-resolution-sight-problem>.

²⁶ Your Homeless Friend Kai, *How to squat. How to live rent free*, YOUTUBE, <https://www.youtube.com/watch?v=6qZxirdaBFs> [warning - foul language] (last visited Feb. 14, 2025).

²⁷ Testimony by representatives of the Seminole County Sheriff before the Senate Judiciary Committee, February 11, 2025.

²⁸ Outside the Box with Flash, *How I removed squatters in less than a day* YOUTUBE <https://www.youtube.com/watch?v=uHz5r1JKwjs> (last visited Jan. 31, 2024); Emma Colton, *Armed Florida man confronts squatter who took over house while he was overseas: police*, FOX NEWS (Jan 15, 2023), <https://www.foxnews.com/us/armed-florida-man-confronts-squatter-who-took-over-house-while-he-was-overseas-police>.

²⁹ Kassy Dillon, *Army reservist battles squatter living in home after she was called up for active duty*, FOX NEWS (Sept. 17, 2023), <https://www.foxnews.com/media/army-reservist-battles-squatter-renting-home-called-active-duty>; Andrew Mark Miller, *Squatters torment homeowners across US with no resolution in sight: 'It's a problem,'* FOX NEWS (Mar. 21, 2023), <https://www.foxnews.com/us/squatters-torment-homeowners-across-u-s-with-no-resolution-sight-problem>.

The bill creates a complaint form for use in requesting relief. Upon receipt of the complaint, the bill requires the sheriff to verify the identity of the person submitting the complaint and verify that the person is the record owner of the real property or the authorized agent of the owner and appears otherwise entitled to relief.

If verified, the sheriff must serve on the unlawful occupants a notice to immediately vacate and must then put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff must also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause. The owner of the property expressly grants the sheriff the authority to enter the property using reasonably necessary force, search the property, and remove any unauthorized person.

The sheriff is entitled to the same fee for service of the notice to immediately vacate as if the sheriff were serving a writ of possession under s. 30.231, F.S. Currently, that fee is \$90. After the sheriff serves the notice to immediately vacate, the property owner or authorized agent may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by to keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. This rate varies by county. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage. The property owner or his or her authorized agent is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

A person may bring a civil cause of action for wrongful removal under this section. A person harmed by a wrongful removal pursuant to this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees. The court must advance the cause on the calendar.

The bill provides that it does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

Criminal Offenses Related to Commercial Real Property

The bill expands the second degree felony offense at s. 806.13(4), F.S., of detaining, occupying or trespassing on a residential property causing damage in excess of \$1,000, to include commercial property.

The bill expands the first degree felony offense at s. 817.0311, F.S., of fraudulently advertising, selling or leasing residential real property while knowing that he or she has no lawful real estate interest to sell or lease the property, by deleting the word “residential” to make the offense apply to the fraudulent advertising, sale or lease of any form of real property.

Amendment to 2024 Act Regarding Residential Properties

The bill also amends the complaint form created by the similar 2024 act regarding residential properties to expressly authorize a sheriff to use reasonable force to enter a property. In addition, the cross-reference to the penalty for perjury in the form is corrected from referencing s. 837.02, F.S. (perjury in an official proceeding) to s. 92.525, F.S. (perjury by false written declaration).

Real Property Conveyances

Proof of ownership and title to real property, and the corresponding right to exclude others, is by reference to the Official Records of the county. Sections 689.02, F.S., creates a form for a recordable deed, and s. 689.03, F.S., provides the legal effect of a recorded deed. The bill adds a cross reference in s. 689.03, F.S. to s. 689.02, F.S., to conform to the intent of s. 689.03, F.S. The clarification is necessary because a 2023 act that addressed squatters by creating a new statute (at s. 689.025, F.S.) on the form of a quitclaim deed. That new statute makes the reference in s. 689.03, F.S., to the “foregoing” statute unclear and/or inaccurate. The bill also clarifies the language and grammar of s. 689.03, F.S.

Effective Date

The bill is effective July 1, 2025.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may reduce costs that the private sector would otherwise incur to remove squatters from commercial properties.

C. Government Sector Impact:

The bill expands the crime for damaging or fraudulently advertising, selling or leasing residential real property to include commercial property, and, therefore, may have a positive indeterminate prison bed impact on the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 82.036, 689.03, 806.13 and 817.0311.

This bill creates section 82.037 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 775.0837 and 895.02.

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 Rules on March 12, 2025:

The committee substitute adds the correction and clarification of s. 689.03, F.S.

CS by Judiciary on February 18, 2025:

The committee substitute added express authority in the complaint form for the sheriff to use reasonable force to enter a property and corrected a cross-reference. The committee substitute also made these changes to existing law related to the removal of an unauthorized person from a residential property.

B. Amendments:

None.



627756

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2025	.	
	.	
	.	
	.	

The Committee on Rules (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Between lines 245 and 246
insert:

Section 3. Section 689.03, Florida Statutes, is amended to
read:

689.03 Effect of such deed.—A conveyance executed
substantially in the ~~foregoing~~ form provided in s. 689.02 must
~~shall~~ be held to be a warranty deed with full common-law
covenants, and must ~~shall~~ just as effectually bind the grantor,
and the grantor's heirs, as if such ~~said~~ covenants were



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specifically set out therein. And this form of conveyance when
signed by a married woman must ~~shall~~ be held to convey whatever
interest in the property conveyed which she may possess.

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

And the title is amended as follows:

Delete line 30

and insert:

construction; amending s. 689.03, F.S.; making
technical changes; amending s. 806.13, F.S.;
prohibiting

By the Committee on Judiciary; and Senator Rodriguez

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1 A bill to be entitled
 2 An act relating to property rights; amending s.
 3 82.036, F.S.; specifying a requirement for a complaint
 4 to remove an unauthorized person from residential
 5 property; correcting a cross-reference in the
 6 complaint; creating s. 82.037, F.S.; authorizing a
 7 property owner or his or her authorized agent to
 8 request the sheriff in the county in which the owner's
 9 commercial real property is located to immediately
 10 remove persons unlawfully occupying the owner's
 11 commercial real property if specified conditions are
 12 met; requiring such owners or agents to submit a
 13 specified completed and verified complaint; specifying
 14 requirements for the complaint; specifying
 15 requirements for the sheriff upon receipt of the
 16 complaint; authorizing the sheriff to arrest an
 17 unauthorized person for legal cause; providing that
 18 sheriffs are entitled to a specified fee for service
 19 of the notice to vacate immediately; authorizing the
 20 owner or agent to request that the sheriff stand by
 21 while the owner or agent takes possession of the
 22 commercial real property; authorizing the sheriff to
 23 charge a reasonable hourly rate; providing that the
 24 sheriff is not liable to any party for loss,
 25 destruction, or damage to certain personal property;
 26 providing that the property owner or agent is not
 27 liable to any party for the loss or destruction of, or
 28 damage to, personal property unless it was wrongfully
 29 removed; providing civil remedies; providing

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30 construction; amending s. 806.13, F.S.; prohibiting
 31 unlawfully detaining or occupying or trespassing upon
 32 commercial real property and intentionally causing a
 33 specified amount of damage; providing criminal
 34 penalties; amending s. 817.0311, F.S.; prohibiting
 35 listing or advertising for sale, or renting or
 36 leasing, real property under certain circumstances;
 37 providing criminal penalties; reenacting ss.
 38 775.0837(1)(c) and 895.02(8)(a), F.S., relating to
 39 habitual misdemeanor offenders and definitions,
 40 respectively, to incorporate the amendments made to
 41 ss. 806.13 and 817.0311, F.S., in references thereto;
 42 providing an effective date.
 43
 44 Be It Enacted by the Legislature of the State of Florida:
 45
 46 Section 1. Subsection (3) of section 82.036, Florida
 47 Statutes, is amended to read:
 48 82.036 Limited alternative remedy to remove unauthorized
 49 persons from residential real property.—
 50 (3) To request the immediate removal of an unlawful
 51 occupant of a residential dwelling, the property owner or his or
 52 her authorized agent must submit a complaint by presenting a
 53 completed and verified Complaint to Remove Persons Unlawfully
 54 Occupying Residential Real Property to the sheriff of the county
 55 in which the real property is located. The submitted complaint
 56 must be in substantially the following form:
 57
 58 COMPLAINT TO REMOVE PERSONS UNLAWFULLY

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OCCUPYING RESIDENTIAL REAL PROPERTY

I, the owner or authorized agent of the owner of the real property located at, declare under the penalty of perjury that (initial each box):

1. I am the owner of the real property or the authorized agent of the owner of the real property.
2. I purchased the property on
3. The real property is a residential dwelling.
4. An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.
5. The real property was not open to members of the public at the time the unauthorized person or persons entered.
6. I have directed the unauthorized person or persons to leave the real property, but they have not done so.
7. The person or persons are not current or former tenants pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent.
8. The unauthorized person or persons sought to be removed are not an owner or a co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in title fraud.
9. The unauthorized person or persons are not immediate family members of the property owner.
10. There is no litigation related to the real property pending between the property owner and any person sought to be removed.

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11. I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

12. I am requesting the sheriff to immediately remove the unauthorized person or persons from the residential property. I authorize the sheriff to enter the property using reasonably necessary force, to search the property, and to remove any unauthorized person or persons.

13. A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~, FLORIDA STATUTES.

...(Signature of Property Owner or Agent of Owner)...

Section 2. Section 82.037, Florida Statutes, is created to read:

82.037 Limited alternative remedy to remove unauthorized persons from commercial real property.-

(1) A property owner or his or her authorized agent may request from the sheriff of the county in which the owner's

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commercial real property is located the immediate removal of any person or persons unlawfully occupying the commercial real property pursuant to this section if all of the following conditions are met:

(a) The requesting person is the property owner or authorized agent of the property owner.

(b) The real property that is being occupied includes commercial property.

(c) An unauthorized person or persons have unlawfully entered and remain in or continue to occupy the property owner's commercial real property.

(d) The commercial real property was not open to members of the public at the time the unauthorized person or persons entered.

(e) The property owner has directed the unauthorized person or persons to leave the commercial real property.

(f) The unauthorized person or persons are not current or former tenants pursuant to a written or oral rental agreement authorized by the property owner.

(g) There is no litigation related to the commercial real property pending between the property owner and any known unauthorized person.

