

Industries & Professional Activities Subcommittee

Wednesday, March 19, 2025
1:00 PM – 4:00 PM
Webster Hall (212 Knott)

Daniel Perez
Speaker

Mike Giallombardo
Chair

The Florida House of Representatives

Commerce Committee

Industries & Professional Activities Subcommittee

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Meeting Agenda

Wednesday, March 12, 2025
1:00pm – 4:00pm
Webster Hall (212 Knott)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):
- HB 311 Repair of Motorized Wheelchairs by Eskamani
- HB 717 Unlawful Demolition of Historical Buildings and Structures by Greco
- HB 799 Special Alcoholic Beverage Licenses Issued to Residential Condominiums by LaMarca
- HB 869 Underground Utility and Excavation Contractors by Sapp
- HB 1035 Building Permits for Single-family Dwellings by Esposito
- HB 1071 Alternative Plans Reviews and Inspections by Benarroch
- HB 1161 Removal of Altered Sexual Depictions Posted Without Consent by Duggan
- HB 4031 City of Oviedo, Seminole County by Plasencia
- CS/HB 4053 Duval County by Intergovernmental Affairs Subcommittee, Duggan

V. Consideration of the following proposed committee substitute(s):
- PCS for HB 743 -- Social Media Use by Minors
- PCS for HB 801 -- Air-Conditioning and Mechanical Contractors
- PCS for HB 981 -- Athlete Representation and Compensation
- PCS for HB 1219 -- Employment Agreements

VI. Closing Remarks

VII. Adjournment

214 House Office Building, 402 South Monroe Street, Tallahassee, Fl 32399-1300
(850) 717-4870

HB 311

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 311	**COMPANION BILL:** SB 412 (Smith)
TITLE: Repair of Motorized Wheelchairs	**LINKED BILLS:** None
SPONSOR(S): Eskamani	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Commerce

SUMMARY

Effect of the Bill:

The bill creates the Motorized Right to Repair Act that requires original equipment manufacturers of motorized wheelchairs sold or used in this state to provide documents, tools, and parts necessary to repair motorized wheelchairs to third party repair providers and owners of motorized wheelchairs.

Fiscal or Economic Impact:

None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates the Motorized Right to Repair Act (Act) that requires original equipment manufacturers of motorized wheelchairs sold or used in this state to provide documents, tools, and parts necessary to repair motorized wheelchairs to third party repair providers and owners of motorized wheelchairs. The Act applies to motorized wheelchairs sold or in use on or after July 1, 2025. (Sections 2, 4, and 7)

Original equipment manufacturers must make documents and tools available at fair and reasonable terms, which means at either no cost or at the actual cost of preparing and sending the document or tool. Parts must also be provided at fair and reasonable terms that are equivalent to the most favorable costs and terms under which an original equipment manufacturer provides the part to an authorized repair provider. (Section 3)

For any equipment that contains an electronic security lock or security-related function, the original equipment manufacturer must:

- Make certain items and information available to owners and independent repair providers.
- Provide, on fair and reasonable terms, any special documentation, tools, and parts needed to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the motorized wheelchair. The documentation, tools, and parts may be made available through appropriate secure release systems. (Section 4)

The Act does not require an original equipment manufacturer to disclose a trade secret to an owner or independent service provider and does not alter the terms of an arrangement between the original equipment manufacturer and an authorized repair provider. (Section 6)

A violation of the Motorized Right to Repair Act is punishable under the Florida Deceptive and Unfair Trade Practices Act. However, an original equipment manufacturer is not liable for any damage or injury caused to a motorized wheelchair by an independent repair provider or owner during the course of repair, diagnosis, or maintenance. (Sections 5 and 6)

The bill provides an effective date of July 1, 2025. (Section 8)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Millions of Americans rely on wheelchairs due to impaired mobility.[1] As of 2014, about 21% of adults in the U.S. have difficulty or are unable to walk a quarter mile.[2] The use of mobility devices like wheelchairs provides independence to users who may otherwise have difficulty with physical functioning.[3]

Wheelchair repairs impact over 50% of wheelchair users and often result in individuals stranded at home or missing a medical appointment.[4] One survey of wheelchair users found that a result of wheelchair breakdown, out-of-pocket repair costs ranged from $50-$620.[5]

To address the costs and delays associated with repairs, right to repair laws allow consumers to repair their own products instead of using the original equipment manufacturer for service. In general, right to repair laws include the tools, parts, software or instructions original equipment manufacturers must provide to independent repairers and owners.[6]

The Florida Deceptive and Unfair Trade Practices Act

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA) is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.[7] The FDUTPA is based on federal law.[8]

For example, Florida has determined that the following acts or practices are unfair or deceptive:

- Imposing unconscionable prices for the rental or lease of any dwelling unit or self-storage facility during a period of declared state of emergency;[9]
- Failing to abide by storage requirements for personal information and notice requirements for data breaches of such information;[10] and
- Failing to abide by requirements for weight-loss programs.[11]

The state attorney or the Department of Legal Affairs (DLA) may bring FDUTPA actions, if it serves the public interest, on behalf of consumers or governmental entities.[12] The Office of the State Attorney (SAO) may enforce

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[1] Danielle M. Taylor, U.S. DEPT. OF COM., *Americans With Disabilities: 2014*, available at https://www.census.gov/content/dam/Census/library/publications/2018/demo/p70-152.pdf (last visited March 13, 2025) (citing more than 5.5 million wheelchair users).
[2] *Id.* at 7.
[3] Lynn Worobey, et al., *Increases in Wheelchair Breakdowns, Repairs, and Adverse Consequences for People with Traumatic Spinal Cord Injury*, 91:6 AM. J. OF PHYSICAL MED. AND REHAB. 463 (2012), available at https://pmc.ncbi.nlm.nih.gov/articles/PMC4886332/ (last visited March 13, 2025).
[4] *Id.*
[5] Lisa I. Iezzoni, HARV. HEALTH PUBL'G, *Millions rely on wheelchairs for mobility, but repair delays are hurting users*, available at https://www.health.harvard.edu/blog/millions-rely-on-wheelchairs-for-mobility-but-repair-delays-are-hurting-users-202207212785 (last visited March 13, 2025).
[6] Right to Repair 2023 Legislation, *National Conference of State Legislatures,* November 1, 2023, https://www.ncsl.org/technology-and-communication/right-to-repair-2023-legislation (last visited March 13, 2025).
[7] Chapter 73-124, L.O.F., and s. 501.202, F.S., F.S.
[8] D. Matthew Allen, et. al., *The Federal Character of Florida's Deceptive and Unfair Trade Practices Act*, 65 U. MIAMI L. REV. 1083 (Summer 2011).
[9] S. 501.160, F.S.
[10] S. 501.171, F.S.
[11] S. 501.0579, F.S.
[12] S. 501.207, F.S.(1)(c) and (2), F.S.; *see* s. 501.203(2), F.S. (defining "enforcing authority" and referring to the office of the state attorney if a violation occurs in or affects the judicial circuit under the office's jurisdiction; or the Department of Legal Affairs if the violation occurs in more than one circuit; or if the office of the state attorney defers to the department in writing; or fails to act within a specified period.); *see also* David J. Federbush, *FDUTPA for Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLORIDA BAR JOURNAL 52, Dec. 2002 (analyzing the merits of FDUPTA and the potential

FDUTPA violations occurring in its jurisdiction. DLA has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.[13] Consumers may also file suit through private actions.[14]

DLA and the SAO have powers to investigate FDUTPA claims, which include:[15]

- Administering oaths and affirmations;
- Subpoenaing witnesses or matter; and
- Collecting evidence.

DLA and the SAO, as enforcing authorities, may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to $10,000 per willful violation.[16]

Other States

Currently, it appears that seven states have passed right to repair laws. These states include California, Colorado, Maine, Massachusetts, Minnesota, New York, and Oregon. These laws focus on the digital equipment industry, motor vehicles, and the agricultural and construction industry.[17] The Colorado law addresses original equipment manufacturers of agricultural equipment or a powered wheelchair.[18] New York has introduced a bill that would require manufacturers to make available certain documentation, parts, embedded software, firmware, or tools necessary for repairing wheelchair equipment.[19]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Thompson
Commerce Committee				

for deterrence of anticompetitive conduct in Florida), http://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0,business,Division* (last visited on March 13, 2025).

[13] S. 501.203(2), F.S.

[14] S. 501.211, F.S.

[15] S. 501.206(1), F.S.

[16] S. 501.207, F.S.(1), 501.208, F.S., and 501.2075, F.S. Civil Penalties are deposited into the General Revenue fund. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

[17] Statista, *How Many States Have Right to Repair Laws?,* https://www.statista.com/chart/32855/us-states-with-at-least-one-bill-regulating-right-to-repair-own-products/ (last visited Mar. 17, 2025).

[18] Colorado General Assembly, *Consumer Right to Repair Digital Electronic Equipment*, https://leg.colorado.gov/bills/hb24-1121 (last visited Mar. 17, 2025).

[19] New York Senate Bill S4500.

A bill to be entitled

An act relating to repair of motorized wheelchairs; providing a directive to the Division of Law Revision; creating s. 559.971, F.S.; providing a short title; creating s. 559.972, F.S.; providing definitions; creating s. 559.973, F.S.; requiring an original equipment manufacturer to make available any documentation, parts, and tools, required for the diagnosis, maintenance, or repair of a motorized wheelchair and parts for the motorized wheelchair; requiring an original equipment manufacturer of a motorized wheelchair with an electronic security lock to make available any special documentation, parts, and tools, needed to access and reset the lock when disabled in the course of diagnosis, maintenance, or repair of the motorized wheelchair; creating s. 559.974, F.S.; providing that violation of the act is an unlawful practice under the Florida Deceptive and Unfair Trade Practices Act; creating s. 559.975, F.S.; providing that an original equipment manufacturer is not required to divulge trade secrets; providing that nothing in the act alters the terms of an arrangement between an authorized repair provider and an original equipment manufacturer; providing an exception; limiting the liability of an original equipment

manufacturer or authorized repair provider in certain circumstances; creating s. 559.976, F.S.; providing applicability; providing an effective date.

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

Section 1. Part XIV of chapter 559, Florida Statutes, consisting of ss. 559.971-559.976, is created and entitled "Repair of Motorized Wheelchairs."

Section 2. Section 559.971, Florida Statutes, is created to read:

559.971 Short title.-This part may be cited as the "Motorized Wheelchair Right to Repair Act."

Section 3. Section 559.972, Florida Statutes, is created to read:

559.972 Definitions.-As used in this part, the term:

(1) "Authorized repair provider" means an individual or a business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of a motorized wheelchair under the name of the original equipment manufacturer, or other arrangement with the original equipment manufacturer to offer such services on behalf of the

original equipment manufacturer. An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own motorized wheelchair, and that does not have an arrangement with an unaffiliated individual or business, must be considered an authorized repair provider with respect to motorized wheelchairs.

(2) "Documentation" means any manual, diagram, reporting output, service code description, schematic diagram, security codes, passwords, or other guidance or information used in effecting the services of diagnosis, maintenance, or repair of a motorized wheelchair.

(3) "Fair and reasonable terms" means making available parts, tools, or documentation as follows:

(a) Documentation made available by the original equipment manufacturer at no charge, except that, when a physical copy is requested, a charge may be included for the reasonable actual costs of preparing and sending the copy.

(b) Tools made available by the original equipment manufacturer at no charge and without requiring authorization or Internet access for use or operation of the tools; without imposing impediments to access or use the tools to diagnose, maintain, or repair and enable full functionality of digital electronic equipment; and not in a manner that impairs the efficient and cost-effective performance of any such diagnosis, maintenance, or repair, except that, when the tool is requested

in physical form, a charge may be included for the reasonable, actual costs of preparing and sending the tool.

(c) Parts made available by the original equipment manufacturer, either directly or through an authorized repair provider, to independent repair providers and owners at costs and terms that are equivalent to the most favorable costs and terms under which an original equipment manufacturer offers the parts to an authorized repair provider and that:

1. Accounts for any discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or other incentive and preference the original manufacturer offers to an authorized repair provider; or any additional cost or impediment the original equipment manufacturer imposes on an owner or independent repair provider.

2. Is not conditioned upon or does not impose a substantial obligation or restriction that is not reasonably necessary for enabling the owner or independent repair provider to engage in the diagnosis, maintenance, or repair of equipment made by or on behalf of the original equipment manufacturer.

3. Is not conditioned upon an arrangement with the original equipment manufacturer.

(4) "Independent repair provider" means an individual or business operating in this state which is unaffiliated with an original equipment manufacturer that is engaged in the services

of diagnosis, maintenance, or repair of motorized wheelchairs.

(5) "Original equipment manufacturer" means a business engaged in selling, leasing, or supplying new motorized wheelchairs manufactured by, or on behalf of, the business to any individual or business.

(6) "Owner" means an individual or business that owns or leases a motorized wheelchair purchased or used in this state.

(7) "Part" means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of a motorized wheelchair manufactured by or on behalf of, sold, or otherwise supplied by the original equipment manufacturer.

(8) "Tools" means any software, hardware, or other apparatus used for the diagnosis, maintenance, or repair of a motorized wheelchair, including software or other mechanisms that program a new part, calibrate functionality, or perform any other function required to return the wheelchair to fully functional condition, including any updates.

(9) "Trade secret" has the same meaning as in s. 688.002.

Section 4. Section 559.973, Florida Statutes, is created to read:

559.973 Requirements.-

(1) For motorized wheelchairs and parts for motorized wheelchairs that are sold or used in this state, an original equipment manufacturer must make available to any independent

repair provider and owner by, on behalf of, or sold by such original equipment manufacturer, on fair and reasonable terms, any documentation, parts, and tools, required for the diagnosis, maintenance, or repair of such a motorized wheelchair and parts for the motorized wheelchair, inclusive of any updates to information. The documentation parts and tools must be made available either directly by the original equipment manufacturer or via an authorized repair provider.

(2) For equipment that contains an electronic security lock or other security-related function, the original equipment manufacturer must make available to an owner and independent repair provider, on fair and reasonable terms, any special documentation, tools, and parts needed to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the motorized wheelchair. The documentation, tools, and parts may be made available through appropriate secure release systems.

Section 5. Section 559.974, Florida Statutes, is created to read:

559.974 Enforcement.-A violation of this part is punishable under the Florida Deceptive and Unfair Trade Practices Act.

Section 6. Section 559.975, Florida Statutes, is created to read:

559.975 Limitations.-

(1) This part does not require an original equipment manufacturer to divulge a trade secret to an owner or independent service provider.

(2) This part does not alter the terms of an arrangement between an authorized repair provider and an original equipment manufacturer, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer and pursuant to such arrangement. However, any provision in the terms that waives, avoids, restricts, or limits the original equipment manufacturer's obligations to comply with this part is void.

(3) An original equipment manufacturer or authorized repair provider is not liable for any damage or injury caused to a motorized wheelchair by an independent repair provider or owner that occurs during the course of repair, diagnosis, or maintenance.

Section 7. Section 559.976, Florida Statutes, is created to read:

559.976 Applicability.-This part applies with respect to motorized wheelchairs sold or in use on or after July 1, 2025.

Section 8. This act shall take effect July 1, 2025.

HB 717

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 717	**COMPANION BILL:** SB 582 (Leek)
TITLE: Unlawful Demolition of Historical Buildings and Structures	**LINKED BILLS:** None
SPONSOR(S): Greco	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs
15 Y, 0 N
➤
Industries & Professional Activities
➤
State Affairs

SUMMARY

Effect of the Bill:

The bill authorizes code enforcement boards or special magistrates to impose an enhanced fine for the knowing and willful demolition of a structure individually listed on the National Register of Historic Places or is a contributing resource to a National Register-listed district. The enhanced fine may not exceed 20 percent of the fair market value of the property, as determined by the property appraiser.

Fiscal or Economic Impact:

The bill may increase local government revenues to the extent additional fines are collected for code enforcement violations.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill authorizes code enforcement boards or special magistrates to impose an enhanced fine for the demolition of a structure individually listed on the National Register of Historic Places or that is a contributing resource to a National Register-listed district. A code enforcement board or special magistrate must make specific findings based on competent, substantial evidence that the demolition of the historic structure was knowing and willful, not permitted, and was not the result of a natural disaster. The enhanced fine may not exceed 20 percent of the fair market value of the property before the demolition of the structure, as determined by the property appraiser. (Section 1)

The bill provides an effective date of July 1, 2025. (Section 2)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may increase local government revenues to the extent additional fines are collected for code enforcement violations.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

County and Municipal Code Enforcement

Code enforcement is a function of local government intended to enhance the economy and quality of life of counties and municipalities by protecting the health, safety, and welfare of the community.[1] Four areas of Florida law create

[1] S. 162.02, F.S.

mechanisms counties and municipalities may utilize for code and ordinance enforcement.[2] Under each mechanism, a local government designates code inspectors or code enforcement officers, tasked with investigating potential code violations, providing notice of violations, and issuing citations for noncompliance. Code inspectors and enforcement officers do not possess police powers. These statutes provide permissible code enforcement mechanisms that may be used by local governments in any combination they choose.[3]

The Local Government Code Enforcement Boards Act[4] allows each county and municipality to create local government code enforcement boards by ordinance.[5] A code enforcement board is an administrative board composed of members appointed by the governing body of a county or municipality[6] with the authority to hold hearings and impose administrative fines and other non-criminal penalties for violations of the jurisdiction's codes or ordinances.[7] A code enforcement board may adopt rules for the conduct of its hearings; subpoena alleged violators, witnesses, and evidence to its hearings; take testimony under oath; and issue orders having the force of law necessary to bring a violation into compliance.[8] Each code enforcement board has seven members, except that a county or municipality with fewer than 5,000 residents may elect to appoint a board of five members. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

Members of the code enforcement board must be residents of the county or municipality creating the board.[9] Members must include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor, if possible.