(2) To request the immediate removal of an unlawful occupant of commercial real property, the property owner or his or her authorized agent must submit a complaint by presenting a completed and verified Complaint to Remove Persons Unlawfully Occupying Commercial Real Property to the sheriff of the county in which the real property is located. The submitted complaint must be in substantially the following form:

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COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
COMMERCIAL REAL PROPERTY

I, the owner or authorized agent of the owner of the commercial real property located at ... address of property ..., declare under penalty of perjury that (initial each box):

1.I am the owner of the commercial real property or the authorized agent of the owner of the commercial real property.

2.I purchased the commercial real property on ... date of purchase

3.An unauthorized person or persons have unlawfully entered and remain on the commercial real property.

4.The commercial real property was not open to members of the public at the time the unauthorized person or persons entered.

5.I have directed the unauthorized person or persons to leave the commercial real property, but they have not done so.

6.The unauthorized person or persons are not current or former tenants pursuant to any valid lease authorized by me or one of my agents, and any lease that may be produced by an occupant is fraudulent.

7.The unauthorized person or persons sought to be removed are not an owner or co-owner of the commercial real property and have not been listed on the title to the commercial real property unless the person or persons have engaged in title fraud.

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175 8.There is no litigation related to the commercial
 176 real property pending between any person sought to be removed
 177 and myself or my agent.

178 9.I understand that any person removed from the
 179 commercial real property pursuant to this procedure may bring a
 180 cause of action against me for any false statements made in this
 181 complaint, or for wrongfully using this procedure, and that as a
 182 result of such action I may be held liable for actual damages,
 183 penalties, costs, and reasonable attorney fees.

184 10.I request that the sheriff immediately remove the
 185 unauthorized person or persons from the commercial real
 186 property. I authorize the sheriff to enter the property using
 187 reasonably necessary force, to search the property, and to
 188 remove any unauthorized person or persons.

189 11.A copy of my valid government-issued identification
 190 is attached, or I am an agent of the property owner, and
 191 documents evidencing my authority to act on the property owner's
 192 behalf are attached.

193
 194 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT, AND EACH
 195 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
 196 MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY,
 197 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

198
 199 ...(Signature of the Property Owner or Agent of Owner...)
 200

201 (3) Upon receipt of the complaint, the sheriff shall verify
 202 that the person submitting the complaint is the record owner of
 203 the commercial real property or the authorized agent of the

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204 owner and appears otherwise entitled to relief under this
 205 section. If verified, the sheriff must, without delay, serve a
 206 notice to vacate immediately on any unlawful occupant or
 207 occupants and must put the owner in possession of the commercial
 208 real property. Service of the notice may be accomplished by hand
 209 delivery to an unlawful occupant or occupants or by posting the
 210 notice on the front door or entrance of the commercial real
 211 property. The sheriff shall also attempt to verify the
 212 identities of all persons occupying the commercial real property
 213 and note their identities on the return of service. If
 214 appropriate, the sheriff may arrest any person found in the
 215 commercial real property for trespass, outstanding warrants, or
 216 any other legal cause.

217 (4) The sheriff is entitled to the same fee for service of
 218 the notice to vacate immediately as if the sheriff were serving
 219 a writ of possession under s. 30.231. After the sheriff serves
 220 the notice to vacate immediately, the property owner or
 221 authorized agent may request that the sheriff stand by to keep
 222 the peace while the property owner or agent of the owner changes
 223 the locks and removes the personal property of the unauthorized
 224 person or persons to or near the property line. When such a
 225 request is made, the sheriff may charge a reasonable hourly
 226 rate, and the person requesting the sheriff is responsible for
 227 paying such hourly rate. The sheriff is not liable to the
 228 unauthorized person or persons or any other party for loss,
 229 destruction, or damage to their personal property. The property
 230 owner or his or her authorized agent is not liable to an
 231 unauthorized person or persons or any other party for the loss,
 232 destruction, or damage to their personal property unless the

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removal was not in accordance with this section.

(5) A person may bring a civil cause of action for wrongful removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the commercial real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the commercial real property, court costs, and reasonable attorney fees. The court shall advance the cause on the calendar.

(6) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest any unauthorized person for trespassing, vandalism, theft, or other crimes.

Section 3. Subsection (4) of section 806.13, Florida Statutes, is amended to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(4) A person who unlawfully detains or occupies or trespasses upon a residential dwelling or commercial real property and who intentionally damages the dwelling or the commercial real property causing \$1,000 or more in damages commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 817.0311, Florida Statutes, is amended to read:

817.0311 Fraudulent sale or lease of ~~residential~~ real property.—A person who lists or advertises ~~residential~~ real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he or she has no lawful

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ownership in the property or leasehold interest in the property, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. For the purpose of incorporating the amendments made by this act to sections 806.13 and 817.0311, Florida Statutes, in references thereto, paragraph (c) of subsection (1) of section 775.0837, Florida Statutes, is reenacted to read:

775.0837 Habitual misdemeanor offenders.—

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

(c) "Specified misdemeanor offense" means those misdemeanor offenses described in chapter 741, chapter 784, chapter 790, chapter 796, chapter 800, chapter 806, chapter 810, chapter 812, chapter 817, chapter 831, chapter 832, chapter 843, chapter 856, chapter 893, or chapter 901.

Section 6. For the purpose of incorporating the amendment made by this act to sections 806.13 and 817.0311, Florida Statutes, in references thereto, paragraph (a) of subsection (8) of section 895.02, Florida Statutes, is reenacted to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(8) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or

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291 eluding.

292 3. Chapter 379, relating to the illegal sale, purchase,
293 collection, harvest, capture, or possession of wild animal life,
294 freshwater aquatic life, or marine life, and related crimes.

295 4. Section 403.727(3)(b), relating to environmental
296 control.

297 5. Section 409.920 or s. 409.9201, relating to Medicaid
298 fraud.

299 6. Section 414.39, relating to public assistance fraud.

300 7. Section 440.105 or s. 440.106, relating to workers'
301 compensation.

302 8. Section 443.071(4), relating to creation of a fictitious
303 employer scheme to commit reemployment assistance fraud.

304 9. Section 465.0161, relating to distribution of medicinal
305 drugs without a permit as an Internet pharmacy.

306 10. Section 499.0051, relating to crimes involving
307 contraband, adulterated, or misbranded drugs.

308 11. Part IV of chapter 501, relating to telemarketing.

309 12. Chapter 517, relating to sale of securities and
310 investor protection.

311 13. Section 550.235 or s. 550.3551, relating to dogracing
312 and horseracing.

313 14. Chapter 550, relating to jai alai frontons.

314 15. Section 551.109, relating to slot machine gaming.

315 16. Chapter 552, relating to the manufacture, distribution,
316 and use of explosives.

317 17. Chapter 560, relating to money transmitters, if the
318 violation is punishable as a felony.

319 18. Chapter 562, relating to beverage law enforcement.

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320 19. Section 624.401, relating to transacting insurance
321 without a certificate of authority, s. 624.437(4)(c)1., relating
322 to operating an unauthorized multiple-employer welfare
323 arrangement, or s. 626.902(1)(b), relating to representing or
324 aiding an unauthorized insurer.

325 20. Section 655.50, relating to reports of currency
326 transactions, when such violation is punishable as a felony.

327 21. Chapter 687, relating to interest and usurious
328 practices.

329 22. Section 721.08, s. 721.09, or s. 721.13, relating to
330 real estate timeshare plans.

331 23. Section 775.13(5)(b), relating to registration of
332 persons found to have committed any offense for the purpose of
333 benefiting, promoting, or furthering the interests of a criminal
334 gang.

335 24. Section 777.03, relating to commission of crimes by
336 accessories after the fact.

337 25. Chapter 782, relating to homicide.

338 26. Chapter 784, relating to assault and battery.

339 27. Chapter 787, relating to kidnapping, human smuggling,
340 or human trafficking.

341 28. Chapter 790, relating to weapons and firearms.

342 29. Chapter 794, relating to sexual battery, but only if
343 such crime was committed with the intent to benefit, promote, or
344 further the interests of a criminal gang, or for the purpose of
345 increasing a criminal gang member's own standing or position
346 within a criminal gang.

347 30. Former s. 796.03, former s. 796.035, s. 796.04, s.
348 796.05, or s. 796.07, relating to prostitution.

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349 31. Chapter 806, relating to arson and criminal mischief.
 350 32. Chapter 810, relating to burglary and trespass.
 351 33. Chapter 812, relating to theft, robbery, and related
 352 crimes.
 353 34. Chapter 815, relating to computer-related crimes.
 354 35. Chapter 817, relating to fraudulent practices, false
 355 pretenses, fraud generally, credit card crimes, and patient
 356 brokering.
 357 36. Chapter 825, relating to abuse, neglect, or
 358 exploitation of an elderly person or disabled adult.
 359 37. Section 827.071, relating to commercial sexual
 360 exploitation of children.
 361 38. Section 828.122, relating to fighting or baiting
 362 animals.
 363 39. Chapter 831, relating to forgery and counterfeiting.
 364 40. Chapter 832, relating to issuance of worthless checks
 365 and drafts.
 366 41. Section 836.05, relating to extortion.
 367 42. Chapter 837, relating to perjury.
 368 43. Chapter 838, relating to bribery and misuse of public
 369 office.
 370 44. Chapter 843, relating to obstruction of justice.
 371 45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 372 s. 847.07, relating to obscene literature and profanity.
 373 46. Chapter 849, relating to gambling, lottery, gambling or
 374 gaming devices, slot machines, or any of the provisions within
 375 that chapter.
 376 47. Chapter 874, relating to criminal gangs.
 377 48. Chapter 893, relating to drug abuse prevention and

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378 control.
 379 49. Chapter 896, relating to offenses related to financial
 380 transactions.
 381 50. Sections 914.22 and 914.23, relating to tampering with
 382 or harassing a witness, victim, or informant, and retaliation
 383 against a witness, victim, or informant.
 384 51. Sections 918.12 and 918.13, relating to tampering with
 385 jurors and evidence.
 386 Section 7. This act shall take effect July 1, 2025.

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 5, 2025

I respectfully request that **CS/SB 322**, relating to Property Rights, be placed on the:

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

This bill creates a nonjudicial procedure for a property owner to request that the county sheriff remove an unauthorized person from commercial real property. It is similar to HB 621's (2024) approach to residential squatters but focuses on commercial squatters.