Code enforcement proceedings are initiated by code inspectors.[10] The process begins with a code inspector notifying the alleged violator of the specific violation. The violator is granted a reasonable period to correct the violation.[11] If the violation is not corrected within the period specified in the notice, the code inspector informs the enforcement board and requests a hearing. The code enforcement board schedules the hearing and must provide written notice, by certified mail or personal service, to the alleged violator.[12] A period for corrective action is not required if the violation is a repeat violation; presents a serious threat to public health, safety, and welfare; or is irreparable or irreversible in nature.[13]

In each matter heard before a code enforcement board, the case is presented and testimony is taken from both the code inspector and alleged violator.[14] At the conclusion of the hearing, the board issues findings of fact and provides an order stating the relief granted.[15] The board may include a notice that repairs must be completed by a specified date and fine the violator for each day the order has not been complied with after the completion date or

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[2] Ch. 125, Part II, F.S. (county self-government), ch. 162, Part I, F.S. (Local Government Code Enforcement Boards Act), ch. 162 Part II (supplemental procedures for county or municipal code or ordinance enforcement procedures), and s. 166.0415, F.S. (city ordinance enforcement).
[3] *See* ss. 125.69(4)(i), 162.13, 162.21(8), and 166.0415(7), F.S.
[4] Ch. 162, Part I, F.S.
[5] S. 162.05(1), F.S.
[6] *Id*.
[7] S. 162.03, F.S.
[8] S. 162.08, F.S.
[9] S.162.05(2), F.S.
[10] S. 162.06(1)(a), F.S. A "code inspector" is "any authorized agent or employee of the county or municipality whose duty it is to assure code compliance." S. 164.04(2), F.S.
[11] S. 162.06(2), F.S.
[12] Ss. 162.06(2) and 162.12(1), F.S. The code enforcement board may also provide additional notice by publication in a newspaper of general circulation in the county or posting on the property where the alleged violation occurred and on the front door of the courthouse or main county governmental center (for a county) or primary municipal government office (for a municipality). Ss. 162.06(2), 162.12(2), F.S.
[13] S. 162.06(3) and (4), F.S.
[14] S. 162.07(2) and (3), F.S.
[15] S. 162.07(4), F.S.

each day that a repeat violation occurs.[16] All final administrative orders of the code enforcement board may be appealed to the circuit court within 30 days of the execution of the order.[17]

As an alternative to a code enforcement board, counties and municipalities may adopt a code enforcement system giving code enforcement officials or special magistrates the authority to hold hearings and assess fines against violators of the local government's codes or ordinances.[18] Each of these methods may be used at the local government's discretion, but a local government may choose any method to enforce codes and ordinances.[19]

Administrative Fines for Code Enforcement Violations

A code enforcement board may, upon notification by the code inspector that repairs have not been completed by a specified date or upon finding that repeat violations have occurred, order violators to pay a fine for each day of the continued violation.[20] If the violation presents a serious threat to the public health, safety, and welfare, the code enforcement board must notify the local governing body, which may make all reasonable repairs to bring the property in compliance and charge the violator the reasonable cost of those repairs in addition to the fine imposed. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine.

Administrative fines may not exceed $250 per day for a first violation and may not exceed $500 per day for a repeat violation.[21] If the board finds the violation is irreparable or irreversible in nature, the board may impose a fine of up to $5,000. When determining the amount of the fine, the board may consider the following factors:

- The gravity of the violation.
- Any actions taken by the violator to correct the violation.
- Any previous violations committed by the violator.[22]

A code enforcement board may choose to reduce the amount of the fine initially imposed.[23]

A county or municipality with a population of 50,000 or greater may adopt, by a majority vote plus one of the entire governing body, an ordinance that allows code enforcement boards or special magistrates to impose fines in excess of the above limits.[24] The ordinance may provide for fines of up to $1,000 per day per violation for a first violation, $5,000 per day per violation for a repeat violation, and up to $15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs. Any ordinance imposing such fines must include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines.

A certified copy of an order imposing a fine, including any repair costs incurred by the local government, may be recorded in the public records and constitutes a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, the order is enforceable in the same manner as a court judgment, including execution and levy against the personal property of the violator, but such order cannot be deemed to be a court judgment except for enforcement purposes. A lien arising from such

[16] S. 162.09(1), F.S.
[17] S. 162.11, F.S.
[18] S. 162.03, F.S.
[19] The Attorney General has opined, "once a municipality has adopted the procedures of ch. 162, F.S., to enforce its municipal codes and ordinances, it may not alter or amend those statutorily prescribed procedures but must utilize them as they are set forth in the statutes." Op. Att'y Gen. 2000-53 (2000). A local government may, however, maintain a ch. 162, F.S., code enforcement board and still decide to enforce a particular violation by bringing a charge in county court, or any other means provided by law. *Goodman v. County Court in Broward County, Fla.* 711 So.2d 587 (Fla. 4th DCA 1998).
[20] S.162.09(1), F.S.
[21] S.162.09(2)(a), F.S.
[22] S.162.09(2)(b), F.S.
[23] S.162.09(2)(c), F.S.
[24] S.162.09(2)(d), F.S.

a fine runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered.[25]

National Register of Historic Places

The National Register of Historic Places is an official list of sites and properties throughout the country that reflect the prehistoric occupation and historical development of our nation, states, and local communities. More than 1,700 properties and districts in Florida are listed on the National Register.[26] Nominations for properties in Florida are submitted to the National Park Service through the Division of Historical Resources within the Department of State following review and recommendation by the Florida National Register Review Board. Listing in the National Register does not, in itself, impose any obligation on the property owner, or restrict the owner's basic right to use and dispose of the property as he or she sees fit, but does encourage the preservation of significant historic resources.

Demolition Permits

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.[27]

A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure provided that:

- Such structure is located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program.
- The lowest finished floor elevation of such structure is at or below base flood elevation as established by the Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher.
- Such permit complies with all applicable Building Code, Fire Prevention Code, and local amendments to such codes.[28]

However, a local law, ordinance, or regulation may restrict demolition permits for a:

- Structure designated on the National Register of Historic Places;
- Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022; or
- Privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.[29]

[25] S.162.09(3), F.S.
[26] Florida Department of State, Florida Division of Historical Resources, *National Register of Historic Places* (last visited March 4, 2025).
[27] S. 553.79(1), F.S.
[28] S. 553.79(25)(a), F.S.
[29] S. 553.79(25)(d), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	15 Y, 0 N	3/12/2025	Darden	Burgess
Industries & Professional Activities Subcommittee			Anstead	Brackett
State Affairs Committee				

A bill to be entitled

An act relating to unlawful demolition of historical buildings and structures; amending s. 162.09, F.S.; authorizing a code enforcement board or special magistrate to impose a fine that exceeds certain limits for the unlawful demolition of certain historical buildings or structures under certain circumstances; providing that such fine may not exceed a certain percentage of just market valuation; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (2) of section 162.09, Florida Statutes, to read:

162.09 Administrative fines; costs of repair; liens.—

(2)

(e) For the demolition of a building or structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district, a code enforcement board or special magistrate may impose a fine that exceeds the limits of this subsection if the code enforcement board or special magistrate finds, based on competent substantial evidence, that the demolition of the building or structure was knowing and

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

willful and was not permitted or the result of a natural disaster. A fine imposed pursuant to this paragraph may not exceed 20 percent of the fair or just market valuation of the property before demolition of the building or structure, as determined by the property appraiser.

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

HB 799

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 799 **TITLE:** Special Alcoholic Beverage Licenses Issued to Residential Condominiums **SPONSOR(S):** LaMarca	**COMPANION BILL:** SB 1200 (DiCeglie) **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Commerce

SUMMARY

Effect of the Bill:

The bill creates a special alcoholic beverage license for certain condominiums, which is an exception to the limitation of the number of licenses permitting vendors to sell liquor or spirits.

Fiscal or Economic Impact:

The bill may have a positive fiscal impact on condominiums that qualify for the special license since they will be able to serve liquor and spirits without having to obtain one of the limited licenses. The bill may have an indeterminate positive impact on the state from increased revenue from fees associated with the special license.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates an exception to the limitation of the number of licenses permitting vendors to sell liquor or distilled spirits. (Section 1)

The bill permits the Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) to issue a special alcoholic beverage license to any residential condominium that meets the following requirements:

- Has no fewer than 50 condominium units that are wholly owned or rented to nontransients;
- Regularly offers food and beverages to its residents; and
- Is licensed as a food service establishment by the Department of Health, Department of Agriculture and Consumer Services, or DBPR. (Section 1)

The bill provides that the special alcoholic beverage license may only be issued to the entity managing the food and beverage operations of the condominium and may not be issued to the condominium association. (Section 1)

The bill limits the sales of alcoholic beverages to residents and their guests for on-premises consumption during the hours when food is sold. (Section 1)

The bill provides an effective date of July 1, 2025. (Section 4)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Alcoholic Beverages

In Florida, the Beverage Law[1] regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.[2] The Division administers and enforces the Beverage Law.[3]

The Beverage Law defines "alcoholic beverages" as "distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume."[4]

The Beverage Law defines "liquor" and "distilled spirits" to mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.[5]

The license and registration classifications used in the Beverage Law include the following:[6]

- "Manufacturers" are those "licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute."
- "Distributors" are those "licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages."
- "Importers" are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state.
- "Vendors" are those "licensed to sell alcoholic beverages at retail only" and may not "purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law."

Quota Licenses and Special Licenses

Under the Beverage Law, DBPR is not limited on the number of licenses it issues to vendors selling malt beverages or wine. However, statute limits the number of licenses that may be issued to vendors to sell liquor or spirits, to one license per 7,500 residents per county with a minimum of three licenses per county that has approved the sale of intoxicating liquors. This license is often referred to as a "quota license," and allows vendors to sell any alcoholic beverage regardless of alcoholic content.[7]

There are several exceptions to the quota license limitation including, but not limited to:[8]

- Food service establishments that:
  - have at least 2,000 square feet of service area;
  - have 120 physical seats available for patrons;
  - are equipped to serve meals to 120 persons at one time; and
  - derive at least 51 percent of their gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter.

[1] S. 561.01(6), F.S., provides that "The Beverage Law" includes chapters 561, 562, 563, 564, 565, 567, and 568, F.S.
[2] *See* s. 561.14, F.S.
[3] Ss. 561.02, and 561.08, F.S.
[4] S. 561.01(4), F.S.
[5] S. 565.01, F.S.
[6] s. 561.14, F.S.
[7] Ss. 561.20(1) and 565.02(1), F.S.
[8] S. 561.20(2), F.S.

- Condominiums that:
  - have no fewer than 100 condominium units that are wholly rentable to transients and are licensed by the Division of Hotels and Restaurants within DBPR; **or**
  - are located in Dade County, have no fewer than 50 condominium units that are wholly rentable to transients, and are licensed by the Division of Hotels and Restaurants.

A vendor that meets the requirements for one of the exceptions may be issued a special license by the Division without having to obtain a quota license. A special license allows the vendor to serve any alcoholic beverages regardless of alcohol content, including liquor and distilled spirits.[9]

Nontransient

"Nontrasient" means a guest occupying a dwelling unit in a public lodging establishment, such as an apartment complex or condominium, with the intention that the occupancy will **not** be temporary. There is a rebuttable presumption that an occupancy is nontransient when the occupied dwelling unit is the sole residence of the guest.[10]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Brackett
Commerce Committee				

[9] S. 561.20(1) and (2), F.S.
[10] S. 509.013, F.S.

A bill to be entitled

An act relating to special alcoholic beverage licenses issued to residential condominiums; amending s. 561.20, F.S.; excluding certain residential condominiums that sell alcoholic beverages from the limitation of the number of specified licenses issued; requiring licenses to be issued only to the person or corporation that manages the food and beverage operations; prohibiting a licensee from selling certain alcoholic beverages for off-premises consumption; prohibiting a licensee from selling alcoholic beverages after the time for serving or consumption of food has elapsed; amending ss. 316.1936 and 565.045, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2)(a) The limitation of the number of licenses as provided in this section does not prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer

than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in any county having a population of 50,000 residents or greater; or any bona fide hotel or motel located in a historic structure, as defined in s. 561.01(20), with fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants; provided, however, that a bona fide hotel or motel with no fewer than 10 and no more than 25 guest rooms which is a historic structure, as defined in s. 561.01(20), in a municipality that on the effective date of this act has a population, according to the University of Florida's Bureau of Economic and Business Research Estimates of Population for 1998, of no fewer than 25,000 and no more than 35,000 residents and that is within a constitutionally chartered county may be issued a special license. This special license shall allow the sale and consumption of alcoholic beverages only on the licensed premises of the hotel or motel. In addition, the hotel or motel must derive at least 60 percent of its gross revenue from the rental of hotel or motel rooms and the sale of food and nonalcoholic beverages; provided that this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and

which is licensed under chapter 509, except that the license shall be issued only to the person or corporation that operates the hotel or motel operation and not to the association of condominium owners;

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the State Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation that operates the hotel or motel operation and not to the association of condominium owners;

4. Any residential condominium of which no fewer than 50 condominium units are wholly owned by or rented to nontransients that regularly offers food and beverages amenities to its residents and which is licensed as a food service establishment under chapter 381, chapter 500, or chapter 509; provided that the sale of alcoholic beverages is limited to consumption on the premises only to residents of the condominium and their nonresident guests; except that the license shall be issued only to the person or corporation that manages the food and beverage operations and not to the association of condominium owners. A licensee granted a license under this subparagraph may not sell alcoholic beverages by the package for off-premise consumption

and may not sell alcoholic beverages under such license after the hours of serving or consumption of food have elapsed;

5.~~4.~~ A bona fide food service establishment that has a minimum of 2,000 square feet of service area, is equipped to serve meals to 120 persons at one time, has at least 120 physical seats available for patrons to use during operating hours, holds itself out as a restaurant, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter. Subsequent audit timeframes must be based upon the audit percentage established by the most recent audit and conducted on a staggered scale as follows: level 1, 51 percent to 60 percent, every year; level 2, 61 percent to 75 percent, every 2 years; level 3, 76 percent to 90 percent, every 3 years; and level 4, 91 percent to 100 percent, every 4 years. A licensee under this subparagraph may sell or deliver alcoholic beverages in a sealed container for off-premises consumption if the sale or delivery is accompanied by the sale of food within the same order. Such authorized sale or delivery includes wine-based and liquor-based beverages prepared by the licensee or its employee and packaged in a container sealed by the licensee or its employee. This subparagraph may not be construed to authorize public food service establishments licensed under this subparagraph to sell a bottle of distilled spirits sealed by a

manufacturer. Any sale or delivery of malt beverages must comply with the container size, labeling, and filling requirements imposed under s. 563.06. Any delivery of an alcoholic beverage under this subparagraph must comply with s. 561.57. An alcoholic beverage drink prepared by the vendor and sold or delivered for consumption off the premises must be placed in a container securely sealed by the licensee or its employees with an unbroken seal that prevents the beverage from being immediately consumed before removal from the premises. Such alcoholic beverage also must be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the alcoholic beverage and food must be provided by the licensee and attached to the bag or container. If transported in a motor vehicle, an alcoholic beverage that is not in a container sealed by the manufacturer must be placed in a locked compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle. It is a violation of the prohibition in s. 562.11 to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section. A food service establishment granted a special

license on or after January 1, 1958, pursuant to general or special law may not operate as a package store and may not sell intoxicating beverages under such license after the hours of serving or consumption of food have elapsed. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation;

6.~~5.~~ Any caterer, deriving at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages at each catered event, licensed by the Division of Hotels and Restaurants under chapter 509. This subparagraph does not apply to a culinary education program, as defined in s. 381.0072(2), which is licensed as a public food service establishment by the Division of Hotels and Restaurants and provides catering services. Notwithstanding any law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered

event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1), s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or served at a catered event. Any alcoholic beverages purchased by a licensee under this subparagraph for a catered event that are not used at that event must remain with the customer; provided that if the vendor accepts unopened alcoholic beverages, the licensee may return such alcoholic beverages to the vendor for a credit or reimbursement. Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this subparagraph must maintain for a period of 3 years all records and receipts for each catered event, including all contracts, customers' names, event locations, event dates, food purchases and sales, alcoholic beverage purchases and sales, nonalcoholic beverage purchases and sales, and any other records required by the department by rule to demonstrate compliance with the requirements of this subparagraph. Notwithstanding any law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), may, without any additional licensure

under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph may not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. This section does not permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first $300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Families' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072; or

7.~~6.~~ A culinary education program as defined in s. 381.0072(2) which is licensed as a public food service establishment by the Division of Hotels and Restaurants.

a. This special license shall allow the sale and

consumption of alcoholic beverages on the licensed premises of the culinary education program. The culinary education program shall specify designated areas in the facility where the alcoholic beverages may be consumed at the time of application. Alcoholic beverages sold for consumption on the premises may be consumed only in areas designated under s. 561.01(11) and may not be removed from the designated area. Such license shall be applicable only in and for designated areas used by the culinary education program.

b. If the culinary education program provides catering services, this special license shall also allow the sale and consumption of alcoholic beverages on the premises of a catered event at which the licensee is also providing prepared food. A culinary education program that provides catering services is not required to derive at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. Notwithstanding any law to the contrary, a licensee that provides catering services under this sub-subparagraph shall prominently display its beverage license at any catered event at which the caterer is selling or serving alcoholic beverages. Regardless of the county or counties in which the licensee operates, a licensee under this sub-subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this sub-subparagraph must maintain for a period of 3 years all records required by the department by rule to

demonstrate compliance with the requirements of this sub-subparagraph.

c. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph does not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. This subparagraph does not permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. Any culinary education program that holds a license to sell alcoholic beverages shall comply with the age requirements set forth in ss. 562.11(4), 562.111(2), and 562.13.

d. The Division of Alcoholic Beverages and Tobacco may adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement.

e. A license issued pursuant to this subparagraph does not permit the licensee to sell alcoholic beverages by the package for off-premises consumption.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law may not be moved to a new

location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately before the effective date of this act, if construction of such restaurant has commenced before the effective date of this act and is completed within 30

days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 2. Subsection (9) of section 316.1936, Florida Statutes, is amended to read:

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

(9) An alcoholic beverage that has been sealed by a licensee or the employee of a licensee and is transported pursuant to s. 564.09, s. 561.20(2)(a)5. ~~s. 561.20(2)(a)4.~~, or s. 565.045(1) is not an open container under this section.

Section 3. Paragraph (c) of subsection (1) of section 565.045, Florida Statutes, is amended to read:

565.045 Regulations for consumption on premises; penalty; exemptions.—

(1) Vendors licensed under s. 565.02(1)(b)-(f):

(c) May sell or deliver alcoholic beverages prepared by the licensee for off-premises consumption if the alcoholic beverage is in a container sealed by the licensee. All sales or deliveries of alcoholic beverages made pursuant to this paragraph must satisfy the following requirements:

1. The vendor must be licensed as a public food service establishment under chapter 509;

2. The sale or delivery must be accompanied by the sale of food within the same order;

3. The charge for the sale of food and nonalcoholic beverages must be at least 40 percent of the total charge for the order, excluding the charge for any manufacturer-sealed containers of alcoholic beverages included in the order; and

4. Sales and deliveries of the alcoholic beverages may not occur after the vendor ceases preparing food on the licensed premises for the day or after midnight, whichever is earlier.

The requirement in subparagraph 3. does not apply to vendors licensed under s. 561.20(2)(a)5. ~~s. 561.20(2)(a)4.~~

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

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 869	**COMPANION BILL:** SB 808 (Yarborough)
TITLE: Underground Utility and Excavation Contractors	**LINKED BILLS:** None
SPONSOR(S): Sapp	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Economic Infrastructure ➤ Commerce

SUMMARY

Effect of the Bill:

The bill expands the practice of underground utility and excavation contractors and certain Fire Protection System Contractor Vs.

Fiscal or Economic Impact:

The bill may have a positive indeterminate fiscal impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill allows underground utility and excavation contractors and fire protection system contractor Vs, who are also licensed as underground utility and excavation contractors, to install piping that is integral to a fire protection system up to (Sections 1 and 2):

- A point within 5 feet of the building where the system will be installed; or
- The fire riser[1] inside the building and ending no more than 1 foot above the finished floor.

The bill provides an effective date of July 1, 2025 (Section 6).

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may increase the revenue for underground utility and excavation contractors and certain fire protection system contractors because of their expanded practice scope.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Underground Utility and Excavation Contractors

The Construction Industry Licensing Board ("Board") in the Department of Business and Professional Regulation ("DBPR") regulates the construction industry, including underground utility and excavation contractors. Underground utility and excavation contractor services are limited to the construction, installation, and repair underground utility systems (i.e. water, sewer, and stormwater systems) which is achieved through excavation or

[1] The fire riser is the pipe, which is connected to the pressurized water source, that carries water to the sprinklers in the building. *See* Brian O'Connor, *Hangers and Support of Sprinkler System Piping*, National Fire Protection Association (Apr. 18, 2022, www.nfpa.org/news-blogs-and-articles/blogs/2022/04/18/hangers-and-support-of-sprinkler-system-piping (last visited Mar. 14, 2025).

some other means.[2] Underground utility and excavation contractors cannot install conduits connecting to an energized electrical system. [3]

DBPR provides an application for an underground utility and excavation contractor license which requires passing state examination, having 4 years of experience or a combination of college and experience, and supplying additional information.[4]

Currently, underground utility and excavation contractors **may not** install piping that is integral to a fire protection system beginning at the point where the piping is used exclusively for such system.

Fire Protection System

A "fire protection system" is a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. A fire protection system includes, but is not limited to:[5]

- Water sprinkler systems;
- Water spray systems;
- Foam-water sprinkler systems;
- Foam-water spray systems;
- Carbon dioxide systems;
- Foam extinguishing systems;
- Dry chemical systems; and
- Halon and other chemical systems used for fire protection use.

Fire protection systems also include any tanks and pumps connected to fire sprinkler systems, overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, and thermal systems used in connection with fire sprinkler systems.[6]

Fire protection systems must be installed in accordance with the Fire Code and the Building Code. Current law requires local governments to enforce the Fire Code and the Building Code including the permitting, inspecting, and approval of the installation of a fire protection system.[7] Owners of fire protection systems are responsible for the maintenance of their fire protection systems, and must contract with a certified fire protection system contractor to regularly inspect such systems.[8]

Fire Protection System Contractors

In order to engage in the business of laying out, fabricating, installing, inspecting, altering, repairing, or servicing a fire protection system in Florida, other than a pre-engineered system, a person must be certified as a fire protection system contractor.[9]

Fire protection system contractors are regulated by ch. 633, F.S., which outlines the law pertaining to fire protection system contractors in the state. The Division of State Fire Marshal within the Department of Financial Services is responsible for licensing and regulating fire system protection contractors in the state.[10]

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[2] S. 489.105(3)(n), F.S.
[3] *Id.*
[4] *CILB 5-N - Certified Underground Utility and Excavation Contractor as an Individual*, Licensing Portal , Department of Business and Professional Regulation, www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1030&clientCode=0610&XACT_DEFN_ID=3186 (last visited Mar. 13, 2025).
[5] S. 633.102(11), F.S.
[6] *Id.*
[7] *See generally* ch. 553 and 633, F.S.
[8] S. 633.312, F.S.
[9] S. 633.336(1), F.S.
[10] Ss. 633.318 and 633.338, F.S.

Fire protection system contractors are divided into five categories ranging from Contractor I to Contractor V. [11]A contractor's ability to practice is limited to the category or categories that a contractor has obtained certification. A Contractor I has the largest scope of work while the Contractor V has the narrowest scope of work.

Currently, a Contractor V may work on the underground piping for a water-based fire protection system at the point where the piping is exclusively for the fire protection system and ending no more than 1 foot above the finished floor. A Contractor V may also inspect underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II. To become licensed as a Contractor V, a person must be licensed as an underground utility and excavation contractor, plumbing contractor, or have four years of experience in such fields.[12]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Brackett
Economic Infrastructure Subcommittee				
Commerce Committee				

[11] S. 633.102(3)(a)-(e), F.S.
[12] Fla. Admin. Code r. 69A-46.010(3)(c).

A bill to be entitled

An act relating to underground utility and excavation contractors; amending s. 489.105, F.S.; revising the definition of the term "underground utility and excavation contractor"; amending s. 633.102, F.S.; revising the definition of the term "Contractor V"; defining the term "underground utility and excavation contractor"; reenacting s. 489.117(1)(a), (2)(a) and (b), and (4)(a), (d), and (e), F.S., relating to registration and specialty contractors, to incorporate the amendment made to s. 489.105, F.S., in references thereto; reenacting ss. 633.224(1) and 633.318(2)(a), F.S., relating to automatic fire sprinkler systems and fire protection system contractor certificate application and examination, respectively, to incorporate the amendment made to s. 633.102, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (n) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and

means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including

the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and the installation of such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may ~~not~~ install piping that is an integral part of a fire protection system as defined in s. 633.102 only up to a ~~beginning at the~~ point within 5 feet of the building for which such system will be installed or up to the fire riser inside the building and ending no more than 1 foot above the finished floor ~~where the piping is used exclusively for such system~~.

Section 2. Present subsections (33), (34), and (35) of section 633.102, Florida Statutes, are redesignated as subsections (34), (35), and (36), respectively, a new subsection

(33) is added to that section, and paragraph (e) of subsection (3) of that section is amended, to read:

633.102 Definitions.—As used in this chapter, the term:

(3)

(e) "Contractor V" means a contractor whose business is limited to the execution of contracts requiring the ability to fabricate, install, alter, repair, and service the underground piping for a fire protection system using water as the extinguishing agent beginning at the point of service as defined in this act and ending no more than 1 foot above the finished floor. A Contractor V may inspect underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II. A Contractor V is also a licensed underground utility and excavation contractor, as defined in s. 489.105(3)(n), who may fabricate, install, alter, repair, and service the underground piping for a fire protection system using water as the extinguishing agent up to a point within 5 feet of the building for which the fire protection system will be installed or up to the fire riser inside the building and ending no more than 1 foot above the finished floor.

This subsection may not be construed to include engineers or architects within the defined terms and does not limit or prohibit a licensed fire protection engineer or architect with fire protection design experience from designing any type of

fire protection system. A distinction is made between system design concepts prepared by the design professional and system layout as defined in this section and typically prepared by the contractor. However, a person certified under this chapter as a Contractor I or Contractor II may design new fire protection systems of 49 or fewer sprinklers; may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition, or deletion of 49 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system; and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers and the addition of up to 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in the Florida Building Code and the Florida Fire Prevention Code, and there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems," and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration. Conflicts between the Florida Building Code and the Florida Fire Prevention Code shall be resolved pursuant to s. 553.73(1)(d). A person certified as a Contractor I, Contractor II, or Contractor IV may design a new fire protection

system or design the alteration of an existing fire protection system, the scope of which complies with NFPA 13D, "Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes," as adopted by the State Fire Marshal, notwithstanding the number of fire sprinklers. Contractor-developed plans may not be required by any local permitting authority to be sealed by a registered professional engineer.

(33) "Underground utility and excavation contractor" means an individual who holds a current and valid license as described under s. 489.105(3)(n).

Section 3. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in references thereto, paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (a), (d), and (e) of subsection (4) of section 489.117, Florida Statutes, are reenacted to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(3)(a)-(o) must be registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for

which registration is desired. An examination is not required for registration.

(2)(a) Except as provided in paragraph (b), the board may not issue a new registration after July 1, 1993, based on any certificate of competency or license for a category of contractor defined in s. 489.105(3)(a)-(o) which is issued by a municipal or county government that does not exercise disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in s. 489.131(7). For purposes of this subsection and s. 489.131(10), the board shall determine the adequacy of such disciplinary control by reviewing the local government's ability to process and investigate complaints and to take disciplinary action against locally licensed contractors.

(b) The board shall issue a registration to an eligible applicant to engage in the business of a contractor in a specified local jurisdiction, provided each of the following conditions are satisfied:

1. The applicant held, in any local jurisdiction in this state during 2021, 2022, or 2023, a certificate of registration issued by the state or a local license issued by a local jurisdiction to perform work in a category of contractor defined in s. 489.105(3)(a)-(o).

2. The applicant submits all of the following to the

board:

a. Evidence of the certificate of registration or local license held by the applicant as required by subparagraph 1.

b. Evidence that the specified local jurisdiction does not have a license type available for the category of work for which the applicant was issued a certificate of registration or local license during 2021, 2022, or 2023, such as a notification on the website of the local jurisdiction or an e-mail or letter from the office of the local building official or local building department stating that such license type is not available in that local jurisdiction.

c. Evidence that the applicant has submitted the required fee.

d. Evidence of compliance with the insurance and financial responsibility requirements of s. 489.115(5).

An examination is not required for an applicant seeking a registration under this paragraph.

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or

the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a state or local license to obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

2. A county that includes an area designated as an area of critical state concern under s. 380.05 may offer a license for any job scope which requires a contractor license under this part if the county imposed such a licensing requirement before January 1, 2021.

3. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before

January 1, 2021.

4. A local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

(e) Any person who is not certified or registered may perform the work of a specialty contractor whose scope of practice is limited to the type of work specified under s. 489.105(3)(j), (k), or (l) for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, interactive water features as defined in the Florida Building Code, hot tubs, and spas without obtaining a local license or certification as a specialty contractor if he or she

is supervised by a contractor who is certified or registered under s. 489.105(3)(j), (k), or (l); the work is within the scope of the supervising contractor's license; the supervising contractor is responsible for the work; and the work does not require certification or registration under s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505. Such supervision does not require a direct contract between the contractor certified or registered under s. 489.105(3)(j), (k), or (l) and the person performing the work, or for the person performing the work to be an employee of the contractor certified or registered under s. 489.105(3)(j), (k), or (l). This paragraph does not limit the exemptions provided in s. 489.103 and may not be construed to expand the scope of a contractor certified or registered under s. 489.105(3)(j), (k), or (l) to provide plumbing or electrical services for which certification or registration is required by this part or part II.

Section 4. For the purpose of incorporating the amendment made by this act to section 633.102, Florida Statutes, in a reference thereto, subsection (1) of section 633.224, Florida Statutes, is reenacted to read:

633.224 Automatic fire sprinkler systems for one-family dwellings, two-family dwellings, and mobile homes.—

(1) It is unlawful for a person to engage in the business or act in the capacity of a contractor of automatic fire sprinkler systems for one-family dwellings, two-family

dwellings, and mobile homes without having been duly certified and holding a current certificate as a Contractor I, Contractor II, or Contractor IV as defined in s. 633.102.

Section 5. For the purpose of incorporating the amendment made by this act to section 633.102, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 633.318, Florida Statutes, is reenacted to read:

633.318 Certificate application and issuance; permit issuance; examination and investigation of applicant.—

(2)(a) Examinations shall be administered by the division and held at times and places within the state as the division determines, but there shall be at least two examinations a year. Each applicant shall take and pass an objective, written examination of her or his fitness for a certificate in the class for which the application is requested. There shall be a type of examination for each class of certificate for contractors as defined in s. 633.102. The examination must test the applicant's ability to lay out, fabricate, install, alter, repair, and inspect fire protection systems and their appurtenances and must test the applicant's fitness in business and financial management. The test must be based on applicable standards of the National Fire Protection Association and on relevant Florida and federal laws pertaining to the construction industry, safety standards, administrative procedures, and pertinent technical data.

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

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 869 by Rep. Sapp
Underground Utility and Excavation Contractors

AMENDMENT SUMMARY
March 19, 2025

Amendment 1 by Rep. Sapp, J. (line 69):

- Provides that an underground utility and excavation contractor may install piping for a fire protection system up to 5 feet of the building, but may not install it in the building.
- Corrects a grammatical error.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Sapp offered the following:

Amendment

Remove lines 69-90 and insert:

5 feet of the building for which such system will be installed ~~where the piping is used exclusively for such system~~.

Section 2. Present subsections (33), (34), and (35) of section 633.102, Florida Statutes, are redesignated as subsections (34), (35), and (36), respectively, a new subsection (33) is added to that section, and paragraph (e) of subsection (3) of that section is amended, to read:

633.102 Definitions.—As used in this chapter, the term:

(3)

(e) "Contractor V" means a contractor whose business is

limited to the execution of contracts requiring the ability to fabricate, install, alter, repair, and service the underground piping for a fire protection system using water as the extinguishing agent beginning at the point of service as defined in this act and ending no more than 1 foot above the finished floor. A Contractor V may inspect underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II. A Contractor V who is also a licensed underground utility and excavation contractor, as defined in s. 489.105(3)(n), may fabricate, install, alter, repair, and

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1035	**COMPANION BILL:** CS/SB 1128 (Ingoglia)
TITLE: Building Permits for Single-family Dwellings	**LINKED BILLS:** None
SPONSOR(S): Esposito	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Intergovernmental Affairs ➤ Commerce

SUMMARY

Effect of the Bill:

The bill provides that single-family building permits do not expire before the effective date of the next edition of the Florida Building Code. The bill also provides that certain building permit applications are deemed approved upon submission and a local government must issue the permit within two days.

Fiscal or Economic Impact:

The bill may have a positive economic impact on the private sector by reducing the number of days to it takes to receive a building permit. The bill may have an indeterminate fiscal impact on local governments by requiring them to issue certain building permits on an expeditated basis.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides that a building permit for a single-family dwelling does not expire before the effective date of the next edition of the Florida Building Code, which is updated every three years. (Section 1 and 2)

The bill also provides that a building permit application for the construction of a single-family dwelling is deemed approved upon submission if:

- construction of the dwelling is in a jurisdiction for which a state of emergency was issued within the preceding 24 months;
- a licensed architect or engineer signs and seals the application and attests that the plans comply with the Florida Building Code. (Section 3)

A local government must issue a building permit for such application within two days of submission. (Section 3)

The bill provides an effective date of July 1, 2025 (Section 4)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act." The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state

building code. The Florida Building Code (Building Code) must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[1]

The Florida Building Commission (Commission) implements the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission updates and adopts a new edition of the Building Code every three years.[2] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Building Code.[3]

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[4]

Building Permits

Every local government must enforce the Building Code and issue building permits.[5] A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[6]

It is unlawful for a person to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit.[7]

Current law requires local governments to review building permit applications for single-family dwellings within a specific time-period of receiving the applications:[8]

When a local government receives an application for a single-family dwelling building permit, it must approve, approve with conditions, or deny a building permit application following receipt of a completed and sufficient application to the following timelines, unless the applicant waives such limitation in writing:[9]

- Within **30 business days** if the structure is less than 7,500 square feet.
- Within **60 business days** if the structure is more than 7,500 square feet.
- Within **12 business days** after receiving a complete and sufficient application, for an applicant using a master building permit to obtain a site-specific building permit.
- Within **10 business days** for a single-family residential dwelling applied for by a licensed contractor on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce.