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

Senator Ana Maria Rodriguez
Florida Senate, District 40

3/12/25

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 322

Bill Number or Topic

Amendment Barcode (if applicable)

Name JP Bell Phone 850-524-9435

Address 200 South Monroe Street Email jp.bell@floridarealtors.org

Street

Tallahassee

FL

32312

City

State

Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Realtors 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

APPEARANCE RECORD

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

3-12-25

Meeting Date

Rules

Committee

322

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E College Ave

Email

Dmartinez@AFPHQ.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:

Americans for Prosperity-
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 Rules

BILL: CS/SB 348

INTRODUCER: Ethics and Elections Committee; Senators Gaetz and Collins

SUBJECT: Ethics

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cleary	Roberts	EE	Fav/CS
2. Proctor	Proctor	MS	Favorable
3. Cleary	Yeatman	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 348 makes the following changes to Florida's ethics laws:

- Adds to the Code of Ethics a “stolen valor” provision prohibiting candidates, elected public officers, appointed public officers, and public employees from knowingly making certain fraudulent representations relating to military service.
- Expands the Attorney General’s existing authority to seek wage garnishment for unpaid fines imposed for failure to timely submit a required financial disclosure to also allow wage garnishment for other violations of ethics laws, if certain conditions are met.

The bill takes effect July 1, 2025.

II. Present Situation:

Commission on Ethics

The Commission on Ethics (commission) was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.¹ The Florida Constitution and state law designate the commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.² Constitutional duties of the

¹ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 14, 2025).

² Section 8(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

commission consist of conducting investigations and making public reports on all breach of trust complaints towards public officers or employees not governed by the judicial qualifications commission.³ In addition to constitutional duties, the commission in part:

- Renders advisory opinions to public officials;⁴
- Conducts investigations into potential violations of the Code of Ethics or Florida Constitution based on referrals from select government agencies;⁵
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;⁶
- Administers the executive branch lobbying registration and reporting Laws;⁷
- Maintains financial disclosure filings of constitutional officers and state officers and employees;⁸ and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.⁹

The Attorney General serves as counsel for the commission.¹⁰

Code of Ethics for Public Officers and Employees

The Code of Ethics for Public Officers and Employees (Code of Ethics)¹¹ establishes ethical standards for public officials and is intended to “ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation provided by law.”¹² The Code of Ethics pertains to various ethical issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, investigations and prosecutions of ethics complaints and referrals for alleged ethics violations, and the commission, among others.¹³

Unpaid Fines Imposed for Ethics Laws Violations

Current law prescribes automatic fines for late-filed financial disclosures¹⁴ and authorizes wage garnishment of public officers or public employees for unpaid fines.¹⁵

³ Section (8)(g), art. II, Fla. Const.

⁴ Section 112.322(3)(a), F.S.

⁵ Section 112.324(1)(b), F.S.

⁶ Section 112.322(2)(b), F.S.

⁷ Sections 112.3215, 112.32155, F.S.

⁸ Section 112.3144, F.S.

⁹ Section 112.3144, F.S.; s. 112.3145, F.S.; s. 112.31455, F.S.

¹⁰ Rule 34-5.006(1)(3), F.A.C.; r. 34-17.010(1)(3), F.A.C.

¹¹ See Pt. III, Ch. 112, F.S.; *see also* Art. II, s. 8(h)1, Fla. Const.

¹² Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 14, 2025).

¹³ See Pt. III, Ch. 112, F.S.

¹⁴ Section 112.31455, F.S.

¹⁵ *Id.* The law requires the Commission to determine whether the person who owes the fines is a current public officer or current public employee. If the Commission determines that the person is a current public officer or current public employee, then it may notify the Chief Financial Officer or governing body/board of the amount owed. After receipt and verification of the notice, the Chief Financial Officer or governing body/board must withhold the lesser of 10 percent, or the maximum allowable under federal law, from any salary-related payment. Florida’s wage garnishment laws are located in Title XV, Chapter 222, and Title VI, Chapter 77 of the Florida Statutes. But Florida has not imposed any stricter limits, so federal law

For unpaid fines that were imposed as a result of other ethics laws violations, commission counsel must seek judgments from courts.¹⁶ Wage garnishment is not authorized for such other violations.

“Stolen Valor”

Generally, “stolen valor” is the term used to describe the occurrence of an individual falsely representing himself or herself as a decorated military servicemember in an attempt to receive something of value for patriotic service that he or she never completed.¹⁷ Because of the accomplishments and sacrifices of military members, they are often bestowed in society with reverence, honor, and respect and afforded social, economic, and financial benefits for their earned accomplishments, service, and sacrifice.¹⁸ Further, studies have shown, due to the reverence citizens have to those who serve in the armed forces, citizens may be influenced to vote for such a candidate and under certain circumstances that might be determinative in an election.¹⁹

Documented cases involving stolen valor nationwide and in Florida²⁰ have led federal and state governments to attempt to regulate and punish offenders of stolen valor through legislation.

governs in Florida; *See* Consumer Credit Protection Act (“CCPA”) – 15 U.S.C. 1673(a) (The CCPA limits the amount of an individual’s disposable earnings available for garnishment. The limits are different for consumer debts, family support payments (child support and alimony), debts owed for federal or state taxes, and personal bankruptcy. Consumer debts include all debts not covered by the other categories. Garnishment for consumer debts must not exceed the lower of: 25 percent of disposable earnings, or, the amount by which disposable earnings exceed 30 times the federal minimum wage multiplied by the number of weeks (or part of a week worked); *See also Fact Sheet #30: Wage Garnishment Protections of the Consumer Credit Protections Act (CCPA)* United States Department of Labor Wage and Hour Division Web Page (last visited February 14, 2025, <https://www.dol.gov/agencies/whd/fact-sheets/30-cppa>; *Field Operations Handbook Chapter 16 Title III (PDF) – Consumer Credit Protection Act (Wage Garnishment)* United States Department of Labor Website (Last visited February 14, 2025), available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FOH_Ch16.pdf.

¹⁶ Section 112.317(2), F.S.

¹⁷ *See* 18 U.S.C. § 704. The definition of stolen valor varies by each state depending on the state’s stolen valor law.

¹⁸ *See Porter v. McCollum*, 558 U.S. ___, 130 S. Ct. 447 (2009) (per curiam) (The United States Supreme Court recognized the effect of decorated military service on public perceptions and behavior noting, for example in the context of sentencing “[o]ur Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines . . .”).

¹⁹ *See* Jeremy M. Teigen, *Do military veterans really win more elections? Only in ‘purple’ districts*, The Washington Post, (July 20, 2017), available at <https://www.washingtonpost.com/news/monkey-cage/wp/2017/07/20/do-military-veterans-really-win-more-elections-only-in-purple-districts/>. Studies conducted showed Americans have a very high confidence in the military as an institution; no other institution enjoys higher levels. Status as a veteran had the biggest impact for candidates in primaries and in districts where the odds of winning are even for both parties “Purple Districts.”

²⁰ *See e.g. Polk man accused of stolen valor facing more charges as second victim comes forward*, News Channel 8 Website, (updated Feb 20, 2017), <https://www.wfla.com/news/polk-man-accused-of-stolen-valor-facing-more-charges-as-second-victim-comes-forward/>; *Stolen Valor: Man accused of impersonating Seal Team 6 member to solicit money outside WaWa*, Tampa Bay Times, (Published Aug. 14, 2015), <https://www.tampabay.com/news/publicsafety/crime/man-accused-of-military-impersonation-while-soliciting-money-for-veterans/2241216/>; Clifford Davis, *Document Jacksonville veteran showed First Coast News, claiming Times-Union error, is fraudulent*, The Florida Times-Union (Published 9:31 p.m. ET July 11, 2015), <https://www.jacksonville.com/story/news/2015/07/12/document-jacksonville-veteran-showed-first-coast-news-claiming-times/15671285007/>; Gary Detman, *Stolen Valor: Marine vet accused of misrepresenting the military, grand theft*, 12 News (Updated Mon, November 26th 2018 at 4:08 PM), <https://cbs12.com/news/local/stolen-valor-marine-vet-accused-of-misrepresenting-the-military-grand-theft/>; *St. Lucie County Resident Sentenced for Falsely Claiming Veteran Status and Theft of Government Benefits*, United States Attorney’s Office Southern District of Florida Webpage (Monday February 4, 2019, <https://www.justice.gov/usao-sdfl/pr/st-lucie-county-resident-sentenced-falsely-claiming-veteran-status-and-theft-government>; Jesse Scheckner, *Stolen Valor or smear? Police union PAC says Sheriff candidate lied about Army Service*,

Federal Law

Prior to the Stolen Valor Act of 2005, it was only a crime to physically wear an unearned medal of valor.²¹ Courts interpreting that originally enacted language found the prohibition on falsely wearing or displaying military honors is constitutional.²² But, finding that the existing narrow prohibition did not deter individuals from making false claims about receiving medals, Congress in 2005 passed the 2005 Act,²³ which aimed to broaden the law enforcement’s capabilities to pursue not only those individuals who falsely display military medals, but also those who make false claims regarding earning military honors.²⁴ Specifically, section 704(b) of the Act punished individuals for falsely representing verbally or in writing to have been awarded a decoration or medal authorized by Congress for the armed forces.²⁵

In 2012, The United States Supreme Court in the case *United States v. Alvarez* addressed the constitutionality of the 2005 Act’s prohibition on false written or oral statements regarding the earning of a enumerated list of military medals or honors under Subsection 704(b) of the Act.²⁶ Alvarez an elected Director of a local water district board in California, at a public meeting, while introducing himself, lied about serving in the military and receiving the Congressional Medal of Honor.²⁷

The Supreme Court majority struck down Subsection 704(b) of the Act, finding that the false statements made by Alvarez, consisting of lies about being in the military and being awarded certain medals, were protected speech under the first amendment and that Subsection 704(b)’s regulation of such speech constituted a content-based restriction on pure speech.²⁸ Because

(Florida Politics), <https://floridapolitics.com/archives/687697-stolen-valor-or-smear-police-union-pac-says-sheriff-candidate-lied-about-army-service/>; Jacob Ogles, *Tal Siddique worked for the Air Force but never in uniform. Did he cross the ‘stolen valor’ line?* Florida Politics, (August 9, 2024), <https://floridapolitics.com/archives/688875-tal-siddique-worked-for-the-air-force-but-never-in-uniform-did-he-cross-the-stolen-valor-line/>; Ryan Gillespie, *Vets Find Military Records, Including Lake Candidate, Often Embellished*, Orlando Sentinel (Oct. 22, 2016), <http://www.orlandosentinel.com/news/lake/os-groveland-stolen-valor-20161021-story.html>.

²¹ See 18 U.S.C. § 1425 (1949) (prohibiting unauthorized wearing of Army and Navy decorations); *But see* 18 U.S.C. § 704 (1952) (adapting this version of the act from § 1425 “knowingly wear[ing], manufactur[ing], or sell[ing]” any military medal or ribbon without authorization under military regulations.”).

²² See *Schacht v. United States*, 398 U.S. 58, 61-61 (1970) (holding that prohibition against wearing military uniforms without authorization is facially constitutional); *See also United States v. Perelman*, 737 F. Supp. 2d 1221, 1238-39 (D. Nev. 2010) (holding that prohibition against wearing military medals without authorization under 18. U.S.C. § 704(a) is merely an incidental restriction on First Amendment rights that is outweighed by the substantial government interest in protecting the reputation of military awards that Congress has power to pursue through its power to make all laws necessary and proper to raise and support armies).

²³ Public Law 109 - 437 - Stolen Valor Act of 2005, 18 U.S.C. § 704(b) (2006). (“(b) False Claims About Receipt of Military Decorations or Medals. Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both.”).

²⁴ *See, e.g.*, 151 Cong. Rec. 12,684, 12,688 (2005) (statement of Sen. Kent Conrad).

²⁵ 18 U.S.C. § 704(b).

²⁶ *United States v. Alvarez*, 567 U.S. 709 (2012).

²⁷ *Id.*, 567 U.S. at 713–14.

²⁸ *Id.*, 567 U.S. at 730-731. (the case was a 6-3 decision, the majority consisting of a Plurality opinion authored by Justice Kennedy and Concurring opinion authored by Justice Breyer).

Alvarez’s false statements were protected speech, the government had to show adequate justification for the statute but failed to do so.²⁹

Importantly, the Court suggested how a statute could be drafted to pass constitutional muster if properly narrowed, appearing to link constitutionality to a prohibition against fraud.³⁰

Within a year of the United States Supreme Court’s decision in *Alvarez*, Congress passed the Stolen Valor Act of 2013. The revised act narrowed the scope of the prohibition on falsely holding oneself out to be a recipient of certain military decorations by only subjecting those, who with the *intent to obtain money, property, or other tangible benefit, fraudulently hold themselves out to be a recipient* of certain military decorations.³¹ The 2013 Act also added an additional element of specific intent requiring that the fraud was committed for the purpose of obtaining money, property, or other tangible benefit.³² Further, the term “tangible benefit” was intended to cover those “valuable considerations” beyond money or property, such as offers of employment, which Justice Kennedy identified as appropriately prohibited benefits to a fraud.³³ The 2013 Act remains current federal law and has not been constitutionally challenged.

²⁹ *Id.*, 567 U.S. at 724. (within the majority, the Justices disagreed on the proper level of scrutiny to apply, with the Plurality choosing “exacting” scrutiny (strict scrutiny) and the Concurrence applying “intermediate” scrutiny. Both the Plurality and Concurrence found the government had an adequate government interest for the statute protecting the integrity of military honors. Both the Plurality and Concurrence determined that the Act was overbroad and not narrowly tailored enough to pass constitutional muster).

³⁰ The majority held that lies involving objective facts, such as lying about receiving a military medal, were constitutionally protected speech. *Id.* at 722. But the majority held that fraudulent speech is unprotected speech under the First Amendment and laws regulating fraudulent speech are constitutionally permissible. *Id.* at 723. The Plurality held there are a specific list of historically recognized categories of speech that are unprotected by the First Amendment and that fraudulent speech is one of those categories. *Id.* at 717-18. Therefore, regulations of fraudulent speech are constitutionally permissible. *Id.* The Concurrence rejected the Plurality’s strict categorical analysis and instead argued each case should be reviewed under an intermediate scrutiny or proportionality review. *Id.* at 732. But the Concurrence agreed with the Plurality that statutes regulating fraud are constitutionally permissible because fraud statutes contain certain characteristics to ensure the law is properly narrowed to only regulate the unprotected fraudulent speech. *Id.* at 738-39. The Court in its reasoning made specific suggestions about how the Act could be amended to become constitutionally permissible. Specifically, Justice Kennedy for the Plurality, found the fatal flaw of the 2005 Act was that it “applie[d] to a false statement made at any time, in any place, to any person . . . And it does so entirely without regard to whether the lie was made for the purpose of material gain.” *Id.* at 722-23. He continued that “[w]here false claims are made to effect a fraud or secure moneys or other valuable considerations, say offers of employment, it is well established that the Government may restrict speech without affronting the First Amendment.” *Id.* at 723. In this reasoning, Justice Kennedy was suggesting that the 2005 Act would be constitutional if it had focused on limiting fraudulent speech. Similarly, Justice Breyer for the Concurrence, reasoned a “more finely tailored statute” would be constitutional, if the statute required knowledge or falsity and “insist[ed] upon a showing that the false statement caused specific harm or at least was material, or focus its coverage on lies most likely to be harmful or on contexts where such lies are most likely to cause harm.” *Id.* at 738; *See also United States v. Bonin*, 932 F.3d 523, 536 (7th Cir. 2019) *quoting McBride v. CSX Transp., Inc.*, 598 F.3d 388, 405 (7th Cir. 2010) (Court stating why they were following the Supreme Court’s guidance in *Alvarez*, “[a]lthough the Court’s observations on § 912 arose in dicta, they inform us where the Court stands. ‘[W]e must treat with great respect the prior pronouncements of the Supreme Court, even if those pronouncements are technically dicta.’”).

³¹ H. Rept. 113-84 (2013).

³² *Id.*

³³ *Id.*

Florida Law

Florida's Military Code prohibits an unauthorized person from wearing a United States military uniform, any part of such uniform, or any similar uniform.³⁴ The prohibition does not require an intent to deceive. A violation of the prohibition is a first-degree misdemeanor. The law was challenged on First Amendment grounds in *State v. Montas*.³⁵ The Florida Fifth District Court of Appeals held that s. 250.43, F.S. was unconstitutionally overbroad and violates due process.³⁶

Under Florida's criminal code, a person may not misrepresent himself or herself as a member or veteran of the military or wear the uniform of, medal, or insignia of the military without authorization while soliciting for charitable contributions or for the purpose of material gain, including, but not limited to, obtaining employment or public office resulting in compensation.³⁷ The law allows individuals engaged in theatrical performances to wear military uniforms, medals, or insignia while performing.³⁸ A person who violates this law commits a felony of the third degree.³⁹

Current law also subjects candidates to a civil fine of up to \$5,000 for falsely representing in an election that they have served, or are serving, in the nation's military.⁴⁰

Stolen Valor Laws in Other States

Half the states today have laws specifically relating to stolen valor.⁴¹ After the United States Supreme Court decision in *Alvarez* and passage of the 2013 Act, the states reformed or drafted

³⁴ Section 250.43, F.S.

³⁵ 99 So. 2d 1128 (Fla. 5th Dist. 2008).

³⁶ *Id.*, 99 So. 2d at 1132. The court held that the statute addressed a compelling state interest in ensuring that the public is not deceived by people impersonating members of the military but failed to be narrowly tailored to ensure that there is no more infringement than is necessary to protect those interests because the statute has the potential to criminalize wholly innocent conduct. Further, the court found that the statute was overbroad and violated due process because it failed to include a specific intent element/requirement therefore the statute did not differentiate between innocent conduct and conduct intended to deceive the public and the court could not read a specific intent element into the statute as it is written.

³⁷ Section 817.312(1)(a) F.S.

³⁸ Section 817.312(1)(b), F.S.

³⁹ Section 817.312(2), F.S.; *See also* Local, Federal, and Veterans Affairs Subcommittee Hearing on HB 205 (November 6, 2019), <https://www.flhouse.gov/VideoPlayer.aspx?eventID=3057> (the original version of s. 817.312 became law in 2010, before the United States Supreme Court's opinion in *Alvarez*. In 2020, in response to the United States Supreme Court decision in *Alvarez*, and the continued documented cases of Stolen Valor in Florida the Legislature amended the law through CS/CS/HB 205. Co-Introducer Representative Sabatini stated that the bill was designed to clarify and further narrow the existing law's scope to further confirm with constitutional precedent. The bill was aimed at preventing candidates for public office from falsely misrepresenting that they had served in or had been awarded certain military awards in order to obtain employment or public office. Representative Sabatini stated that the bill was designed to provide clarity and a message to state prosecutors that s. 817.312, applied to these individuals and that they should be prosecuted under the law, which he suggested was not happening due to the uncertainty of the statute's current language. He stated the refining of the term "material gain" was designed to comply with constitutional precedents to appropriately narrow the statute, balancing the important rights under the First Amendment, while also protecting the public and individuals from harm.).

⁴⁰ Section 104.2715, F.S., This statute was introduced as SB 330 during the 2011 Regular Legislative Session before the Supreme Court's decision in *United States v. Alvarez*.

⁴¹ (**Alabama**) Ala.Code 1975 § 13A-8-10.5; (**Arkansas**) A.C.A. § 5-37-218; (**California**) Cal.Gov.Code § 3003 and Cal.Penal Code § 532b; (**Connecticut**) C.G.S.A § 53-378; (**Delaware**) 11 Del.C § 907C; (**Florida**) F.S.A § 817.312 and F.S.A § 104.2715; (**Georgia**) Ga. Code Ann., § 16-9-63; (**Illinois**) 20 ILCS 1805/101; (**Kentucky**) KRS § 434.444; (**Maine**) 17-A M.R.S.A. § 354; (**Massachusetts**) M.G.L.A. 272 § 106; (**Minnesota**) M.S.A. § 609.475; (**Missouri**) V.A.M.S.

their statutes to meet the Supreme Court's guidance by drafting their statutes to fall under a category of fraud. For example, states have included a knowledge and specific intent requirement to deceive for the purpose of obtaining a material benefit.⁴² Some state statutes mirror the 2013 Act, limiting the prohibition to fraudulent misrepresentations involving medals or honors.⁴³ Other state statutes prohibit further fraudulent representations involving other subject matters beyond military medals.⁴⁴ Some state statutes require that the offender actually obtain the benefit sought as a result of the fraud.⁴⁵ Other state statutes, like the 2013 Act, only require the act of the fraudulent representation with the specific intent.⁴⁶ States, similar to the 2013 Act, have defined the fraudulent benefit sought beyond merely financial to include other valuable considerations.⁴⁷

III. Effect of Proposed Changes:

Stolen Valor

The bill creates a new section, s. 112.3131, F.S., under the Code of Ethics.