A building permit becomes invalid if no work starts within six months after issuance of the permit or if work on the project ceases for a period of six months after work has commenced on the project. Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days.[10]

A new permit is required if a permit is revoked after work has commenced, becomes null and void, or expires because of a lack of progress on the project. If a new permit is not obtained within 180 days from the date the permit becomes null and void, the local enforcement agency may require the removal of all work that has been performed on the project.[11]

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[1] S. 553.72(1), F.S.
[2] Ss. 553.73(7), and 553.74, F.S.
[3] Overview, Eighth Edition of the Florida Building Code.
[4] S. 553.72, F.S.
[5] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[6] S. 468.603(2), F.S; S. 202 of the Eighth edition of the Florida Building Code (Building).
[7] S. 553.79(1), F.S.
[8] S. 553.792(1), F.S.
[9] *Id.*
[10] Section 105.4 of the Eighth Edition of the Florida Building Code
[11] *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Brackett
Intergovernmental Affairs Subcommittee				
Commerce Committee				

A bill to be entitled

An act relating to building permits for single-family dwellings; amending ss. 125.56 and 553.79, F.S.; prohibiting the expiration of certain building permits issued by a county or a local government, respectively, before a specified event; amending s. 553.792, F.S.; specifying that certain permit applications are deemed approved by a local government; requiring the local government to issue such permit within a certain timeframe; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that

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

is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code, which is updated every 3 years pursuant to s. 553.73(7)(a).

Section 2. Paragraph (c) of subsection (1) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government under this section for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code, which is updated every 3 years pursuant to s. 553.73(7)(a).

Section 3. Present paragraphs (b) through (g) of subsection (1) of section 553.792, Florida Statutes, are redesignated as paragraphs (c) through (h), respectively, and a new paragraph (b) is added to that subsection, to read:

553.792 Building permit application to local government.—

(1)

(b) A permit application for the construction of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the 24 months before the submission of the application, and which is signed and sealed with an attestation by an architect licensed under chapter 481 or an engineer licensed under chapter 471 that the plans in the permit comply with the Florida Building Code, is deemed approved. The local government shall issue such permit within 2 days after approval.

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

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 1035 by Rep. Esposito
Building Permits for Single-Family Dwellings

AMENDMENT SUMMARY
March 19, 2025

Amendment 1 by Rep. Esposito (strike):

- Provides that a building permit for a single-family dwelling expires **the later of** 180 days or the adoption of the next edition of the Florida Building Code.
- Provides that a local government **may not** require an owner of a single-family dwelling or an owner's contractor to pull a permit for work that is valued at less than $7,500.
    - A contractor **must** keep a record of the work performed and the value of such work.
    - Provides that local governments may still require permits for electrical, plumbing, or structural work on a single-family dwelling regardless of the value of the work.
- Provides that within **5 business days** of receiving an application, a local government must issue or deny a building permit for work, which is valued at less than $15,000, on an existing single-family dwelling.
- Provides that the 2-day time-period to issue a building permit for construction of a single-family dwelling that has been approved by a licensed engineer or architect also applies to the **renovation** of a single-family dwelling.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Esposito offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is

set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling may not expire before 180 days after the issuance of the permit or the effective date of the next edition of the Florida Building Code, which is updated every 3 years pursuant to s. 553.73(7)(a), whichever is later.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable local building department permits and inspections, unless

otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 3. Paragraphs (a) and (c) of subsection (1) of section 553.79, Florida Statutes, are amended, and paragraph (g) of that subsection is created, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local

enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and

fees otherwise required by this section.

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling may not expire before 180 days after the issuance of the permit or the effective date of the next edition of the Florida Building Code, which is updated every 3 years pursuant to s. 553.73(7)(a), whichever is later.

(g)1. A local government that issues building permits shall not require an owner of a single-family dwelling or an owner's contractor to obtain a building permit to perform any work, which is valued at less than $7,500, on the single-family dwelling's lot. However, a local government may require a building permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows, performed on a lot containing a single-family dwelling regardless of the value of the work.

2. A contractor who performs work that does not require a permit under this paragraph must keep a record in writing of the work performed, the property address where the work was performed, and the value of such work as proof that such work

complies with subparagraph 1.

Section 4. Paragraph (a) of subsection (1) of section 553.792, Florida Statutes is amended, and present paragraphs (b) through (g) of subsection (1) of that section, are redesignated as paragraphs (c) through (h), respectively, and a new paragraph (b) is added to that subsection, to read:

553.792 Building permit application to local government.—

(1) (a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than $15,000: structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

2.~~1.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure,

alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3.~~2.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

4.~~3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

5.~~4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

6.~~5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

7.~~6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

(b) A permit application for the construction or renovation of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the 24 months before the submission of the application, and which is signed and sealed with an attestation by an architect licensed under chapter 481 or an engineer licensed under chapter 471 that the plans in the permit comply with the Florida Building Code, is deemed approved. The local government shall issue such permit within 2 days after approval.

Section 5. This act shall take effect July 1, 2025.

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

Remove lines 4-11 and insert:
prohibiting the expiration of certain building permits issued by a county or a local government, respectively, before a specified event; prohibiting local governments from requiring building permits for certain projects; amending s. 489.129, F.S., providing that a contractor is not subject to discipline for certain acts if authorized by law; amending s. 553.792, F.S.; requiring local governments to issue certain permits within a certain timeframe; specifying that certain permit applications are deemed approved by a local government; requiring the local government to issue such permit within a certain timeframe; providing an effective date.

HB 1071

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1071	**COMPANION BILL:** None
TITLE: Alternative Plans Reviews and Inspections	**LINKED BILLS:** None
SPONSOR(S): Benarroch	**RELATED BILLS:** SB 1134 (Calatayud)

Committee References

Industries & Professional Activities ➤ Intergovernmental Affairs ➤ Commerce

SUMMARY

Effect of the Bill:

The bill amends a private provider's alternative plans review and inspection by:

- Expanding the definition of "single-trade inspection" to include solar energy and energy storage installations or alterations thereby clarifying that such work may be inspected by a private provider.
- Defining "single-trade plans review."
- Specifying that a private provider may use an automated or software plans review program to determine if single-trade plans comply with the applicable building codes.
  - The software must be designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code.
- Reducing the time-period for a local building department to issue a permit from 20 business days to 5 business days if the application is related to a single-trade plans review for a single-family or two-family dwelling.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on local governments and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill clarifies that the definition of "single-trade inspection" includes solar energy and energy storage installations or alterations as an applicable single construction trade. The bill defines "single-trade plans review" as any plans review focused on a single construction trade. The list of included projects mirrors the same types of single construction trade as "single-trade inspection".

The bill clarifies that an owner or contractor's notice of intent to use a private provider after construction has commenced may specify whether any scheduled inspection will be conducted in person or virtually.

The bill provides that a private provider may use an automated or software plans review program to determine if single-trade plans comply with the applicable building codes[1]. The software must be designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code. The bill allows the private provider to specify in the affidavit the plans review program system he or she used.

[1] "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and fire safety codes adopted pursuant to chapter 633. S. 553.791(1)(a), F.S.

The bill reduces the time period for a local building department to issue a building permit for applications reviewed by private providers and related to a single-trade plans review for a single-family or two-family dwelling. (Section 1).

The bill provides an effective date of July 1, 2025. (Section 2).

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate fiscal impact on local governments by requiring them to hire more employees to meet the reduced time-period to issue certain building permits.

PRIVATE SECTOR:

The bill may have a positive economic impact by reducing construction time as a result of reducing the time-period to receive certain building permit. The bill may have an indeterminate fiscal impact if local governments must raise building permit fees in order to hire additional employees to meet the reduced-time period to issue certain building permits.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently throughout the state.[2]

Local governments may adopt amendments to the Building Code that are more stringent than the Florida Building Code, which are limited to the local government's jurisdiction.[3]

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[4] Every local government must enforce the Florida Building Code and issue building permits.[5] A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[6]

Private Providers

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

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

[2] 553.72(1), F.S.
[3] 553.73(4), F.S.
[4] S. 553.72, F.S.
[5] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[6] S. 468.603(2), F.S; S. 202 of the Eighth edition of the Florida Building Code (Building).

A "private provider" is defined as a person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[7]

A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification, including single-trade inspections.[8]

A single-trade inspection is an inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to: [9]

- inspections of door or window replacements;
- fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing;
- stucco or plastering;
- reroofing with no structural alteration;
- HVAC replacements; ductwork or fan replacements;
- alteration or installation of wiring, lighting, and service panels;
- water heater changeouts;
- sink replacements; and
- repiping.

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.[10] Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.[11]

Notice of Intent

Current law specifies a process for an owner or contractor to notify the local government that the owner or contract hired a private provider to perform building code inspection services, including single-trade inspections. Such notice must be provided in writing at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.[12]

After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner, the owner or contractor may elect to use a private provider to provide inspection services by notifying the local building official by 2 p.m., two days before the first scheduled inspection.[13]

A private provider performing required inspections must inspect each phase of construction as required by the applicable codes, and such inspection may be performed in-person or virtually.[14]

Plans Review

For plans review, a private provider must review the plans[15] to determine compliance with the applicable codes[16] and prepare an affidavit[17] certifying, under oath, that the plans comply, and the private provider is duly authorized to perform plans review.[18]

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[7] S. 553.791(1)(n), F.S.
[8] S. 553.791(3), F.S.
[9] S. 553.791(1)(4), F.S.
[10] "Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services." S. 553.791(2)(b), F.S.
[11] S. 553.791(2)(b), F.S.
[12] S. 553.791(4), F.S.
[13] S. 553.791(5), F.S.
[14] S. 553.791(8), F.S.

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.[19] If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and must be issued on the next business day.[20]

If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.[21] The law further allows the permit applicant to correct the deficiencies and also allows the permit applicant to dispute the deficiencies. If the permit applicant submits revisions, the building official has the reminder of the tolled 20-day period plus 5 business days from the date of resubmittal to issue the requested permit or to provide a second written notice of noncompliance with applicable code to the permit applicant.[22] Any subsequent review by the building official is limited to the deficiencies cited in the written notice.

Automated or Software-Based Plan Review Programs

Currently, the law does not specify whether an automated or software-plan review may be used by a private provider.

An automated or software-based plan review examines the building design against the applicable codes. A software-based review program uses a digital platform to review construction plans, which may include an automated plan review program. An automated plan review program uses artificial intelligence to determine whether a construction plan complies with the applicable codes. An automated plan review may streamline the permitting process, but may have drawbacks including gray areas of the code which need to be interpreted by a person, and codes are always changing which would require the program to stay up to date with the latest edition.[23]

Currently, some Florida counties and cities are already using or are planning on using automated or software-based plan review system, including Altamonte Springs, Gainesville, and Pasco County.[24]

OTHER RESOURCES:

Nawari Nawari, and Rob Christy, *Using AI to Review Construction Plans*, Kelley A. Bergstrom Real Estate Center at the UF Warrington College of Business (Nov. 14. 2024), Using AI to Review Construction Plans | Due Diligence | UF Business (last visited Mar. 14, 2025).

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[15] "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.
[16] "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and fire safety codes adopted pursuant to ch. 633, F.S. S. 553.791(1)(a), F.S.
[17] The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.
[18] S. 553.791(6), F.S.
[19] S. 553.791(7)(a), F.S.
[20] *Id.*
[21] S. 553.791(7)(b), F.S.
[22] S. 553.791(7)(c), F.S.
[23] Michael Kilkelly, *Building Code Review Software: Feasible or Far-Fetched?*, Architect Magazine (Aug. 27, 2018) www.architectmagazine.com/technology/building-code-review-software-feasible-or-far-fetched_o (last visited Mar. 15, 2025).
[24] Nawari Nawari, and Rob Christy, *Using AI to Review Construction Plans*, Kelley A. Bergstrom Real Estate Center at the UF Warrington College of Business (Nov. 14. 2024) Using AI to Review Construction Plans | Due Diligence | UF Business (last visited Mar. 14, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Brackett
Intergovernmental Affairs Subcommittee				
Commerce Committee				

A bill to be entitled

An act relating to alternative plans reviews and inspections; amending s. 553.791, F.S.; revising the definition of the term "single-trade inspection"; defining the term "single-trade plans review"; authorizing certain notices to specify how a scheduled inspection will be conducted; authorizing a private provider to use specified review systems for single-trade plans reviews; authorizing a private provider to specify which review system he or she used; requiring certain actions by the local building official within a specified timeframe for certain permits; authorizing single-trade inspections to be performed in person or virtually; providing an effective date.

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

Section 1. Paragraphs (r) and (s) of subsection (1) of section 553.791, Florida Statutes, are redesignated as paragraphs (s) and (t), respectively, paragraph (q) of subsection (1) and subsections (5) through (8) are amended, and a new paragraph (r) is added to subsection (1) of that section, to read:

553.791 Alternative plans review and inspection.—

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

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

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

(r) "Single-trade plans review" means any plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; solar energy and energy storage installations or alterations; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner's contractor may

elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c). Such notice may specify whether any scheduled inspection will be conducted in person or virtually as authorized in subsection (8).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate. The affiant may specify any automated or software-based plans review system used for such review.

(b) The plans comply with the applicable codes.

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

(7)(a) No more than 20 business days, or if the permit is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 20-day or 5-day period, the permit application shall be deemed approved as a matter of law, and the permit must ~~shall~~ be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day or 5-day period, the ~~20-day~~ period is ~~shall be~~ tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time ~~20-day~~

period plus 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections

under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person ~~in-person~~ or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

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

INDUSTRIES & PROFESSIONAL ACTIVITES SUBCOMMITTEE

HB 1071 by Rep. Benarroch
Relating to Relating to Alternative Plans Reviews and Inspections

AMENDMENT SUMMARY
March 19, 2025

Amendment 1 by Rep. Benarroch (Lines 60-64): The amendment requires that if an automated or software-based plans review system is used for a single-trade plans review, such program is required to be familiar with the Florida Building Code and any local amendments.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Benarroch offered the following:

Amendment

Remove lines 60-64 and insert:

applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code, the Florida Building Code, and local amendments to the Florida Building Code. Upon determining that the plans reviewed comply

HB 1161

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1161	**COMPANION BILL:** SB 1400 (Calatayud)
TITLE: Removal of Altered Sexual Depictions Posted Without Consent	**LINKED BILLS:** None
SPONSOR(S): Duggan	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Judiciary ➤ Commerce

SUMMARY

Effect of the Bill:

The bill revises provisions of Florida's deepfake law to require covered platforms, such as websites and online services, to remove altered sexual depictions and copies of such from their platform upon request of the victim. The bill requires such platforms to establish a process for persons to notify them of deepfake depictions and request their removal. The bill requires the platforms to remove such content within 48 hours of receiving a request, provides liability protections for platforms that act in good faith, establishes penalties for failure to comply, and makes such failures a violation of the Florida Deceptive and Unfair Trade Practices Act. The bill provides an exception for broadband Internet service providers and certain online services that do not primarily consist of user-generated content.

The effective date of the bill is upon becoming law.

Fiscal or Economic Impact:

The bill may have an indeterminate economic impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Notice and Removal Process

The bill revises provisions of Florida's deepfake law, as follows:

- Names the act, "Brooke's Law." (Section 1)
- Requires, no later than December 31, 2025, covered platforms to establish a process by which a person may notify and request removal of an altered sexual depiction that was published without their consent.
- Requires the notification and request for removal to include:
  - A physical or electronic signature of the identifiable person or an authorized person acting on their behalf.
  - An identification of, and information reasonably sufficient for the covered platform to locate, the altered sexual depiction of the identifiable person.
  - A brief statement that the identifiable person has a good faith belief that any altered sexual depiction identified is not consensual, including any relevant information for the covered platform to determine the depiction was published without consent.
  - Information sufficient to enable the covered platform to contact the person. (Section 2)

Clear and Conspicuous Notice

The bill defines "covered platform" as a website, online service, online application, or mobile application that serves the public and:

- Primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or
- For which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual altered sexual depictions. (Section 2)

The bill requires a covered platform to provide clear and conspicuous notice of the notice and removal process, which:
- Is easy to read and in plain language.
- Provides information regarding the responsibilities of the covered platform under the bill.
- Includes a description of how a person can submit a notification and request for removal. (Section 2)

The bill requires, upon receipt of a valid removal request, as soon as possible but no later than 48 hours, the covered platform to remove the altered sexual depiction and make reasonable efforts to identify and remove any known, identical copies of such depiction. (Section 2)

The bill exempts:
- A provider of broadband Internet access service, as described in 47 C.F.R. s. 8.1(b).
- Electronic mail.
- Except as otherwise provided, an online service, application, or website:
    - That consists primarily of preselected content by the provider, rather than content that is user generated; and
    - For which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described above. (Section 2)

Liability
The bill provides that a covered platform is not liable for any claim based on the platform's good faith removal of material claimed to be a nonconsensual altered sexual depiction, regardless of whether the altered sexual depiction is ultimately found to be unlawful. (Section 2)

Remedies
In addition to the remedies provided in s. 836.13(5), F.S., a failure to comply with the notice and removal requirements of the bill constitutes an unfair or deceptive act or practice under the Florida Deceptive and Unfair Trade Practices Act. (Section 2)

Effective Date
The bill takes effect upon becoming law. (Section 3)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. The bill provides notification and removal requirements, and civil penalties for noncompliance, for businesses considered a covered platform. The cost of compliance and number of violations for noncompliance is unknown.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Nonconsensual Altered Sexual Depictions

Over the last decade, Americans have started to recognize the growing problem of distribution of sexually explicit images without consent, otherwise known as "revenge porn."[1] Although Florida and other states have enacted protections against revenge porn, there are still instances in which a person may be a victim of nonconsensual pornography in the form of altered sexual depictions, more commonly known as "deepfakes."[2] Deepfakes typically take the form of imagery, video, and audio material that "is produced or distributed without the consent of the subject and has been altered, potentially with artificial intelligence, to show nonconsensual intimate or explicit content." Advancements in technology, such as increased availability and usage of generative AI, have enabled perpetrators to manipulate sexual materials in ways that circumvent revenge porn laws. For example, "if a photo depicted the victim nude, where the victim's face was real, but the victim's genitals were computer generated, many laws would not apply because the intimate part of the image was not the victim's."[3]

Researchers have discovered that 98% of the deepfake videos found online are explicitly pornographic and 99% of deepfake pornography features women.[4] Moreover, the creation of deepfake pornography is rapidly increasing, as researchers found that there were 464% more deepfake pornographic videos created in 2023 than in 2022.[5] Further, 90% of deepfake pornography is found on dedicated deepfake pornography platforms.[6] In response to the prevalence of deepfakes, the Department of Homeland Security has declared that "[d]eepfakes and the misuse of synthetic content pose a clear, present, and evolving threat to the public across national security, law enforcement, financial, and societal domains."[7]

Florida Deepfake Law

In 2022, the Florida Legislature created s. 836.13, F.S., to address deepfake images by providing a third degree felony for the willful and malicious promotion of any altered sexual depiction[8] of an identifiable person, without the consent of the identifiable person, and for knowing that such visual depiction was an altered sexual depiction.[9]

The law authorizes the following civil remedies for victims:

- Injunctive relief;
- Monetary damages of $10,000 or actual damages; and
- Reasonable attorney's fees and costs.[10]

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[1] "In 2016, 10 million people, or 2% of Americans had reported being victims of nonconsensual porn. Individuals ages 18-29 generally, and women aged 18-29 specifically, as well as LGTBQ+ Americans were victimized at even higher rates. In 2017, the number of young Americans ages 18-29 who had become victims of nonconsensual porn jumped to 12%, an increase of over 100%. In 2019, a larger study suggests that the problem has only grown, showing a 400% increase in the number of victims from 2016. Taken as a whole, these statistics show the number of victims continues to rise at an alarming rate even though both the legal system and society as a whole have attempted to address the issue." Chance Carter, NAT'L ASS'N OF ATT'Y GEN., *An Update on the Legal Landscape of Revenge Porn*, https://www.naag.org/attorney-general-journal/an-update-on-the-legal-landscape-of-revenge-porn/#identifier_4_21493 (last visited Mar. 15, 2025).

[2] RAINN, *RAINN's Recommendation for Effectively Addressing Nonconsensual Manipulated Intimate Material (Deepfakes)*, https://www.rainn.org/sites/default/files/import/RAINN%20on%20nonconsensual%20manipulated%20intimate%20material%20-%20Google%20Docs.pdf#:~:text=We%20refer%20to%20imagery%2C%20video%2C%20audio%2C%20etc.%20that,or%20explicit%20content%20as%20%E2%80%9Cnonconsensual%20manipulated%20intimate%20material%E2%80%9D (last visited Mar. 15, 2025).; *see also* DEPT. OF HOMELAND SEC., *Increasing Threat of Deepfake Identities*, https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf (last visited Mar. 15, 2025).

[3] RAINN, *supra* note 2.

[4] Security Hero, *2023 State of Deepfakes*, https://www.securityhero.io/state-of-deepfakes/#concluding-remarks (last visited Mar. 15, 2025).

[5] *Id.*

[6] *Id.*

[7] DEPT. OF HOMELAND SEC., *supra* note 2.

[8] Section 836.13(1)(a), F.S., defines an "altered sexual depiction" as any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person: 1. With the nude body parts of another person as the nude body parts of the identifiable person; 2. With computer-generated nude body parts as the nude body parts of the identifiable person; or 3. Engaging in sexual conduct as defined in s. 847.001 in which the identifiable person did not engage.

[9] *See* s. 836.13, F.S.

[10] S. 836.13(5), F.S.

This statute may be used by victims to obtain justice from violations regarding deepfake pornography, the statute does not currently provide for the removal of such content from online platforms.

Florida Deceptive and Unfair Trade Practices Act

FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, and unconscionable, deceptive, or unfair acts or practices in the conduct of trade or commerce.[11] FDUTPA was modeled after the FTC Act.[12]

The Department of Legal Affairs (DLA) or state attorney's office (SAO) in the judicial circuit affected or where the violation occurs may bring actions on behalf of consumers or governmental entities when it serves the public interest.[13] The SAO may enforce violations of FDUTPA if the violations take place within its jurisdiction. The DLA has enforcement authority when the violation is multi-jurisdictional, the state attorney defers to the DLA in writing, or the state attorney fails to act within 90 days after a written complaint is filed.[14] In certain circumstances, consumers may also file suit through private actions.[15]

The DLA and the SAO have powers to investigate FDUTPA claims, which include:[16]

- Administering oaths and affirmations;
- Subpoenaing witnesses or matter; and
- Collecting evidence.

The DLA and SAO may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to $10,000 per willful violation.[17]

FDUTPA may not be applied to certain entities in certain circumstances, including:[18]

- Any person or activity regulated under laws administered by the Office of Insurance Regulation or the Department of Financial Services; or
- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2022	CS/CS/SB 1798	Harding	Book	The bill became law on October 1, 2022.

[11] S. 501.202, F.S.
[12] D. Matthew Allen, et. al., *The Federal Character of Florida's Deceptive and Unfair Trade Practices Act*, 65 U. MIAMI L. REV. 1083 (Summer 2011).
[13] Ss. 501.203(2) and 501.207(1)(c) and (2), F.S.; *see also* David J. Federbush, *FDUTPA for Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLORIDA BAR JOURNAL 52, Dec. 2002 (analyzing the merits of FDUPTA and the potential for deterrence of anticompetitive conduct in Florida), *available at* http://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0,business,Division* (last visited on Jan. 6, 2024).
[14] S. 501.203(2), F.S.
[15] S. 501.211, F.S.
[16] S. 501.206(1), F.S.
[17] Ss. 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. S. 501.2105, F.S.
[18] S. 501.212(4), F.S.

OTHER RESOURCES:

Thompson Reuters, Deepfakes: Federal and state regulation aims to curb a growing threat.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Thompson
Judiciary Committee				
Commerce Committee				

A bill to be entitled

An act relating to removal of altered sexual depictions posted without consent; providing a short title; amending s. 836.13, F.S.; defining the term "covered platform"; requiring covered platforms to establish a process for removal of altered sexual depictions posted without the consent of the identifiable person; providing requirements for such a process; requiring notice of such a process; providing immunity for good faith compliance; prohibiting unreasonable failure to comply; providing remedies; providing exceptions; providing an effective date.

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

Section 1. This act may be cited as "Brooke's Law."

Section 2. Paragraphs (b) through (e) of subsection (1) of section 836.13, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, a new paragraph (b) is added to that subsection, subsections (6), (7), and (8) of that section are renumbered as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to that section, to read:

836.13 Promotion of an altered sexual depiction; prohibited acts; penalties; applicability.—

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

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

(b) "Covered platform" means a website, online service, online application, or mobile application that serves the public and:

1. That primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or

2. For which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual altered sexual depictions.

(6)(a) No later than December 31, 2025, a covered platform shall establish a process whereby an identifiable person or an authorized person acting on behalf of such person may:

1. Notify the covered platform of an altered sexual depiction published on the covered platform which includes a depiction of the identifiable person and was published without the consent of the identifiable person; and

2. Submit a request for the covered platform to remove such altered sexual depiction.

(b) A notification and request for removal of an altered sexual depiction submitted under the process in paragraph (a) shall include, in writing:

1. A physical or electronic signature of the identifiable person or authorized person.

2. An identification of, and information reasonably

sufficient for the covered platform to locate, the altered sexual depiction of the identifiable person.

3. A brief statement that the identifiable person has a good faith belief that any altered sexual depiction identified under subparagraph 2. is not consensual, including any relevant information for the covered platform to determine the altered sexual depiction was published without the consent of the identifiable person.

4. Information sufficient to enable the covered platform to contact the identifiable person or authorized person.

(c) A covered platform shall provide on the platform a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established under paragraph (a) which:

1. Is easy to read and in plain language.

2. Provides information regarding the responsibilities of the covered platform under this subsection, including a description of how a person can submit a notification and request for removal.

(d) Upon receiving a valid removal request from an identifiable person or an authorized person using the process described in paragraph (a), a covered platform shall, as soon as possible, but not later than 48 hours after receiving such request:

1. Remove the altered sexual depiction.

2. Make reasonable efforts to identify and remove any known identical copies of such altered sexual depiction.

(e) A covered platform shall not be liable for any claim based on the covered platform's good faith disabling of access to, or removal of, material claimed to be a nonconsensual altered sexual depiction based on facts or circumstances from which the unlawful publishing of an altered sexual depiction is apparent, regardless of whether the altered sexual depiction is ultimately determined to be unlawful.

(f) In addition to the remedies under subsection (5), a failure to reasonably comply with the notice and removal obligations under this subsection shall be treated as a an unfair or a deceptive act or practice under part II of chapter 501, and the person or entity responsible shall be subject to the penalties and remedies provided in part II of chapter 501.

(g) This subsection does not apply to the following:

1. A provider of broadband Internet access service, as described in 47 C.F.R. s. 8.1(b).

2. Electronic mail.

3. Except as provided in subparagraph (1)(b)2., an online service, application, or website:

a. That consists primarily of content that is not user generated but is preselected by the provider of such online service, application, or website; and

b. For which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described in subparagraph a.

Section 3. This act shall take effect upon becoming a law.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 1161 by Rep. Duggan
Removal of Altered Sexual Depictions Posted Without Consent

AMENDMENT SUMMARY
March 19, 2025

Amendment 1 by Rep. Duggan (lines 93-94):

- Revises the exemption for providers of "broadband Internet service," to instead exempt providers of "information or telecommunications services."

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Duggan offered the following:

Amendment

Remove lines 93-94 and insert:

1. A provider of information service or telecommunications service, as those terms are defined in 47 U.S.C. s. 153, for content provided by another person.

HB 4031

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 4031	**COMPANION BILL:** None
TITLE: City of Oviedo, Seminole County	**LINKED BILLS:** None
SPONSOR(S): Plasencia	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs
16 Y, 0 N
➤
Industries & Professional Activities
➤
State Affairs

SUMMARY

Effect of the Bill:

The bill creates a special zone within the City of Oviedo to be known as the Oviedo Arts and Entertainment District. The bill creates an exception to the Beverage Law by requiring the Department of Business and Professional Regulation to issue special alcoholic beverage licenses to bona fide licensees within the district to sell alcoholic beverages in open containers for off-premises consumption inside the entertainment district. The bill requires Oviedo City Council to specify the type, design, and color of the cups to be used by ordinance. The bill provides that the licensee will follow all other requirements of The Beverage Law.

Fiscal or Economic Impact:

The bill may have an indeterminant positive fiscal impact on local revenues from increases in sales tax revenue, licensing revenue, and ad valorem revenue.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides a legal description of a special zone within the City of Oviedo that the bill designates as the Oviedo Arts and Entertainment District. (Section 1)

The bill creates an exception to the Beverage Law by requiring the Department of Business and Professional Regulation to issue special alcoholic beverage licenses to bona fide licensees operating validly licensed premises in the Oviedo Arts and Entertainment District. The special license, or modification of an existing license, allows the licensee to sell alcoholic beverages in open containers for consumption on the premises, but which may be carried off the premises to be consumed elsewhere in the entertainment district. (Section 2)

The bill requires the Oviedo City Council to specify the type, design, and color of the cups to be used by ordinance. (Section 2)

The bill provides that the licensee will follow all other requirements of the Beverage Law. (Section 2)

The bill provides an effective date of upon becoming a law. (Section 3)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminant positive fiscal impact on local revenues from increases in sales tax, licensing revenue, and ad valorem tax revenue.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Beverage Law

The Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) is responsible for regulating the conduct, management, and operation of the manufacturing, packaging, distribution, and sale of alcoholic beverages within the state.[1] Chapters 561-565 and 567-568, F.S., comprise Florida's Beverage Law.

Under the Beverage Law, DBPR is not limited on the number of licenses it issues to businesses selling malt beverages or wine. However, the statute limits the number of licenses that may be issued for the sale of liquor or distilled spirits is limited to one license per 7,500 residents per county with a minimum of three licenses per county that has approved the sale of intoxicating liquors.[2] This license, often referred to as a "quota license," allows a business to sell any alcoholic beverage regardless of alcoholic content, including liquor or distilled spirits.[3]

There are several exceptions to the quota license limitation, and businesses that meet the requirements set out in one of the exceptions may be issued a special license by DBPR, allowing the business to serve any alcoholic beverages regardless of alcohol content.

Alcoholic beverages sold for consumption on premises must be consumed inside the licensed premises.[4] DBPR may approve a temporary expansion of the licensed premises to include a sidewalk or other outdoor area for special events. The business must pay an application fee of $100, stipulate the timeframe for the special event, submit a sketch outlining the expanded premises, and submit written approval from the county or municipality.

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.[5] A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website[6] at least 30 days prior to the introduction of the local bill in the House or Senate.[7] The bill was noticed in the Orlando Sentinel on January 11, 2025.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.[8] Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- Local Bill Certification Form
- Economic Impact Statement

[1] S. 561.02, F.S.
[2] S. 561.20(1), F.S.
[3] S. 561.20, F.S.
[4] *See* s. 561.01(11), F.S. (definition of "licensed premises").
[5] Art. III, s. 10, Fla. Const.
[6] S. 50.0311(2), F.S.
[7] S. 11.02, F.S. If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.
[8] Intergovernmental Affairs Subcommittee, *Local Bill Policies and Procedures Manual*, p. 11 (last visited Feb. 25, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	16 Y, 0 N	3/12/2025	Darden	Burgess
Industries & Professional Activities Subcommittee			Anstead	Brackett
State Affairs Committee				

A bill to be entitled

An act relating to the City of Oviedo, Seminole County; designating boundaries of an arts and entertainment district; providing an exception to general law; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue special licenses or modify existing licenses for bona fide licensees operating within such entertainment district for the sale of certain alcoholic beverages for consumption off the premises; providing that special licenses or modifications of existing licenses are in addition to certain other authorized temporary permits; requiring the bona fide licensees to comply with all other statutory requirements; providing an effective date.