This section provides definitions for the terms “Armed Forces of the United States,”⁴⁸ “Servicemember,”⁴⁹ and “Material gain.”⁵⁰ The definition of “Material gain” includes a detailed nonexclusive list of material valuable considerations beyond money or property.

570.350; **(Nebraska)** Neb.Rev.St. § 28-645; **(Nevada)** N.R.S. 205.412; **(New Jersey)** N.J.S.A. 38A:14-5; **(New Mexico)** N.M.S.A. 1978. § 20-11-5; **(Oklahoma)** 72 Okl.St. Ann. § 6-1; **(Oregon)** O.R.S. § 162.365; **(Pennsylvania)** 18 Pa.C.S.A. § 6701; **(Rhode Island)** Gen.Laws 1956 § 11-70-1; **(South Carolina)** Code 1976 § 16-17-760; **(Tennessee)** T.C.A. § 39-16-301; **(Texas)** V.T.C.A. Penal Code § 32.54; **(Utah)** U.C.A. 1953 § 76-9-706; **(Virginia)** VA Code Ann. § 18-2-177.1; **(Wisconsin)** W.S.A. 946.78.

⁴² See **(Pennsylvania)** 18 Pa.C.S.A. § 6701 (with intent to obtain money, property or other benefit); See **(Delaware)** 11 Del.C. § 907C. (with the purpose of obtaining money, property, or other tangible benefit); **(Alabama)** Ala.Code 1975 § 13A-8-10.5 (in order to receive, or attempt to receive, a material gain).

⁴³ See **(Connecticut)** C.G.S.A. § 53-378.

⁴⁴ See **(Kentucky)** KRS § 434.444 (prohibition on misrepresenting: current or former military status, entitlement to wearing military awards, serving in a combat zone, any actual military service); **(Arkansas)** A.C.A. § 5-37-218 (prohibition on misrepresenting: being an active member of military or veteran; being recipient of a military decoration; awarded qualification or military occupational specialty; being a prisoner of war). See also **(California)** Cal.Penal Code § 532b.

⁴⁵ See **(Massachusetts)** M.G.L.A. 272 § 106 (obtains money, property, or another tangible benefit through such fraudulent representation); See also **(Nebraska)** Neb.Rev.St. § 28-645; **(Nevada)** N.R.S. 205.412.

⁴⁶ See **(Connecticut)** C.G.S.A. § 53-378; **(Pennsylvania)** 18 Pa.C.S.A. § 6701; **(South Carolina)** Code 1976 § 16-17-760.

⁴⁷ **(South Carolina)** Code 1976 § 16-17-760 (government benefits, employment or personnel advancement, effect outcome of criminal or civil court proceeding, effect on an election (presumed if the representation is made by a candidate for public office)); **(Texas)** V.T.C.A. Penal Code § 32.54 (government resources, employment preference, obtain license or certificate to practice in profession, obtain promotion, obtain donation, obtain admission in educational program, gain position in government with authority over another person, regardless of whether the actor receives compensation for the position); **(Wisconsin)** W.S.A. 946.78 (financial, an effect on criminal or civil proceeding, an effect on an election, any state benefit for military); See also **(California)** Cal.Penal Code § 532b; **(Georgia)** Ga. Code Ann., § 16-9-63.

⁴⁸ “Armed Forces of the United States” has the same meaning as in s. 250.01 and includes the National Guard of any state (“means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.”).

⁴⁹ “Servicemember” has the same meaning as in s. 250.01 (“means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.”).

⁵⁰ “Material gain,” (“means anything of value, regardless of whether such value is monetary, remunerative, or tangible, which is received by or given to, or is intended to be received by or given to, an individual. The term includes, but is not limited to, food; lodging; compensation; travel expenses; placards; public benefits; public relief; financial relief; obtaining or retaining employment or a promotion in such individual’s current employment or public employment, including gaining a position in state or local government with authority over another person, regardless of whether the individual receives compensation or

This section prohibits a candidate, an elected public officer, an appointed public officer, or a public employee, for the purpose of material gain, from knowingly doing any of the following:

- Making fraudulent representations that he or she is or was a servicemember or veteran of the Armed Forces of the United States.
- Making fraudulent representations that he or she was a recipient of a decoration, medal, title, or honor from the Armed Forces of the United States or otherwise related to military service from a nonexclusive list of medals and honors.⁵¹
- Making fraudulent representations that he or she is a holder of an awarded qualification or military occupational specialty from a nonexclusive list.⁵²
- Making fraudulent representations that he or she actively served in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or served in combat operations, or was a prisoner of war.
- Wearing the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States which he or she is not authorized to wear.
 - This subsection does not prohibit individuals in the theatrical profession from wearing such uniforms, medals, or insignia during a performance while engaged in such profession.

Violators of this section are subject to the administrative penalties under s. 112.317, F.S., of the Code of Ethics.⁵³

This section does not preclude prosecution for similar conduct which is prohibited by another law.⁵⁴

Wage Garnishment

The bill creates new paragraphs (b)-(d) to s. 112.317(2), F.S., giving the Commission through the Attorney General's office a greater ability to collect unpaid fines, stemming from judgements of ethics complaints.⁵⁵ Paragraph (b) establishes that a civil penalty or restitution penalty, for

renumeration for his or her service in the position; obtaining or retaining state or local public office through election or appointment; or anything in which or for which a tangible benefit was gained, even if the value of such benefit is de minimis.”).

⁵¹ Nonexclusive list of honors includes: Air Force Combat Action Medal; Air Force Cross; Combat Action Badge; Combat Action Ribbon; Combat Infantryman Badge; Combat Medical Badge, Distinguished Service Cross; Medal of Honor; Navy Cross; Purple Heart; Silver Star Medal.

⁵² Nonexclusive list includes: Aircraft Pilot, Navigator, or Crew Member; Explosive Ordinance Disposal Technician; Parachutist; United States Army Ranger; United States Navy Seal or Diver; United States Special Operations Forces Member.

⁵³ Penalties under the Code of Ethics for public officers may include: impeachment, removal from office, suspension from office, public censure and reprimand, forfeiture of no more than 1/3 of his salary per month for no more than 12 months, civil penalty up to \$20,000, and restitution. Penalties for employees may include: dismissal, suspension for up to 90 days without pay, demotion, reduction in salary level, forfeiture of no more than 1/3 of salary per month for no more than 12 months, civil penalty up to \$20,000, restitution, and public censure and reprimand. Penalties for a candidate may include: disqualification from being on the ballot, public censure, reprimand, and civil penalty up to \$20,000.

⁵⁴ See e.g., s. 250.43, F.S.; s. 817.312, F.S.; s. 104.2715, F.S.

⁵⁵ See Kerrie Stillman, Executive Director on Commission on Ethics Memorandum: Legislative Recommendations for 2025 (November 20, 2024), available at <https://ethics.state.fl.us/Documents/Ethics/MeetingAgendas/Dec24Materials/LegislativeReport.pdf> (Salary Withholding for Complaint Penalties was one of the Commission on Ethics Legislative Recommendations for 2025).

violations of the Code of Ethics, is considered delinquent if the individual has not paid such penalty within 90 days after the penalty is imposed by the commission. Paragraph (b) requires the Attorney General to determine whether the person who owes the fine is a current public officer or current public employee. If the Attorney General determines that the person is a current public officer or current public employee, then the Attorney General must notify the Chief Financial Officer or governing body/board of the amount owed. After receipt and verification of the notice, the Chief Financial Officer or governing body/board must withhold the lesser of 25 percent, or the maximum allowable under federal law from any salary-related payment. Additionally, the Chief Financial Officer or the governing body or board may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred.

Under paragraph (c), the Attorney General may refer any unpaid civil penalty or restitution penalty to the appropriate collection agency as directed by the Chief Financial Officer and such collection agency may use any collection method authorized by law.

Under paragraph (d), the bill creates a 20-year statute of limitations for the Attorney General to collect any unpaid civil penalty or restitution penalty stemming from a violation of the Code of Ethics in an ethics complaint.

The bill becomes effective 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:

The United States Supreme Court has issued numerous opinions defining the constitutional parameters of regulating speech under the First Amendment. Analyzing the constitutionality of a statute regulating speech involves a multistep analysis: Does the statute regulate speech based upon its content?;⁵⁶ If the speech qualifies as a content-

⁵⁶ *Rappa v. New Castle Cnty.*, 18 F.3d 1043, 1053 (3d Cir. 1994) (“[T]he first step in First Amendment analysis has been to determine whether a statute is content-neutral or content-based.”); *See Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622,

based regulation, does the regulated speech fall into a category of unprotected speech under the First Amendment?;⁵⁷ and, even if the speech qualifies as unprotected speech, is the regulation impermissibly vague⁵⁸ and drafted to be viewpoint neutral?⁵⁹

The United States Supreme Court in *Alvarez*, held, in striking down the Stolen Valor Act of 2005, that mere lies involving receiving honors are protected speech under the First Amendment and that a statute, such as the 2005 Act, regulating such speech is a content-based regulation.⁶⁰ A content-based regulation must pass a higher standard of review to be constitutional.⁶¹ The 2005 Act was struck down as failing that higher standard test because it was overbroad regulating protected speech and not adequately narrowly tailored.⁶² The Supreme Court in *Alvarez* held that a statute regulating fraudulent speech is constitutionally permissible and not subject to the higher standard of review because fraudulent speech is an unprotected category of speech under the First Amendment.⁶³ The Supreme Court in *Alvarez*, suggested a statute regulating fraudulent speech drafted to require a knowledge, and specific intent element, would be constitutionally permissible and not overbroad, so long as the statute was not vague and is viewpoint neutral.⁶⁴ (For further detail refer to the Present Situation “Stolen Valor” section above).

This bill prohibits public officials from making fraudulent representations regarding military service for the purpose of material gain.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

643, 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994). “Content-based regulations are defined as those that distinguish favored from disfavored speech based on the ideas expressed.”

⁵⁷ *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571-572 (1942).

⁵⁸ *See Alvarez*, 567 U.S. at 572-73; *See e.g. Reno v. ACLU*, 521, ACLU U.S 844, 871-72 (1997).