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

Section 1. There is created a special zone within the City of Oviedo to be known as the "Oviedo Arts and Entertainment District," more particularly described as follows:

Commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 east, Seminole County, Florida, run n

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

00°39'29" w, along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east line, S 89°36'52" W. along said north right of way line, 52.36 feet to the west right of way line of Tract A; thence departing said north right of way line, N 00°38'13" W. along said west right of way line, 243.59 feet to the north line of LOT 3, West Of Eden Replat, according to the plat thereof, as recorded in Plat Book 55, Page 68 Of The Public Records Of Seminole County, Florida and the point of beginning; thence departing said west right of way line, S 89°38'19" W. Along said north line, 252.20 feet to the east line of Lot 2 Of Said West Of Eden Replat; thence departing said north line. N 00°20'05" W. Along said east line, 556.88 feet to a point on the north line of said Lot 2, said point also being on the south line of Lot 4 of the aforesaid West of Eden Replat; thence departing said east line. S 89°39'55" W. along said north line. 360.02 feet to the west line of said Lot 4; thence departing said north line, N 00°41'16" W. Along said west line, 517.59 feet to a point on the south right of way line of the aforesaid Tract A, said point also being a point on a nontangent curve concave southerly having a radius of 670.00 feet

and a chord that bears s 84°46'27" E for a distance of 128.49 feet; thence through a central angle of 11°00'17"; run easterly along the arc of said curve, 128.69 feet to the point of tangency; thence S 79°16'18" E, 76.89 feet to a point of curvature of a curve concave northerly having a radius of 430.00 feet; thence through a central angle of 23°50'12 run easterly along the arc of said curve, 178.89 feet to a point of reverse curvature of a curve concave southerly having a radius of 470.00 feet; thence through a central angle of 18°10'01 run easterly along the arc of said curve 149.03 feet to the point of tangency; thence s 84°56'29" E. 91.28 feet to a point on the west right of way line of the aforesaid tract a, said point also being a point on a nontangent curve concave westerly having a radius of 525.00 feet and a chord that bears s 19°54'41" w for a distance of 210.74 feet; thence through a central angle of 23°09'22 run southerly along the arc of said curve 212.18 feet to a point of reverse curvature of a curve concave easterly having a radius of 315.00 feet; thence through a central angle of 82'02'26 run southerly along the arc of said curve, 451.04 feet to a point of nontangency; thence departing said curve, S 00°38'13" E, 444.88 feet to the point of beginning and

commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 east, Seminole County, Florida, run N 00°39'29" W. Along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east line, S 89°36'52" W. Along said north right of way line, 52.36 feet to the west right of way line of Tract A; thence departing said north right of way line, N 00°38'13" W. along said west right of way line. 243.59 feet to the north line of Lot 3, West Of Eden Replat, according to the plat thereof, as recorded in plat book 55, page 68 of the public records of Seminole County, Florida; thence departing said west right of way line, S 89°38'19" W. along said north line, 252.20 feet to the east line of Lot 2 of said West Of Eden Replat; thence departing said north line, N 00°20'05" W. along said east line. 556.88 feet to a point on the north line of said Lot 2, said point also being on the south line of Lot 4 of the aforesaid West Of Eden Replat; thence departing said east line, S 89°39'55" W. along said north line, 360.02 feet to the west line of said Lot 4; thence departing said north line, N 00°41'16" W. Along said westline, 577.60 feet to the point of beginning, said point also being

a point on the north right of way line of the aforesaid Tract A; thence continue N 00°41'16" W. along said westline, 174.07 feet to the north line of the south 1/2 of the southeast 1/4 of the northeast 1/4 of the southwest 1/4 of the aforesaid Section 15; thence departing said west line, N 89°44'00" E, along said north line. 627.55 feet to a point on the aforesaid west right of way line of Tract A; thence departing said north line and along said west right of way line, S 00°16'00" E, 178.40 feet to a point of curvature of a curve concave westerly having a radius of 525.00 feet; thence through a central angle of 02°02'55", run southwesterly along the arc of said curve, 18.77 feet to a point on the north right of way line of the aforesaid TRACT A; thence departing said west right of way line. N 84°56'29" W. along said north right of way line. 91.28 feet to the point of curvature of a curve concave southerly having a radius of 530.00 feet; thence through a central angle of 18°10'01 run westerly along the arc of said curve 168.05 feet to a point of reverse curvature of a curve concave northerly having a radius of 370.00 feet; thence through a central angle of 23°50'12 run westerly along the arc of said curve 153.93 feet to the point of tangency; thence N 79°16'18" W, 76.89

feet to a point of curvature of a curve concave southerly having a radius of 730.00 feet; thence through a central angle of 11°02'19", run westerly along the arc of said curve 140.64 feet to the point of beginning and Lot 3, West Of Eden Replat. according to the plat thereof, as recorded in plat book 55, page 67 of the public records of Seminole County, Florida, less that portion described as follows: beginning at the southeast corner of Lot 3, West Of Eden Replat, according to the plat thereof, as recorded in plat book 55, page 67 of the Public Works Of Seminole County, Florida run s 89°36'52" w, along the south line of said Lot 3, 52.36 feet to the west right of way line of Tract A; thence departing said south line N 00°38'13" W, along said west right of way line, 243.59 feet to a point on the north line of the aforesaid Lot 3; thence departing said west right of way line, N 89°38'19" E, along said north line. 52.27 feet to the east line of said Lot 3; thence departing said north lines 00°39'29" E. Along said east line, 243.57 feet to the point of beginning and commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 east Seminole County, Florida, run N 00°39'29" W, along the east line of the southwest 1/4 of said

Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east line, S 89°52'45" E, along said north right of way line, 47.65 feet to the east right of way line of Tract A; thence departing said north right of way line, N 00°38'13" W, along said east right of way line, 243.97 feet to the point of beginning; thence continue N 00°38'13" W, along said east right of way line, 367.54 feet to the south right of way line of said Tract A, said point also being a point on a nontangent curve concave northerly having a radius of 335.00 feet, a chord that bears S 82°49'26" E for a distance of 117.09 feet; thence through a central angle of 20°07'44"; run easterly along the arc of said curve, 117.69 feet; thence departing said curves 00°38'13" E, 352.18 feet; thence S 89'38'19" W, 116.00 feet to the point of beginning and commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 East Seminole County, Florida, run N 00°39'29" W. Along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east line, S 89'52'45" E, along said north right of way line, 47.65 feet to the east right of way line of tract a and the

point of beginning; thence departing said north right of way line, N 00°38'13 W. Along said east right of way line, 243.97 feet; thence departing said east right of way line N 89°38'19• E, 116.00 feet; thence n 00°38'13" W. 352.18 feet to the south right of way line of said Tract A, said point also being a point on a nontangent curve: concave: northerly having a radius of 335.00 feet, a chord that bears N 63°44'19" E for a distance of 265.80 feet, thence through a central angle of 46°44'45", run easterly along the arc of said curve:, 273.32 feet; thence departing said curve: S 49°38'04" E, 81.67 feet; thence S 40°21'56" W. 50.51 feet; thence S 00°38'13" E, 443.48 feet; thence N 89°21'47" E, 229.08 feet; thence S 00°38'13" E, 183.47 feet to the aforesaid north right of way line of Mitchell Hammock Road; thence N 89°52'45" W. Along said north right of way line, 613.29 feet to the point of beginning and commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 east Seminole County, Florida, run N 00°39'29" W. Along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east line, S 89°52'45" E, along said north right of way line, 660.94 feet to the point

of beginning; thence departing said north right of way line, N 00°38'13" W. 183.47 feet; thence S 89°21'47" W. 229.08 feet; thence N 00°38'13 W. 443.48 feet; thence N 40°21'56" E, 50.51 feet; thence N 49°38'04" W. 81.67 feet to the east right of way line of Tract A, said point also being on a non tangent curve: concave: westerly having a radius of 335.00 feet. A chord that bears N 20°10'58" E for a distance of 231.16 feet; thence through a central angle of 40°21'56", run northeasterly along the arc of said curve:, 236.01 feet to a point of tangency; thence continue along said east right of way line N 00°00'00" E. 135.61 feet to a point of curvature of a curve: concave: southeasterly having a radius of 150.00 feet; thence through a central angle of 89°21'47", run northeasterly along the arc of said curve: 233.95 feet to the point of tangency; thence N 89°21'47" E, 485.59 feet to the west right of way line of proposed division street; thence departing said east right of way line S 00°38'13 E, along said west right of way line, 1209.76 feet, thence S 52°58'44" W. 24.84 feet to the aforesaid north right of way line of Mitchell Hammock Road; thence departing said west right of way linen 89°52'45" W. along said north right of way line, 441.72 feet to the point of beginning and commence at

the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 East Seminole County, Florida, run N 00°39'29" W, along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east line, S 89°52'45" E, along said north right of way line, 1102.66 feet to the west right of way line of Division Street; thence departing said north right of way linen 52°58'44" E, along said west right of way line, 24.84 feet; thence N 00°38'13 W. 1309.76 feet to the north right of way line of Tract A and the point of beginning; thence departing said west right of way line, S 89°21'47" W. Along said north right of way line, 490.59 feet; thence S 00°38'13" E, 20.05 feet to a point on a non tangent curve: concave: southerly having a radius of 230.00 feet, a chord that bears S 75°58'54" W for a distance of 96.70 feet; thence through a central angle of 24°16'17 run westerly along the arc of said curve: 97.42 feet to the eastern most line of Lot 6; thence departing said north right of way linen 24°15'57" W. 90.53 feet to a point on the perimeter of the protection easement; thence departing said eastern most line and along the perimeter of the protection easement for the following three courses: N

53°22'35" E, 9.76 Feet, Thence N 33'56'13" E, 118.00 Feet; Thence N 35°04'03" E, 115.41 feet; thence departing said perimeter linen 89°44'00" E, 476.54 feet to the aforesaid west right of way line of Division Street, said point also being on a non tangent curve: concave: westerly having a radius of 135.00 feet. A chord that bears S 05°50'03" E for a distance of 24.46 feet; thence through a central angle of 10°23'40 run southerly along the arc of said curve, 24.49 feet to a point of tangency; thence S 00'38'13" E, 209.68 feet to the point of beginning and commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 east, Seminole County, Florida, Run N 00°39'29" W. Along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east line, S 89°36'52" W. Along said north right of way line, 52.36 to the west right of way line of Tract A; thence departing said north right of way line N 00°38'13 W. Along said west right of way line, 688.47 feet to a point on a non tangent curve: concave: easterly having a radius of 315.00 feet, a chord that bears N 09°31'51" W for a distance of 413.49 feet; thence through a central angle of 82°02'26 run

northerly along the arc of said curve:, 451.04 feet to a point of reverse curvature of a curve: concave: westerly having a radius of 525.00 feet; thence through a central angle of 31°45'22", run northerly along the arc of said curve: 290.98 feet to the point of tangency; thence N 00°16'00" W, 178.40 feet to a point on the north line of the south 1/2 of the southeast 1/4 of the northeast 1/4 of the southwest 1/4 of the aforesaid Section 15; thence departing said west right of way line 89°44'00" E, along said north line and the easterly extension of said north line, 60.00 feet to a point on the perimeter of the protection easement; thence continue along said perimeter for the following ten courses: S 00°16'00" E, 27.22 feet to the point of beginning; thence S 33°53'37" E, 24.24 feet; thence S 67°47'58" E, 76.54 feet; thence S 48°30'37" E, 77.34 feet, thence S 61°47'11" E, 71.09 feet; thence S 22°19'35" E, 45.02 feet; thence S 58°30'47" E, 56.08 feet; thence S 89°22'52" E,80.88 feet; thence N 75°43'09" E, 120.92 FEET, thence N 53°22'35' E, 13.05 feet; thence departing said perimeter S 24'15'57" E, 90.53 feet to the north right of way line of the aforesaid Tract A, said point being a point on a non tangent curve: concave: southeasterly having a radius of 230.00 Feet,

a chord that bears S 31°55'23" W for a distance of 243.24 feet; thence through a central angle of 63°50'45 run southwesterly along the arc of said curve: 256.29 feet to the point of tangency; thence S 00°00'00" W. 135.61 feet to the point of curvature of a curve: concave: westerly having a radius of 255.00 feet; thence through a central angle of 6°19'29 run southerly along the arc of said curve: 28.15 feet to the north line of LOT 7; thence departing the aforesaid north right of way line N 83°40'31" W. 80.00 feet to a point on the perimeter of Tract 8, said point also being on a non tangent curve: concave: westerly having a radius 175.00 feet. A chord that bears N 03°09'44" E for a distance of 19.31 Feet; thence departing said north line and along the perimeter of said Tract B, through a central angle of 6°19'29" run northerly along the arc of said curve: 19.32 feet to the point of tangency; thence N 00°00'00" w, 132.37 feet to the point of curvature of a curve: concave: southwesterly having a radius of 100.00 feet; thence through a central angle of 78'24'13 run northwesterly along the arc of said curve: 136.84 feet to a point of reverse curvature of a curve: concave: northerly having a radius of 325.00; thence through a central angle of 16°28'55", run

northwesterly along the arc of said curve: 93.49 feet to the point of reverse curvature of a curve: concave southerly having a radius of 100.00 feet; thence through a central angle of 95°54'33", run southwesterly along the arc of said curve: 167.39 feet to the point of reverse curvature of a curve concave westerly having a radius of 625.00; thence through a central angle of 10°00'16 run southerly along the arc of said curve: 109.13 feet to the point of reverse curvature of a curve: concave: northeasterly having a radius of 185.00; thence through a central angle of 128°25'58", run southeasterly along the arc of said curve 414.69 feet to the point of nontangency of a curve: concave northerly having a radius of 175.00 feet, a chord that bears N 85°07'32" E for a distance of 61.14 feet; thence through a central angle of 20°07'14", run easterly along the arc of said curve 61.45 feet to the southwestern most line of Lot 7; thence departing the aforesaid perimeter of Tract 8, S 14°56'05" E, along said southwestern most line of Lot 7, 80,00 feet to the north right of way line of Tract A. said point also being a point on a non tangent curve: concave: northeasterly having a radius of 255.00, a chord that bears N 36°43'21" W for a distance of 473.57; thence departing said southwestern

most line and through a central angle of 136°25'27", run northwesterly along the arc of said curve 607.17 feet to a point of reverse curvature of a curve: concave westerly having a radius of 585.00 feet; thence through a central angle of 31°45'22", run northerly along the arc of said curve 324.24 feet to the point of tangency, thence N 00°16'00" W. 151.19 feet to the point of beginning and commence at the southeast corner of the southeast 1/4 of the southwest 1/4 OF Section 15, Township 21 SOUTH, Range 31 East Seminole County, Florida, Run N 00°39'29" W. Along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said eastline, s 89°36'52" w. Along said north right of way line, 52.36 feet to the west right of way line of Tract A; thence departing said north right of way line for the following four courses: N 00°38'13" W. Along said west right of way line, 688.47 feet to a point on a nontangent curve concave easterly having a radius of 315.00 feet, a chord that bears N 09°31'51" W for a distance of 413.49 feet,· thence through a central angle of 82°02'26", run northerly along the arc of said curve, 451.04 feet to a point of reverse curvature of a curve concave westerly having a radius

of 525.00 feet; thence through a central angle of 31°45'22 run northerly along the arc of said curve, 290.98 feet to a point of tangency; thence N 00°16'00" W. 178.40 feet to the north line of the south 1/2 of the southeast 1/4 of the northeast 1/4 of the southwest 1/4 of the aforesaid Section 15; thence departing said west right of way line, N 89°44'00" E, along said north line, 60.00 feet to the east right of way line of the aforesaid Tract A; thence departing said north line for the following three courses: S 00°16'00" E, along said east right of way line, 178.40 feet to a point of curvature of a curve concave northwesterly having a radius of 585.00 feet; thence through a central angle of 31'45'22". Run southerly, 324.24 feet to a point of reverse curvature of a curve concave northeasterly having a radius of 255.00 feet; thence through a central angle of 136'25'27", run southeasterly through the arc of said curve, 607.17 feet to the point of beginning; thence departing said east right of way line, N 14°56'05" W. 80.00 feet to a point on a nontangent curve concave northwesterly having a radius of 175.00 feet, a chord that bears N 40°41'42" E for a distance of 197.59 feet; thence through a central angle of 68'44'26 run northeasterly along the arc of said curve, 209.96 feet; thence,

departing said curve, S 83°40'31" E, 80.00 feet to a point on the north right of way line of Tract A, said point also being a point on a nontangent curve concave northwesterly having a radius of 255.00 feet, a chord that bears S 40°41'42" W for a distance of 287.92 feet; thence through a central angle of 68°44'26", run southwesterly along said north right of way line and the arc of said curve, 305.93 feet to the point of beginning and commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 east, Seminole County, Florida, thence N 00°39'29" W. along the east line of the southwest 1/4 of said Section 15, 1802.98 feet to the point of beginning; thence continue N 00°39'29" W, along said eastline, 1408.98 feet; thence departing said east line for the following thirty two (32) courses: N 89°48'14" E, 158.88 feet, · thence S 01'55'32" E, 6.14 feet; thence S 25°24'18" W. 8.40 feet; thence S 30°13'29" W. 44.48 feet; thence S 23°37'36" W. 15.66 feet; thence S 40°40'50" E, 17.71 feet; thence S 34°56'15" E, 8.73 feet; thence S 05°29'13" E, 20.80 feet; thence S 14°07'32" E, 8.50 feet; thence S 46°00'57" E, 18.46 FEET; THENCE S 42°26'29" E, 9.86 feet; thence S 29°54'06" E, 20.64 feet; thence S 42°19'23" E, 33.58 feet; thence S

32°23'24" E, 76.26 feet; thence S 61°48'21" W. 15.56 feet; thence S 04°43'15" W. 67.61 feet, · thence S 03°31'19" W. 95.09 feet; thence S 12°16'46" E, 104.49 feet; thence S 11°14'54" W. 83.00 feet; thence S 24°01'37" W. 70.98 feet; thence S 06°36'57" W. 137.77 feet; thence S 05°17'29" W. 31.48 feet; thence S 06°28'45" W. 68.51 feet; thence S 14°45'46" W. 81.22 feet; thence S 10°09'03" E, 52.19 FEET; THENCE S 19°58'05" E, 77.56 feet; thence S 13°46'14" W. 91.42 feet; thence S 23°35'47" W. 101.42 feet; thence S 29°15'38" W. 91.22 feet; thence S 44°22'21" W. 26.53 feet; thence S 41°09'48" W. 29.79 feet; thence S 72°29'48" W. 21.29 feet to the point of beginning and commence at the southeast corner of the southeast 1/4 of the southwest 1/4 of Section 15, Township 21 south, Range 31 east, Seminole County, Florida, thence N 00°39'29" W. along the east line of the southwest 1/4 of said Section 15, 100.02 feet to the north right of way line of Mitchell Hammock Road; thence departing said east lines 89°52'45" E, along said north right of way line, 1102.66 feet to a point on the west right of way line of Division Street, · thence departing said north right of way line N 52°58'07" E, along said west right of way line, 24.84 feet; thence N 00°38'13" W. 1519.44 feet to the point of curvature of a curve

concave westerly having a radius of 135.00 feet; thence through a central angle of 10°23'40"; run northerly along the arc of said curve and said west right of way line, 24.49 feet to the point of beginning; thence departing said west right of way line for the following forty (40) courses: S 89°44'00" W. 476.54 feet; thence N 35°04'03" E, 48.53 feet,· thence N 08°28'10" E, 41.54 feet; thence N 06°57'47" E, 75.91 feet; thence N 12°43'14" E, 78.09 feet; thence N 07°25'27" E, 91.90 feet; thence N 02°38'21" E, 65.41 feet; thence N 08°05'51" E, 90.58 feet; thence N 08°42'35" E, 56.45 feet; thence N 13°00'29" W. 64.26 feet; thence N 29°37'46" W. 41.31 feet; thence N 34°57'10"W. 65.24 feet,· thence N 29°27'01" W. 48.35 feet; thence N 50°27'48" W. 82.03 feet; thence N 74°44'53" W. 100.34 feet,· thence N 37°27'53" W. 40.93 feet; thence N 08°04'33" W. 55.62 feet; thence N 28°22'47" W. 46.99 feet; thence N 21°03'46" W. 66.85 feet; thence N 14°26'49" W. 44.34 feet; thence N 28°07'48" W. 47.55 feet; thence N 28°33'42" W. 46.25 feet; thence N 34°58'49" W. 42.38 feet; thence N 24°08'53" W. 59.12 feet; thence N 43°45'56" W. 58.22 feet; thence N 32°23'24"" W. 76.26 feet; thence N 42°19'23" W. 33.58 feet; thence N 29°54'06" W. 20.64 feet; thence N 42°26'29" W. 9.86 feet; thence