(A statute is void for vagueness under a First Amendment analysis because it chills protected speech by encouraging individuals to self-censor their lawful speech for fear of prosecution).

⁵⁹ *See Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829, 115 S. Ct. 2510, 2516, 132 L. Ed. 2d 700 (1995) (Viewpoint discrimination occurs whenever a government targets “not [a] subject matter, but particular views taken by speakers on a subject....”).

⁶⁰ *Alvarez*, 567 U.S. at 730-31.

⁶¹ *Id.*, 567 U.S. at 724. (within the majority, the Justices disagreed on the proper level of scrutiny to apply to lies involving military awards, with the Plurality choosing “exacting” scrutiny (strict scrutiny) and the Concurrence applying “intermediate” scrutiny.; *See ACLU v. Ashcroft*, 322 F.3d 240, 251 (3d Cir.2003) quoting *Sable Commc'ns of California, Inc. v. F.C.C.*, 492 U.S. 115, 126, (1989) (“Strict scrutiny requires that a statute (1) serve a compelling governmental interest; (2) be narrowly tailored to achieve that interest; and (3) be the least restrictive means of advancing that interest.”); *See United States v. O'Brien*, 391 U.S. 367, 377 (1968) (Intermediate scrutiny requires that a regulation “(1) furthers an important or substantial governmental interest; (2) the governmental interest is unrelated to the suppression of free expression; and (3) the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.”).

⁶² *Alvarez*, 567 U.S. at 730-731.

⁶³ *Id.*, 567 U.S. at 723.

⁶⁴ *Id.*, 567 U.S. at 722-23 (Plurality) and 738 (Concurrence).

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is an indeterminate fiscal impact on the commission, Attorney General and the Chief Financial Officer, but most likely any fiscal impact will be insignificant.

Any fiscal impact would be due to increases in expenses and man hours due to potential increases in the number of complaints received, investigated, and enforced, involving the new prohibition under s. 112.3121, F.S., as well as the greater ability to collect unpaid fines stemming from judgements of ethics complaints.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 112.317.
This bill creates the following section of the Florida Statutes: 112.3121.

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 Ethics and Elections on February 18, 2025:

- Adds a provision to proposed paragraph (b) of s. 112.317 that a civil penalty or restitution penalty, for violations of the Code of Ethics, is considered delinquent if the individual has not paid such penalty within 90 days after the penalty is imposed by the commission.

B. Amendments:

None.

By the Committee on Ethics and Elections; and Senators Gaetz and Collins

582-01987-25

2025348c1

1 A bill to be entitled
 2 An act relating to ethics; creating s. 112.3131, F.S.;
 3 defining terms; prohibiting candidates, elected public
 4 officers, appointed public officers, and public
 5 employees from knowingly misrepresenting their Armed
 6 Forces of the United States service records, awards,
 7 or qualifications or wearing any uniform, medal, or
 8 insignia that they are not authorized to wear;
 9 providing applicability; providing civil penalties;
 10 providing construction; amending s. 112.317, F.S.;
 11 specifying when certain penalties imposed by the
 12 Commission on Ethics are considered delinquent;
 13 requiring the Attorney General to attempt to determine
 14 whether an individual owing certain penalties is a
 15 current public officer or public employee; requiring
 16 the Attorney General to notify the Chief Financial
 17 Officer or the governing body of a county,
 18 municipality, school district, or special district of
 19 the total amount of any such penalty owed by a current
 20 public officer or public employee; requiring the Chief
 21 Financial Officer or the governing body to begin
 22 withholding portions of any salary-related payment
 23 that would otherwise be paid to the officer or
 24 employee; requiring that the withheld payments be
 25 remitted to the commission until the penalty is
 26 satisfied; authorizing the Chief Financial Officer or
 27 the governing body to retain a portion of each
 28 retained payment for administrative costs; authorizing
 29 the Attorney General to refer certain unpaid fines to

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

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30 a collection agency; authorizing the collection agency
 31 to use any lawful collection method; authorizing the
 32 Attorney General to collect an unpaid fine within a
 33 specified period after issuance of the civil penalty
 34 or restitution penalty; providing an effective date.
 35
 36 Be It Enacted by the Legislature of the State of Florida:
 37
 38 Section 1. Section 112.3131, Florida Statutes, is created
 39 to read:
 40 112.3131 Stolen valor.-
 41 (1) For the purposes of this section, the term:
 42 (a) "Armed Forces of the United States" has the same
 43 meaning as the term "armed forces" in s. 250.01 and includes the
 44 National Guard of any state.
 45 (b) "Material gain" means any thing of value, regardless of
 46 whether such value is monetary, remunerative, or tangible, which
 47 is received by or given to, or is intended to be received by or
 48 given to, an individual. The term includes, but is not limited
 49 to, food; lodging; compensation; travel expenses; placards;
 50 public benefits; public relief; financial relief; obtaining or
 51 retaining employment or a promotion in such individual's current
 52 employment or public employment, including gaining a position in
 53 state or local government with authority over another person,
 54 regardless of whether the individual receives compensation or
 55 renumeration for his or her service in the position; obtaining
 56 or retaining state or local public office through election or
 57 appointment; or any thing in which or for which a tangible
 58 benefit was gained, even if the value of such benefit is de

Page 2 of 6

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59 minimis.

60 (c) "Servicemember" has the same meaning as in s. 250.01.

61 (2) (a) A candidate, an elected public officer, an appointed
 62 public officer, or a public employee may not, for the purpose of
 63 material gain, knowingly do any of the following:

64 1. Misrepresent by making false, fictitious, or fraudulent
 65 statements or representations, directly or indirectly, that he
 66 or she is or was a servicemember or veteran of the Armed Forces
 67 of the United States.

68 2. Misrepresent by making false, fictitious, or fraudulent
 69 statements or representations, directly or indirectly, that he
 70 or she is or was the recipient of a decoration, medal, title, or
 71 honor from the Armed Forces of the United States or otherwise
 72 related to military service, including, but not limited to, any
 73 of the following:

74 a. Air Force Combat Action Medal.

75 b. Air Force Cross.

76 c. Combat Action Badge.

77 d. Combat Action Ribbon.

78 e. Combat Infantryman Badge.

79 f. Combat Medical Badge.

80 g. Distinguished Service Cross.

81 h. Medal of Honor.

82 i. Navy Cross.

83 j. Purple Heart.

84 k. Silver Star Medal.

85 3. Misrepresent by making false, fictitious, or fraudulent
 86 statements or representations, directly or indirectly, that he
 87 or she is a holder of an awarded qualification or military

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88 occupational specialty, including, but not limited to, any of
 89 the following:

90 a. Aircraft pilot, navigator, or crew member.

91 b. Explosive Ordinance Disposal Technician.

92 c. Parachutist.

93 d. United States Army Ranger.

94 e. United States Navy Seal or Diver.

95 f. United States special operations forces member.

96 4. Misrepresent by making false, fictitious, or fraudulent
 97 statements or representations, directly or indirectly, that he
 98 or she actively served in the Armed Forces of the United States
 99 during a wartime era, regardless of whether there was a declared
 100 war, or served in combat operations in a warzone, or was a
 101 prisoner of war.

102 5. Wear the uniform or any medal or insignia authorized for
 103 use by members or veterans of the Armed Forces of the United
 104 States which he or she is not authorized to wear.

105 (b) This subsection does not prohibit individuals in the
 106 theatrical profession from wearing such uniforms, medals, or
 107 insignia during a performance while engaged in such profession.

108 (3) A candidate, an elected public officer, an appointed
 109 public officer, or a public employee who violates subsection (2)
 110 is subject to the penalties in s. 112.317.

111 (4) This section does not preclude prosecution of an
 112 individual for any action under subsection (2) which is
 113 prohibited by another law.

114 Section 2. Subsection (2) of section 112.317, Florida
 115 Statutes, is amended to read:

116 112.317 Penalties.—

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(2) (a) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney fees, expert witness fees, or other costs of collection incurred in bringing the action.

(b) For the purposes of this subsection, a civil penalty or restitution penalty is considered delinquent if the individual has not paid such penalty within 90 days after the penalty is imposed by the commission. Before referring a delinquent civil penalty or restitution penalty to the Department of Financial Services, the Attorney General shall attempt to determine whether the individual owing such penalty is a current public officer or current public employee, and, if so, the Attorney General must notify the Chief Financial Officer or the governing body of the appropriate county, municipality, school district, or special district of the total amount of the penalty owed by such individual.

1. After receipt and verification of the notice from the Attorney General, the Chief Financial Officer or the governing body of the county, municipality, school district, or special district shall begin withholding the lesser of 25 percent or the maximum amount allowed under federal law from any salary-related

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2025348c1

payment. The withheld payments must be remitted to the commission until the fine is satisfied.

2. The Chief Financial Officer or the governing body of the county, municipality, school district, or special district may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred under this section.

(c) The Attorney General may refer any unpaid civil penalty or restitution penalty to the appropriate collection agency as directed by the Chief Financial Officer, and, except as expressly limited by this section, such collection agency may use any collection method authorized by law.

(d) The Attorney General may take any action to collect any unpaid civil penalty or restitution penalty imposed within 20 years after the date the civil penalty or restitution penalty is imposed.

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



The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 6, 2025

I respectfully request that **Senate Bill #348**, relating to Ethics, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Don Gaetz", is written over a horizontal line.

Senator Don Gaetz
Florida Senate, District 1

March 12, 2025

Meeting Date

Committee on Rules

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 348

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kerrie Stillman Phone 850-488-7864

Address Post Office Drawer 15709 Email stillman.kerrie@leg.state.fl.us

Street

Tallahassee

FL

32317-5709

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 Commission on Ethics

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

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

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

S-001 (08/10/2021)

Weds March 12 2025

The Florida Senate

APPEARANCE RECORD

SB 348 Stolen Valor

Meeting Date

Ethics and Elections

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Cynthia Carroll

Phone

850-723-0558

Address

Street

5151 Yestercoaks Circle

Email

octhim@gmail.com

City

Pensacola

State

FL

Zip

32507

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.),
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S-001 (08/10/2021)

Weds March 12 2025

Meeting Date

Ethics and Elections

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 348 Stolen Valor

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sharon D. Regan Phone 850-206-4931

Address 202 Camelia Street Email sharonregan@hotmail.com

Street

Gulf Breeze

FL

32561

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)

Weds March 12 2025

Meeting Date
Ethics and Elections

The Florida Senate
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SB 348 Stolen Valor

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Connie Hillis

Phone 850-564-1914

Address Oakfield Dr

Email NA

Street

Milton

City

FL

State

32583

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 following appearance
records were not read
into the record

Weds March 12 2025

Meeting Date
Ethics and Elections

The Florida Senate
APPEARANCE RECORD

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

SB 348 Stolen Valor

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sally Dutcher Phone 850 376-9080
Address 1333 Pine Forest Rd Email sallydutcher@gmail
Pensacola FL 32526
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)

Weds March 12 2025

APPEARANCE RECORD

SB 348 Stolen Valor

Meeting Date

Ethics and Elections

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

SUSAN Cundiff

Phone

850 932 8007

Address

Email

Street

Gulf Breeze FL 32563

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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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 Rules

BILL: SB 356

INTRODUCER: Senator Berman and others

SUBJECT: Holocaust Remembrance Day

DATE: March 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sabitsch	Bouck	ED	Favorable
2. Sabitsch	Yeatman	RC	Favorable

I. Summary:

SB 356 establishes Holocaust Remembrance Day. Specifically, the bill:

- Requires the Governor to annually proclaim January 27th as “Holocaust Remembrance Day.”
- Permits the day to be suitably observed in public schools, the Capitol, and elsewhere as designated by the Governor.
- Permits instruction to be delivered on the designated day on the harmful impacts of the Holocaust and anti-Semitism as well as the positive impacts of the Jewish community on humanity.

The bill takes effect on July 1, 2025.

II. Present Situation:

Legal Holidays and Observances

Chapter 683, F.S., provides designations for legal holidays and special observances. Special observances are also found in other parts of Florida law. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region. For example, “Gasparilla Day”¹ is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”² if issued by the Governor, is observed throughout the state. Depending on the holiday or special observance, certain actions may be required to be performed for the commemoration or observance of the date, day, or month. For example, Florida law recognizes the month of September as “American Founders’ Month,”³ urging, but not requiring, all civic, fraternal, and religious organizations and public and private educational institutions to recognize this occasion. In contrast, the last full week of classes in September is designated as “Celebrate Freedom

¹ Section 683.08, F.S.

² Section 683.25, F.S.

³ Section 683.1455, F.S.

Week,”⁴ in which public schools are required to include at least three hours of grade-appropriate instruction related to the meaning and importance of the Declaration of Independence in social studies classes.⁵

There are 27 legal holidays⁶ established in law and 35 special observances.⁷ The state recognizes nine paid holidays that are observed by all state branches and agencies.⁸

The Holocaust

The Holocaust (1933-1945) was the systematic, state-sponsored persecution and murder of 6 million European Jews and others by the Nazi German regime and its allies and collaborators. At the beginning of Nazi rule, Dictator Adolf Hitler used the government to target and exclude Jews from German society. Among other anti-Semitic measures, the Nazi German regime enacted discriminatory laws and organized violence targeting Germany’s Jews. The Holocaust is also sometimes referred to as “the Shoah,” the Hebrew word for “catastrophe”.⁹

The Nazis falsely accused Jews of causing Germany’s social, economic, political, and cultural problems. In particular, they blamed them for Germany’s defeat in World War I (1914–1918). Some Germans were receptive to these Nazi claims. Anger over the loss of the war and the economic and political crises that followed contributed to increasing antisemitism in German society. The instability of Germany under the Weimar Republic (1918–1933), the fear of communism, and the economic shocks of the Great Depression also made many Germans more open to Nazi ideas, including antisemitism.¹⁰

However, the Nazis did not invent antisemitism. Antisemitism is an old and widespread prejudice that has taken many forms throughout history. In Europe, it dates back to ancient times. In the Middle Ages (500–1400), prejudices against Jews were primarily based in early Christian belief and thought, particularly the myth that Jews were responsible for the death of Jesus. Suspicion and discrimination rooted in religious prejudices continued in early modern Europe (1400–1800). At that time, leaders in much of Christian Europe isolated Jews from most aspects of economic, social, and political life. This exclusion contributed to stereotypes of Jews as outsiders. As Europe became more secular, many places lifted most legal restrictions on Jews. This, however, did not mean the end of antisemitism. In addition to religious antisemitism, other types of antisemitism took hold in Europe in the 18th and 19th centuries. These new forms included economic, nationalist, and racial antisemitism. In the 19th century, antisemites falsely claimed that Jews were responsible for many social and political ills in modern industrial society. Theories of race, eugenics, and Social Darwinism falsely justified these hatreds. Nazi prejudice

⁴ Section 1003.421, F.S.

⁵ *Id.*

⁶ There are 21 state legal holidays, three judicial circuit court legal holidays, and three county legal holidays. Sections 683.01, 683.08, 683.09, 683.12, and 683.19, F.S.

⁷ Sections 683.04 - 683.336, F.S.

⁸ Section 110.117(1), F.S. Paid state holidays include: New Year’s Day, the Birthday of Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving, and Christmas Day.

⁹ United States Holocaust Memorial Museum, *Introduction to the Holocaust*, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited Feb 20, 2025).

¹⁰ *Id.*

against Jews drew upon all of these elements, but especially racial antisemitism. Racial antisemitism is the discriminatory idea that Jews are a separate and inferior race.¹¹

The Nazi persecution of Jews became radicalized with the culminated plan known as the “Final Solution to the Jewish Question.” The “Final Solution” came to fruition during World War II, with mass shootings and gas poisoning killing centers in concentration camps. About 6 million Jews and some 5 million others, targeted for racial, political, ideological, and behavioral reasons, died in the Holocaust, more than 1 million of those who perished were children.¹²

Commemoration of the Holocaust

The United Nations (UN) General Assembly designated January 27, the anniversary of the liberation of Auschwitz-Birkenau, as International Holocaust Remembrance Day. On this annual day of commemoration, the UN urges every member state to honor the 6 million Jewish victims of the Holocaust and millions of other victims of Nazism and to develop education programs to help prevent future genocides.¹³

Holocaust Education in Florida

In 2020, the Legislature directed the Department of Education (DOE) to develop standards for Holocaust Education.¹⁴ The DOE worked closely with the Commissioner of Education’s Task Force on Holocaust Education and Florida teachers to develop content-rich and developmentally appropriate standards. In the process, DOE received and considered comments from state and nationally recognized Holocaust educational organizations, Florida educators, school administrators, representatives of the Florida College System and state universities, business and industry leaders, and the public.¹⁵

In July 2021, the State Board of Education (SBE) adopted the updated State Standards for Social Studies, incorporating revised civics and government standards¹⁶ and new standards for grades 5-12 for Holocaust education for which instruction began in 2023-2024.¹⁷

Required instruction on the Holocaust (1933-1945) must include the history of the systematic annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, and be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values

¹¹ United States Holocaust Memorial Museum, *Introduction to the Holocaust*, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited February 20, 2025).

¹² *Id.*

¹³ United Nations General Assembly Resolution 60/7. *See also*, United Nations, *Outreach Programme on the Holocaust*, <https://www.un.org/en/holocaustremembrance/observance/> (last visited February 20, 2025).

¹⁴ Chapter 2020-88, s. 5, Laws of Fla.

¹⁵ Florida Department of Education, *Commissioner of Education’s Task Force on Holocaust Education*, <https://www.fldoe.org/holocausteducation/> (last visited Feb 20, 2025).

¹⁶ Chapter 2019-150, s.1, Laws of Fla.

¹⁷ Florida Department of Education, *Next Generation Sunshine State Standards – Social Studies, 2021*, available at <https://www.fldoe.org/core/fileparse.php/19975/urlt/5-3.pdf>.

and institutions, including the policy, definition, and historical and current examples of anti-Semitism and the prevention of anti-Semitism.¹⁸

Each school district must annually certify and provide evidence to the DOE that it has met the instructional requirements on Holocaust education. In addition, the DOE may contract with any state or nationally-recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.¹⁹

Florida recognizes the second week in November as Holocaust Education Week, which coincided with the anniversary of Kristallnacht, November 9-10, 1938. Kristallnacht is widely recognized as a precipitating event that led to the Holocaust.²⁰ The DOE has created a portal dedicated to Holocaust Education Week, which offers commemoration resources, educational programs, and materials concerning the Holocaust, for school districts, teachers, parents, and the general public.²¹

III. Effect of Proposed Changes:

SB 356 creates s. 683.196, F.S., to require the Governor to annually proclaim January 27th to be “Holocaust Remembrance Day” and allows the day to be suitably observed in public schools and at the State Capitol and other locations designated by the Governor.

The bill specifies that if January 27th falls on a day that is not a school day, Holocaust Remembrance Day may be observed in schools on the following school day or on a school day designated by the local district school board.

The bill permits instruction about the harmful impacts on humanity of the Holocaust and anti-Semitism as well as the positive impacts of the Jewish community on humanity. The instruction may be delivered on Holocaust Remembrance Day. The bill does not specify if such instruction is to be based on state academic standards or required instruction under s. 1003.42, F.S., for Holocaust education.

This bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁸ Section 1003.42(2)(g)1., F.S.

¹⁹ Section 1003.42(2)(g)1., F.S.

²⁰ Section 1003.42(2)(g)2., F.S.

²¹ Florida Department of Education, *Holocaust Education Week*, <https://www.fldoe.org/holocausteducation/holo-ed-week.shtml> (last visited Feb 20, 2025).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 683.196 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Berman

26-00171B-25

2025356__

A bill to be entitled

An act relating to Holocaust Remembrance Day; creating s. 683.196, F.S.; requiring the Governor to proclaim a specified day annually as "Holocaust Remembrance Day"; authorizing "Holocaust Remembrance Day" to be observed in this state's public schools and be observed by public exercise as the Governor may designate; providing construction; authorizing specified instruction; providing an effective date.

WHEREAS, more than 79 years have passed since the Holocaust ended, yet anti-Semitism and unfounded hatred of Jews continues to spread throughout the world, and

WHEREAS, millions of Jews, Soviet civilians, and persons with disabilities were murdered during the Holocaust, as well as people targeted for their ethnicity, religion, political beliefs, and sexual orientation, and

WHEREAS, on November 1, 2005, the United Nations General Assembly designated January 27, the anniversary of the liberation of Auschwitz-Birkenau, as International Holocaust Remembrance Day, and

WHEREAS, the tragedy of the Holocaust and the ongoing effects of anti-Semitism continue to impact Jewish communities in this state, NOW, THEREFORE,

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

Section 1. Section 683.196, Florida Statutes, is created to read:

Page 1 of 2

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

26-00171B-25

2025356__

683.196 Holocaust Remembrance Day.—

(1) In honor of the millions of victims killed in the Holocaust, the Governor shall annually proclaim January 27 to be "Holocaust Remembrance Day," which may be observed in the public schools of this state and by public exercise at the State Capitol and elsewhere as the Governor may designate.