N 46°00'57" W. 18.46 feet; thence N 14°07'32" W. 8.50 feet; thence N 05°29'13" W. 20.80 feet; thence N 34°56'15" W. 8.73 feet; thence N 40°40'50" W. 17.71 feet; thence N 23°37'36" E. 15.66 feet,· thence N 30°13'29" E, 44.48 feet; thence N 25°24'18" E, 8.40 feet; thence N 01°55'32" W. 6.14 feet; thence: N 89°48'14" E, 220.66 feet to a point on the aforesaid west right of way line of Division Street; THENCE S 00°39'29" E along said west right of way line, 63.66 feet to the point of curvature of a curve concave northeasterly having a radius of 650.00 feet; thence through a central angle: of 45°04'20 run southeasterly along the arc of said curve and said west right of way line:, 511.33 feet to a point of tangency; thence: S 45°43'49" E, 215.27 feet to the point of curvature of a curve concave southwesterly having a radius of 600.00 feet; thence through a central angle of 43°22'17", run southeasterly along the arc of said curve and said west right of way line, 454.18 feet to a point of tangency; thence S 02°21'32" E, 120.93 feet to a point of non tangency of a curve concave northeasterly having a radius of 87.00 feet and a chord that bears S 22°19'23" E for a distance of 167.98 feet; thence through a central angle of 149°46'09 run southeasterly along the arc of said

curve and said west right of way line:, 227.41 feet to a point of nontangency; thence S 42°17'13" E, 187.44 feet to the point of curvature of a curve concave southwesterly having a radius of 135.00 feet; thence through a central angle of 31°15'20 run southeasterly along the arc of said curve and said west right of way line, 73.64 feet to the point of beginning and Lot 2 West of Eden as recorded in Plat Book 43, Pages 99 & 100 of the Public Records of Seminole County, Florida Together with the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 21 South, Range 31 East, Seminole County Florida.

Section 2. (1) Notwithstanding chapter 561, Florida Statutes, and any other provision of law, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation shall issue, for bona fide licensees operating validly licensed premises within the Oviedo Arts and Entertainment District, at all times and throughout the entirety of the arts and entertainment district unless prohibited or limited in geographical area by the Oviedo City Council or its designee, a special license or modify an existing license to sell alcoholic beverages for consumption on the premises, in open containers, to be removed from the premises by patrons and consumed within the entertainment district. The type, design and

color of the open container to be removed from the premises shall be identified by act of the City of Oviedo City Council.

(2) The special licenses or modifications of existing licenses authorized by this act are in addition to any other temporary permits authorized pursuant to chapter 561, Florida Statutes.

(3) The bona fide licensees shall comply with all other requirements of The Beverage Law during the special allowances authorized by this act.

Section 3. This act shall take effect upon becoming a law.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 4053	**COMPANION BILL:** None
TITLE: Duval County	**LINKED BILLS:** None
SPONSOR(S): Duggan	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs	➤	Industries & Professional Activities	➤	State Affairs
16 Y, 0 N, As CS				

SUMMARY

Effect of the Bill:

The bill provides an exception to the Beverage Law allowing the Department of Business and Professional Regulation to issue special alcoholic beverages licenses to event centers that meet certain requirements in Jacksonville's Urban Transition Area.

Fiscal or Economic Impact:

The bill may have an indeterminant positive fiscal impact on local revenues from increases in sales tax revenue, licensing revenue, and ad valorem revenue.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides an exception to the Beverage Law to allow the Department of Business and Professional Regulation's Division of Alcoholic Beverages and Tobacco (Division) to issue a special alcoholic beverages license to event centers in the City of Jacksonville's Urban Transition Area that meets certain requirements. The bill defines an event center as a facility that hosts events with ticketed entrance and does not otherwise market itself as a food service establishment. The bill further provides that a qualifying event center has an occupancy of 1,100 to 1,400 people and derives no less than 51 percent of its annual gross income from the sale of event center tickets, food, and nonalcoholic beverages. (Section 1)

The bill provides the Division may revoke or suspend any license issued pursuant to the bill for violations of the Beverage Law. (Section 1)

The bill provides a metes and bounds property description of the Urban Transition Area. (Section 2)

The bill has an effective date of upon becoming law. (Section 3)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminant positive fiscal impact on local revenues from increases in sales tax revenue, licensing revenue, and ad valorem revenue.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Regulation of Alcoholic Beverages

Florida's Beverage Law[1] regulates the manufacture, distribution, and sale of beer, wine, and liquor.[2] The Division of Alcoholic Beverages and Tobacco (division) in the Department of Business and Professional Regulation (DBPR) administers and enforces the Beverage Law.[3] Under the Beverage Law, there is not a limit on the number of licenses DBPR may issue to businesses selling malt beverages or wine. However, the number of licenses for selling distilled spirits to one license per 7,500 residents within the county with a minimum of three licenses per county that has approved the sale of intoxicating liquors.[4] These licenses are known as quota licenses and are the only alcoholic beverage license type that is limited in number.

Special Licenses

There are several exceptions to the quota license limitation.[5] DBPR may issue a special license to businesses that meet the requirements set out in one of the exceptions. The special license allows businesses to serve any alcoholic beverages regardless of alcohol content. For example, a caterer may qualify for an exemption if it is licensed by the Division of Hotels and Restaurants under ch. 509, F.S. and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages at each catered event.[6] Current law also allows DBPR to issue special licenses to civic centers or sports arenas[7] and performing arts centers.[8]

Urban Transition Area

The City of Jacksonville's Urban Transition Area (UTA) is the area bounded by I-95 and Dellwood Avenue on the north, the St. Johns River on the east and south, and Margaret Street to the west.[9] Current law provides for twelve special zones in the City of Jacksonville, within which DBPR may issue special alcoholic beverage licenses to certain types of establishments meeting certain revenue requirements.[10]

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.[11] A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website[12] at least 30 days prior to the introduction of the local bill in the House or Senate.[13] The bill was noticed in the Jacksonville Daily Record on January 16, 2025.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as

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[1] S. 561.01(6), F.S., provides that the "The Beverage Law" means chs., 561, 562, 563, 564, 565, 567, and 568, F.S.
[2] S. 561.14, F.S.
[3] S. 561.02, F.S.
[4] S. 561.20(1), F.S.
[5] S. 561.20(2), F.S.
[6] S. 561.20(2)(a)5., F.S. See Rule 61A-1.020, F.A.C.
[7] S. 561.20(2)(h), F.S., authorizes the division to issue a license for consumption on the premises to any civic center authority or sports arena authority authorized by state law or by a local government ordinance or which is otherwise owned by a political subdivision of Florida.
[8] S. 561.20(2)(j), F.S., authorizes the division to issue a license for consumption on the premises to a performing arts center for consumption at an artistic, educational, cultural, promotional, civic, or charitable event authorized or offered by the center.
[9] City of Jacksonville Ordinances, 656.399.19 Identification of Character Areas (last visited Feb. 27, 2025).
[10] Ch. 87-471, as amended by chs. 2011-255, 2016-248, 2017-213, 2022-259, and 2023-342, Laws of Fla.
[11] Art. III, s. 10, Fla. Const.
[12] S. 50.0311(2), F.S.
[13] S. 11.02, F.S. If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

possible.[14] Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- Local Bill Certification Form
- Economic Impact Statement Form

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	16 Y, 0 N, As CS	3/12/2025	Darden	Jones
THE CHANGES ADOPTED BY THE COMMITTEE:	Adds a property description for the Urban Transition Area.			
Industries & Professional Activities Subcommittee			Anstead	Garcia
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[14] Intergovernmental Affairs Subcommittee, *Local Bill Policies and Procedures Manual*, p. 11 (last visited Feb. 28, 2025).

A bill to be entitled

An act relating to Duval County; providing space and seating requirements for the issuance of special alcoholic beverage licenses to event centers; providing an exception to general law; providing boundaries; providing an effective date.

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

Section 1. Notwithstanding s. 561.20, Florida Statutes, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may issue special alcoholic beverage licenses to event centers in the Urban Transition Area North of Park Street which have an occupancy between 1,100 and 1,400 people and derive no less than 51 percent of annual gross income from the sale of event center tickets and food and nonalcoholic beverages that are prepared, served, and consumed on such premises. For the purposes of this act, the term "event center" means a facility that routinely hosts events for which entrance is by customers who have purchased tickets, including, but not limited to, musical concerts and art shows; hosts events sponsored or organized by nonprofit organizations; and otherwise does not market itself primarily as a food service establishment. The Division of Alcoholic Beverages and Tobacco of the Department of Business

and Professional Regulation may revoke or suspend any such license for violations of the Beverage Law and regulations of this state not inconsistent herewith.

Section 2. For the purposes of this act, the "Urban Transition Area North of Park Street" shall mean the area described as:

All of lots 3, 4, and 9, the north 60.0 feet of lot 8, the south 10.0 feet of the west 10.0 feet of lot 2, and the south 10.0 feet of lot 10, block 29, the Chamberlain and Barretts subdivision, according to the plat thereof recorded in plat book 1, pages 117 and 120 of the former public records of Duval County, Florida, plus a narrow strip of land immediately south of the southerly line of lot 4 and the northerly 60.0 feet (less and except portion lying in road right of way) of lot 8, of said block 29, more particularly described as follows:

Begin at the northeast corner of said lot 3, the said point of beginning being south 21°-00'-00" west, 120.0 feet, and measure along the westerly line of Park Street from the southerly line of Post Street; thence continue south 21°-00'-00" west, 120.0 feet along said westerly line of Park Street; thence westerly along the southerly face of an existing four-story brick

building a distance of 134.0 feet, more or less, to the southwest corner of said four-story brick building; thence northerly along the westerly line of said four-story brick building 0.38 feet; thence westerly to the easterly line of Margaret Street, said point being north 68°-42'-30" west 194.68 feet from a point in the westerly line of Park Street that is 240.0 feet southerly of the southerly line of Post Street; thence north 15°-40'-30" west, 150.05 feet along the easterly line of said Margaret Street; thence south 68°-43'-50" east, 124.29 feet' thence north 21°-00'-00" east, 10.0 feet; thence north 68°-43'-50" east, 50.0 feet; thence south 21°-00'-00" west, 10.0 feet; thence south 68°-40'-50" east, 110.0 feet to the point of beginning.

Section 3. This act shall take effect upon becoming a law.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 743	**COMPANION BILL:** None
TITLE: Social Media Use by Minors	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:

The bill requires social media platforms to allow a parent or legal guardian of certain minor account holders to view all messages, allow law enforcement to view messages in certain instances, and prohibit certain account holders from using or accessing messages that are designed to disappear.

The effective date of the bill is July 1, 2025.

Fiscal or Economic Impact:

Indeterminate. The bill may have an indeterminate fiscal impact on state government and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill enhances protections in Florida law governing social media use for minors. Specifically, the bill requires social media platforms to:

- Allow a parent or legal guardian of an account holder to view all messages.
- Allow law enforcement to view messages relevant to any investigation upon receiving consent from the parents or legal guardian of a minor or pursuant to a warrant.
- Prohibit an account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature. (Section 1)

These provisions apply to minors under 14 years of age, and minors 14 and 15 years of age.

The effective date of the bill is July 1, 2025. (Section 2)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Indeterminate. The bill may result in an unknown increase in civil penalties collected by DLA, and regulatory costs to DLA to enforce the bill.

PRIVATE SECTOR:

Indeterminate. The bill may result in an unknown increase in costs for companies operating websites due to the resources necessary to implement new procedures for age-verification and parental consent.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Social Media Use for Minors

In 2024, the Florida Legislature passed a law limiting minors' access to social media platforms.[1] The law, in part, prohibits minors thirteen years of age or younger from holding a social media account, and requires parental consent for fourteen and fifteen year olds to hold an account.[2]

Definitions

The law provides the following definitions:[3]

- "**Account holder**" means a resident who opens an account or creates a profile or is identified by the social media platform by a unique identifier while using or accessing a social media platform when the social media platform knows or has reason to believe the resident is located in this state.
- "**Daily active users**" means the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous 12 months, or if the online forum, website, or application did not exist during the previous 12 months, the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous month.
- "**Resident**" means a person who lives in this state for more than 6 months of the year.
- "**Social media platform**" means an online forum, website, or application that satisfies each of the following criteria:
    - Allows users to upload content or view the content or activity of other users;
    - Ten percent or more of the daily active users who are younger than 16 years of age spend on average 2 hours per day or longer on the online forum, website, or application on the days when using the online forum, website, or application during the previous 12 months or, if the online forum, website, or application did not exist during the previous 12 months, during the previous month;
    - Employs algorithms that analyze user data or information on users to select content for users; and
    - Has any of the following **addictive features**:
        - Infinite scrolling, which means either:
            - Continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page; or
            - Seamless content, or the use of pages with no visible or apparent end or pagebreaks.
        - Push notifications or alerts sent by the online forum, website, or application to inform a user about specific activities or events related to the user's account.
        - Displays personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content or have shared or reposted the content.
        - Auto-play video or video that begins to play without the user first clicking on the video or on a play button for that video.
        - Live-streaming or a function that allows a user or advertiser to broadcast live video content in real-time.
    - The term does not include an online service, website, or application where the exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender.

[1] Ch. 2024-42, Laws of Fla.
[2] See s. 501.1736, F.S.
[3] S. 501.1736(1), F.S.

Minors Under 14 years of Age

For minors under 14 years of age, the law requires a social media platform to:[4]

- Prohibit a minor who is younger than 14 years of age from entering into a contract with a social media platform to become an account holder.
- Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising.
    - The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder younger than 14 years of age to request to terminate the account. Termination must be effective within **5 business days** after such request.
- Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request the minor's account be terminated. Termination must be effective within **10 business days** after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

Minors 14 or 15 Years of Age

For minors who are 14 or 15 years of age, the law provides the following:[5]

- Requires a social media platform to prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder, unless the minor's parent or guardian provides consent for the minor to become an account holder.
- Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account.
    - The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
- Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

If a court enjoins the enforcement of the provisions for minors 14 or 15 years of age, or such provision caused a court to otherwise enjoin enforcement of any other of the provisions, then the provision is severed, and the following comes into effect:[6]

- A social media platform must prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder.
- A social media platform must:
    - Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising.
        - The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.
    - Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.

[4] S. 501.1736(2), F.S.
[5] S. 501.1736(3), F.S.
[6] S. 501.1736(4), F.S.

- Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

Violations and Enforcement

Knowing or reckless violation of the requirements for minor users under 14 years of age or the requirements for minor users under 16 years of age by a social media platform is an unfair and deceptive trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA) solely by the Department of Legal Affairs (DLA).[7] In addition to other FDUTPA remedies, DLA may collect a civil penalty of up to $50,000 per violation and reasonable attorney fees and court costs. When the social media platform's failure to comply with such requirements is a consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the social media platform.[8]

A social media platform that knowingly or recklessly violates the requirements for minor users under 14 years of age or the requirements for minor users under 16 years of age is liable to such minor account holder, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to $10,000 in damages. Such an action must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.[9]

Actions may only be brought on behalf of a resident minor,[10] and do not preclude any other available remedy at law or equity against such social media platform.[11]

For purposes of bringing an action, a social media platform that allows a minor account holder younger than 14 years of age or a minor account holder who is 14 or 15 years of age to create an account on such platform is considered to be both engaged in substantial and not isolated activities within Florida and operating, conducting, engaging in, or carrying on a business and doing business in Florida, and is therefore subject to the jurisdiction of the courts of Florida.[12]

DLA Subpoena Power

Relating to DLA subpoena power:[13]

- If, by its own inquiry or as a result of complaints, DLA has reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that violates the bill, DLA may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence. Within 5 days, excluding weekends and legal holidays, after the service of a subpoena or at any time before the return date specified therein, whichever is longer, the party served may file in the circuit court in the county in which it resides or in which it transacts business and serve upon the enforcing authority a petition for an order modifying or setting aside the subpoena. The petitioner may raise any objection or privilege which would be available upon service of such subpoena in a civil action. The subpoena must inform the party served of its rights.
- If the matter that DLA seeks to obtain by subpoena is located outside Florida, the entity or person subpoenaed may make it available to DLA or its representative to examine the matter at the place where it is located. DLA may designate representatives, including Florida officials which the matter is located, to inspect the matter on its behalf, and may respond to similar requests from officials of other states.
- Upon failure of an entity or person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, DLA may apply to the circuit court for an order compelling compliance.