(2) If January 27 falls on a day that is not a school day, "Holocaust Remembrance Day" may be observed in the public schools on the following school day or as otherwise designated by the district school board having jurisdiction.

(3) Instruction on the harmful impacts of the Holocaust and anti-Semitism and the positive contributions of the Jewish community to humanity may be provided as part of the public school instruction on "Holocaust Remembrance Day."

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

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 4, 2025

I respectfully request that **Senate Bill #356**, relating to Holocaust Remembrance Day, be placed on the:

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

A handwritten signature in cursive script that reads "Lori Berman". The signature is written in black ink and is followed by a horizontal line.

Senator Lori Berman
Florida Senate, District 26

cc:
Senator Shevrin Jones, Vice Chair
Tom Yeatman, Staff Director

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Committee on Rules

Judge:

Started: 3/12/2025 11:03:47 AM

Ends: 3/12/2025 12:02:45 PM

Length: 00:58:59

11:03:46 AM Chair calls meeting to order
11:03:52 AM Roll call
11:03:58 AM Quorum announced
11:04:42 AM Chair with opening comments
11:05:57 AM Tab 6 SB 108 Administrative Procedures by Senator Grall
11:06:05 AM Senator Grall explains the bill
11:08:38 AM Delete-all Amendment Barcode 345014
11:08:40 AM Senator Grall
11:10:09 AM Amendment to Amendment Barcode 386754
11:10:28 AM Senator Grall
11:10:54 AM Amendment to Amendment is adopted
11:10:55 AM Amendment to Amendment Barcode 156706
11:11:05 AM Senator Grall
11:11:27 AM Amendment to Amendment is adopted
11:11:28 AM Back on main amendment
11:11:36 AM Questions
11:11:42 AM Senator Pizzo
11:11:56 AM Senator Grall
11:12:13 AM Senator Pizzo
11:12:40 AM Senator Grall
11:13:37 AM Amendment is adopted
11:13:38 AM Back on Bill as amended
11:13:50 AM Appearance Forms
11:13:55 AM Louise St. Laurent - FL Bar, speaks
11:15:38 AM Daniel Martinez, Americans for Prosperity, waives
11:15:42 AM Doug Wheeler, James Madison Institute, waives
11:15:56 AM Senator Grall closes on bill
11:16:26 AM Roll Call
11:17:04 AM CS/SB 108 is reported favorably
11:17:18 AM Tab 7 CS/SB 116 Veterans by Senator Burgess
11:17:27 AM Senator Burgess explains the bill
11:18:34 AM Amendment Barcode 771978
11:18:37 AM Senator Burgess
11:19:13 AM Amendment is adopted
11:19:15 AM Back on the Bill
11:19:18 AM Appearance Forms
11:19:24 AM Bill Jefferson speaks
11:20:15 AM Karen Murillo, AARP, waives
11:20:20 AM Matt Herndon, United Way of Florida, Broward, Miami, waives
11:20:32 AM Major General James Hartsell, waives
11:20:42 AM Debate
11:20:57 AM Senator Wright
11:21:14 AM Senator Harrell
11:22:05 AM Senator Burgess
11:22:50 AM Roll call
11:23:27 AM CS/CS/SB 116 is reported favorably
11:23:34 AM Tab 8 SB 118 Regulation of Presidential Libraries
11:23:43 AM Senator Brodeur explains the bill
11:24:18 AM Questions
11:24:20 AM Senator Berman
11:24:34 AM Senator Brodeur
11:24:51 AM Senator Berman

11:25:00 AM Senator Brodeur
11:25:11 AM Senaror Pizzo
11:25:40 AM Senator Brodeur
11:26:32 AM Senator Brodeur closes
11:26:45 AM Roll call
11:27:22 AM SB 118 is reported favorably
11:27:27 AM Tab 9 CS/SB 126 Prescription Hearing Aids by Senator Bradley
11:27:36 AM Senator Bradley explains the bill
11:28:22 AM Appearance Forms
11:28:23 AM Veit Albert, hear.com, waives
11:28:37 AM Daniel Martinez, Americans for Prosperity, waives
11:28:43 AM Senator Bradley
11:28:47 AM Roll call
11:29:27 AM CS/SB 126 is reported favorably
11:29:34 AM Tab 10 CS/SB 150 Abandoning Restrained Animals During Natural Disasters by Senator Gaetz
11:29:46 AM Senator Gaetz explains the bill
11:31:05 AM Appearance Forms
11:31:10 AM Sharon D. Regan, waives
11:31:14 AM Connie Hillis, waives
11:31:19 AM Diana Ferguson, FL Animal Control Association, waives
11:31:26 AM Travis Moore, Animal Legal Defense Fund, waives
11:31:33 AM Amy Carotenuto, waives
11:31:40 AM Kate MacFall, Humane Society of the United States, waives
11:31:47 AM Sally Dutcher, waives
11:32:00 AM Senator Gaetz
11:32:01 AM Roll call
11:32:44 AM CS/SB 150 is reported favorably
11:32:52 AM Tab 12 SB 294 Collaborative Pharmacy Practice for Chronic Health Conditions
11:33:05 AM Senator Harrell explains the bill
11:34:37 AM Appearance Forms
11:34:38 AM Dr. David Winchester, FL Chapter, American College of Cardiology, speaks
11:35:10 AM Chris Lyon, Florida Osteopathic Medical Association, waives
11:35:15 AM Brittany Jackson, Florida Medical Association, waives
11:35:24 AM Senator Harrell
11:35:55 AM Roll call
11:36:37 AM SB 294 is reported favorably
11:36:41 AM Tab 13 SM 314 Florida National Guard Increased Force Structure by Senator Wright
11:36:52 AM Senator Wright explains the memorial
11:38:11 AM Senator Burgess
11:38:45 AM Senator Avila
11:40:22 AM Senator Wright
11:40:50 AM Roll call
11:41:31 AM SM 314 is reported favorably
11:41:36 AM Tab 14 CS/SB 322 Property Rights by Senator Roriguez
11:41:45 AM Senator Rodriguez explains the bill
11:42:09 AM Amendment Barcode 627756
11:42:19 AM Senator Rodriguez
11:42:45 AM Amendment is adopted
11:42:46 AM Back on bill
11:42:55 AM Appearance Forms
11:42:57 AM JP Bell, Florida Realtors Association, waives
11:43:02 AM Daniel Martinez, Americans for Prosperity, waives
11:43:15 AM Senator Rodriguez
11:43:19 AM Roll call
11:44:01 AM CS/CS/SB 322 is reported favorably
11:44:08 AM Tab 15 CS/SB 348 Ethics by Senator Gaetz
11:44:14 AM Senator Gaetz explains the bill
11:45:56 AM Appearance Forms
11:45:57 AM Kerrie Stillman, Florida Commission on Ethics, waives
11:46:03 AM Cynthia Carroll, waives
11:46:09 AM Connie Hillis, waives
11:46:11 AM Sharon Regan, waives

11:46:22 AM Senator Gaetz
11:46:25 AM Roll call
11:47:09 AM CS/SB 348 is reported favorably
11:47:14 AM Tab 16 SB 356 Holocaust Remembrance Day by Senator Berman
11:47:21 AM Senator Berman explains the bill
11:48:59 AM Roll call
11:49:38 AM SB 356 is reported favorably
11:49:43 AM Tab 11 CS/SB 160 Public Accountancy by Senator Gruters
11:49:53 AM Senator Gruters explains the bill
11:50:17 AM Questions
11:50:20 AM Senator Pizzo
11:50:27 AM Senator Gruters
11:51:02 AM Appearance Form
11:51:03 AM Jason Harrell, FICPA, waives
11:51:12 AM Debate
11:51:15 AM Senator Burgess
11:51:48 AM Senator Gruters
11:52:45 AM Roll call
11:53:29 AM CS/SB 160 is reported favorably
11:53:34 AM Tab 5 CS/SB 50 Nature-based Methods for Improving Coastal Resilience by Senator Garcia
11:53:44 AM Senator Garcia explains the bill
11:55:15 AM Appearance Forms
11:55:17 AM Kahreem Golden, The Nature Conservancy, waives
11:55:21 AM Travis Moore, Florida Native Plant Society, waives
11:55:27 AM Steve Schale, The Environmental Defense Fund, waives
11:55:32 AM Chadwick Leonard, 1000 Friends of Florida, waives
11:55:44 AM Senator Garcia
11:55:47 AM Roll call
11:56:29 AM CS/SB 50 is reported favorably
11:56:33 AM Chair to Vice-Chair Jones
11:56:40 AM Tab 1 SB 36 Florida Statutes by Senator Passidomo
11:56:47 AM Senator Passidomo explains the bill
11:57:23 AM Senator Passidomo
11:57:24 AM Roll call
11:58:05 AM SB 36 is reported favorably
11:58:08 AM Tab 2 SB 38 Florida Statutes by Senator Passidomo
11:58:15 AM Senator Passidomo explains the bill
11:58:40 AM Senator Passidomo
11:58:41 AM Roll call
11:59:21 AM SB 38 is reported favorably
11:59:24 AM Tab 3 SB 40 Florida Statutes by Senator Passidomo
11:59:30 AM Senator Passidomo explains the bill
11:59:51 AM Senator Passidomo
11:59:53 AM Roll call
12:00:35 PM SB 40 is reported favorably
12:00:40 PM Tab 4 SB 42 Florida Statutes by Senator Passidomo
12:00:47 PM Senator Passidomo explains the bill
12:01:08 PM Senator Passidomo
12:01:10 PM Roll call
12:01:50 PM SB 42 is reported favorably
12:01:52 PM Chair back to Chair Passidomo
12:01:57 PM Votes after
12:02:08 PM Senator Trumbull
12:02:14 PM Senator Gruters
12:02:23 PM Motions adopted
12:02:32 PM Senator DiCeglie moves we adjourn
12:02:34 PM Meeting adjourned