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[7] DLA is not prohibited from bringing an action against:
- Any person or activity regulated under laws administered by OIR or DFS; and
- Banks, credit unions, and savings and loan associations regulated by OFR or federal agencies.

[8] S. 501.1736(5), F.S.
[9] S. 501.1736(6)(a)and(b), F.S.
[10] S. 501.1736(6)(c), F.S.
[11] S. 501.1736(9), F.S.
[12] S. 501.1736(7), F.S.
[13] S. 501.1736(10), F.S.

- DLA may request that an entity or person that refuses to comply with a subpoena on the ground that testimony or matter may incriminate the entity or person be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury, an entity or individual that complies with a court order to provide testimony or matter after asserting a valid privilege against self-incrimination shall not have the testimony or matter so provided, or evidence derived therefrom, received against the entity or person in any criminal investigation or proceeding.

Any entity or person upon whom a subpoena is served must comply with the terms thereof unless otherwise provided by order of the court. Failure to appear is punishable as a civil penalty up to $5,000 per week, including attorney's fees, and costs.[14]

Disappearing, Ephemeral Messaging

According to the National Law Review, "ephemeral messages are self-destructing messages with no backup or archiving option. Unlike a typical text message that is sent and remains on a user's and receiver's phone until manually deleted, ephemeral messages delete themselves after a set time. Some examples of platforms that offer this type of feature are Signal, WhatsApp, WeChat, and Snapchat."[15]

Disappearing messages have been found to be harmful to children. In 2020, when Facebook introduced disappearing messages, Anna Edmundson, the NSPCC's head of policy, expressed concerns, stating: "Despite its age restriction, many under-16s use WhatsApp and disappearing messages could put children at greater risk of harm, by providing groomers with yet another tool to avoid detection and erase evidence."[16]

Some of the risks to children of disappearing messages include: cyberbullying, sexting, grooming, inadequate oversight, false sense of security and privacy, and inappropriate content.[17]

Florida Deceptive and Unfair Trade Practices Act

FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, and unconscionable, deceptive, or unfair acts or practices in the conduct of trade or commerce.[18] The DLA or state attorney's office (SAO) in the judicial circuit affected or where the violation occurs may bring actions on behalf of consumers or governmental entities when it serves the public interest.[19] The SAO may enforce violations of FDUTPA if the violations take place within its jurisdiction. The DLA has enforcement authority when the violation is multi-jurisdictional, the state attorney defers to the DLA in writing, or the state attorney fails to act within 90 days after a written complaint is filed.[20] In certain circumstances, consumers may also file suit through private actions.[21]

The DLA and the SAO have powers to investigate FDUTPA claims, which include:[22]

- Administering oaths and affirmations;
- Subpoenaing witnesses or matter; and
- Collecting evidence.

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[14] *Id.*

[15] Michelle A. Freeman, *Disappearing Messages, Unofficial Communications Platforms and Ever-Increasing Scrutiny by Regulators*, The National Law Review (Oct. 7, 2024), https://natlawreview.com/article/disappearing-messages-unofficial-communications-platforms-and-ever-increasing (last visited Mar. 16, 2025).

[16] Mobicip, Gone in a Flash: How Disappearing Messages Can Impact Your Child's Online Safety (May 13, 2024), https://www.mobicip.com/blog/gone-flash-how-disappearing-messages-can-impact-your-childs-online-safety (last visited Mar. 16, 2025).

[17] *Id.*

[18] S. 501.202, F.S.

[19] Ss. 501.203(2) and 501.207(1)(c) and (2), F.S.; *see also* David J. Federbush, *FDUTPA for Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLORIDA BAR JOURNAL 52, Dec. 2002 (analyzing the merits of FDUPTA and the potential for deterrence of anticompetitive conduct in Florida), *available at* http://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0,business,Division* (last visited on Jan. 6, 2024).

[20] S. 501.203(2), F.S.

[21] S. 501.211, F.S.

[22] S. 501.206(1), F.S.

The DLA and SAO may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to $10,000 per willful violation.[23]

FDUTPA may not be applied to certain entities in certain circumstances, including:[24]

- Any person or activity regulated under laws administered by the Office of Insurance Regulation or the Department of Financial Services; or
- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

Recent Court Cases

In October 2024, two internet-industry groups filed a federal lawsuit challenging the constitutionality of Florida's law limiting minors' access to social media platforms. The Computer & Communications Industry Association and NetChoice, whose members include tech giants such as Google and Meta Platforms, alleged that the law violated their First Amendment rights and that parents have control of their children's social-media use.[25]

In March 2025, the motion for preliminary injunction was denied. The order did not include a ruling on the First Amendment issue. The order was instead based on the decision that the plaintiffs did not "show a substantial likelihood demonstrating standing" that at least one of the group members "will suffer irreparable injury" without an injunction. The effective date of the law was supposed to be January 1, 2025; however, in November the State agreed not to enforce it until the ruling occurred.[26]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 3	Tramont, Overdorf, Sirois, McFarland, Rayner		The bill became law on Jan. 1, 2025.

OTHER RESOURCES:

Johns Hopkins Medicine: Social Media and Mental Health in Children and Teens

Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory

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[23] Ss. 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. S. 501.2105, F.S.
[24] S. 501.212(4), F.S.
[25] *Computer & Communications Industry Association and NetChoice v. Uthmeier*, Case No.: 4:24-cv-00438-MW-MAF. The case is in the US District Court, Northern District of Florida.
[26] *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Thompson

A bill to be entitled

An act relating to social media use by minors; amending s. 501.1736, F.S.; requiring social media platforms to allow a parent or legal guardian of certain minor account holders to view all messages, allow law enforcement to view messages in certain instances, prohibit certain account holders from using or accessing messages that are designed to disappear; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 501.1736, Florida Statutes, are amended to read:

501.1736 Social media use for minors.—

(2)

(b) A social media platform shall:

1. Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account

holder fails to effectively dispute the termination.

2. Allow an account holder younger than 14 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. Allow a parent or legal guardian of an account holder younger than 14 years of age to view all messages.

6. Allow law enforcement to view messages relevant to any investigation upon receiving consent from the parents or legal guardian of a minor or pursuant to a warrant.

7. Prohibit an account holder younger than 14 years of age from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

(3)

(b) A social media platform shall:

1. Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder

who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account. The social media platform shall provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.

2. Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. Allow a parent or legal guardian of an account holder 14 or 15 years of age to view all messages.

6. Allow law enforcement to view messages relevant to any investigation upon receiving consent from the parents or legal guardian of a minor or pursuant to a warrant.

7. Prohibit an account holder who is 14 or 15 years of age from using or accessing messages that are designed to disappear

after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

(4) If a court enjoins the enforcement of subsection (3) or would otherwise enjoin enforcement of any other provision of this section due to subsection (3), then subsection (3) shall be severed, and the following shall come into effect:

(b) A social media platform shall:

1. Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.

2. Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. Allow a parent or legal guardian of an account holder 14 or 15 years of age to view all messages.

6. Allow law enforcement to view messages relevant to any investigation upon receiving consent from the parents or legal guardian of a minor or pursuant to a warrant.

7. Prohibit an account holder who is 14 or 15 years of age from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

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

PCS for HB 801

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 801	**COMPANION BILL:** SB 1220 (DiCeglie)
TITLE: Air-Conditioning and Mechanical Contractors	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:

The bill increases the scope of work for Class A air-conditioning and Mechanical contractors.

Fiscal or Economic Impact:

The bill may have a positive economic impact on Class A air-conditioning and Mechanical contractors by expanding their scope of work.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill expands the scope of work for Class A air-conditioning contractors and Mechanical contractors to include repairing and replacing existing package pool heaters. (Section 1)

The replacement of an existing package pool heater must use the same make and model as the existing pool heater. The replacement must maintain the flow rate, connection points, and heater specifications without making any modifications to the existing pool piping or system components.

The repair and replacement of an existing package pool heater does not include:

- alterations to the pool's hydraulic system;
- the addition of bypass valves;
- installation of new plumbing;
- rerouting of pipes;
- changes to the pool's circulation system;
- or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping. (Section 1)

The bill provides an effective date of July 1, 2025. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Class A air-conditioning and Mechanical contractors

Chapter 489, F.S., regulates the profession of contracting in the state. Generally speaking, a licensed contractor is the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, and whose job scope is substantially similar to the job scopes described in s. 489.105, F.S.[1]

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within Department of Business and Professional Regulation. The CILB is responsible for licensing statewide construction contractors and regulating the construction industry in Florida under part I of Ch. 489, F.S.[2]

Currently, there are four types of Heating, Ventilation, and Air-Conditioning (HVAC) contractors:[3]

- Class A air-conditioning contractor.
- Class B air-conditioning contractor.
- Class C air-conditioning contractor.
- Mechanical contractors

The scope of work for "Class A air-conditioning contractors" specifically includes services that are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design central air-conditioning, heating, and ventilation systems and to perform other related tasks including replacing, disconnecting, or reconnecting electrical wiring up to an electrical panel and replacing disconnecting, and replacing breakers or fuses dedicated to HVAC circuits.[4]

The scope of work for "Mechanical contractors" specifically includes services that are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design HVAC systems and to perform other tasks, including replacing, disconnecting, or reconnecting electrical wiring up to an electrical panel and replacing disconnecting, and replacing breakers or fuses dedicated to HVAC circuits.[5]

HVAC contractors are not allowed to install or remove pool water heaters, pool equipment, pool piping, or construct pool/spa equipment rooms. However, they are authorized to service and repair pool heaters as long as such service or repair does not include installing or removing the pool heater.[6]

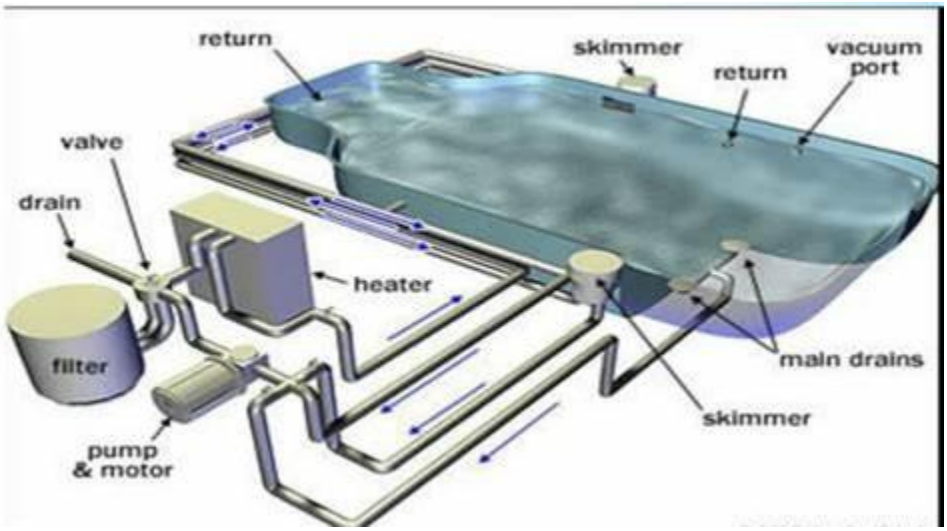
[1] S. 489.105(3), F.S.
[2] S. 489.107, F.S.
[3] S. 489.105(3), F.S.
[4] S. 489.105(3)(f), F.S.
[5] S. 489.105(3)(i), F.S.
[6] Construction Industry Licensing Board, Declaratory Statements 2012-024, 2014-006; 2014-060;

Pool Circulation System

A pool's circulation or hydraulic system are the elements of a pool that take water from the pool, filter it, heat it, and return it back into the pool. These elements include:[7]

- Water Outlets – these include any pool opening, such as skimmers, drains, and vacuum ports, where water is taken out of the pool and into the circulation system.
- Circulation Pump – the pump is responsible for pulling water out of the pool, through the circulation system, and back into the pool.
- Filter – cleans the water by removing dirt, debris, and bacteria from the pool water. Water is directed through the filter via a valve.
- Heater – heats the pool water and may include bypass valves[8], which allow water to bypass the heater.
- Returns – these are openings in the pool where water flows back into the pool from the circulation system.

A pool's flow rate is the speed at which the water travels through the circulation system, and the turnover time is the time it takes for the volume of water in the pool to make one pass through the circulation system.[9]



Pool Heaters

Generally, the pool's circulation system pulls water from the pool and into the pool heater, which warms the water via a heat exchange, and then circulates the heated water back into the pool. There are three main types of pool heaters:[10]

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[7] Capitol Pools. *Understanding the Pool Circulation System*, https://www.capitolpool.com/service/operating-poolcirculation#:~:text=Your%20pool%E2%80%99s%20circulation%20system%20is%20the%20elements%20of,and%20what%20you%20need%20to%20do%20with%20them (last visited March 14, 2025); R&R Pools, *What Causes Poor Pool Circulation* https://www.rrpools.ca/blog/causes-poor-pool-circulation/ (last visited March 14, 2025).

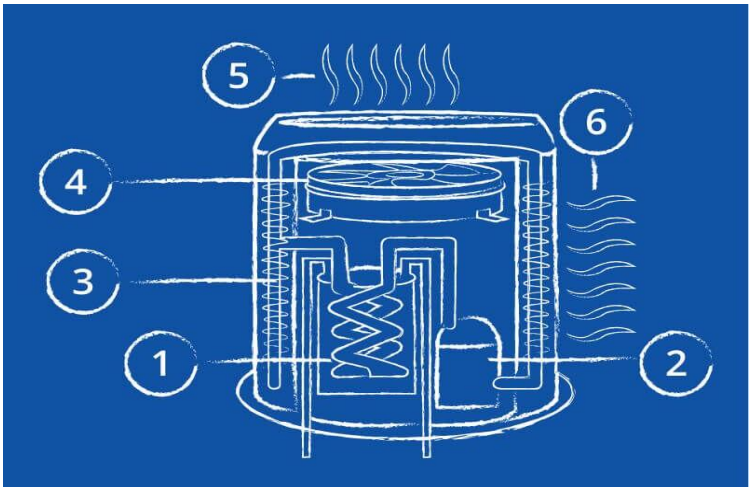
[8] Swimmingpoolsteve, *What is a Pool Heater Bypass?* https://www.swimmingpoolsteve.com/pages/bypass1.html#:~:text=An%20external%20bypass%20is%20a%20configuration%20of%20pool,your%20breakpoint%20chlorination%20to%20remove%20spent%20chlorine%20%28c (last visited March 16, 2025).

[9] Stockwell Safety, *Flow Rate and Turnover*, https://www.stockwellassociates.co.uk/tutorial-flow-rate-and-turnover.php#:~:text=Flow%20rate%20refers%20to%20the,litres%20per%20minute%20(LPM). (last visited March 16, 2025).

[10] Scott Keller, How Does a Pool Heater Work: A Comprehensive Guide to Pool Heating Options and Efficiency, Love Gunite Pool, (September 18, 2024) https://lovegunitepool.com/how-does-a-pool-heater-work/ (last visited March 14, 2025); Hank Cooper, *How Gas Pool Heaters Work? Unveiling the Science behind Your Warm Swim* (July 26, 2024)

Electric heat pumps

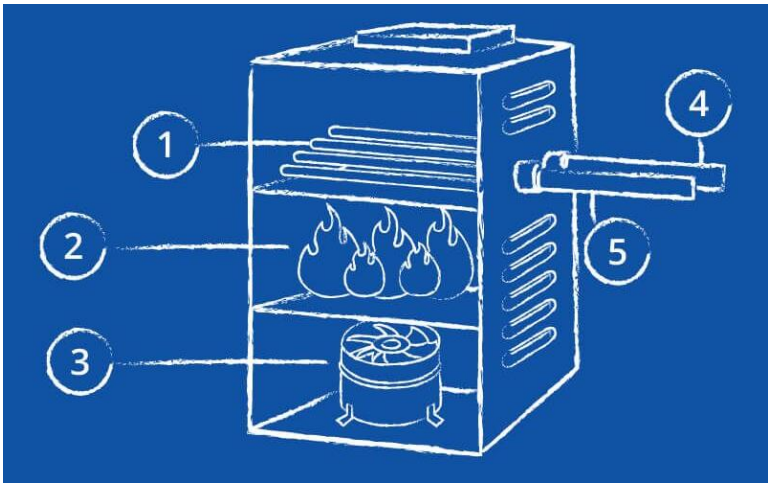
Electric heat pumps use electricity to pull in outside air to heat the water. The heater has a fan that draws in the surrounding warm air. The air is directed to an evaporator coil containing freon, which pulls the heat from the outside air and turns the freon into a gas. The warm gas moves through a compressor, which further increases the temperature, and then moves through the condenser coil, which absorbs the heat and warms the water. As the hot gas moves through the condenser coil, it turns back into a liquid, and returns to the evaporator coil, and the process begins again as diagrammed below:[11]



1) Condenser, 2) Compressor, 3) Evaporation Coil, 4) Fan, 5) Cool Air 6) Warm Air

Gas pool heaters

Gas heaters work by burning natural gas or propane inside a combustion chamber. There are copper coils in the heater, which heat up from the burning gas. Water is pulled into the heated copper coils by the circulation pump, which then pulls the heated water back into the pool as diagrammed below:[12]



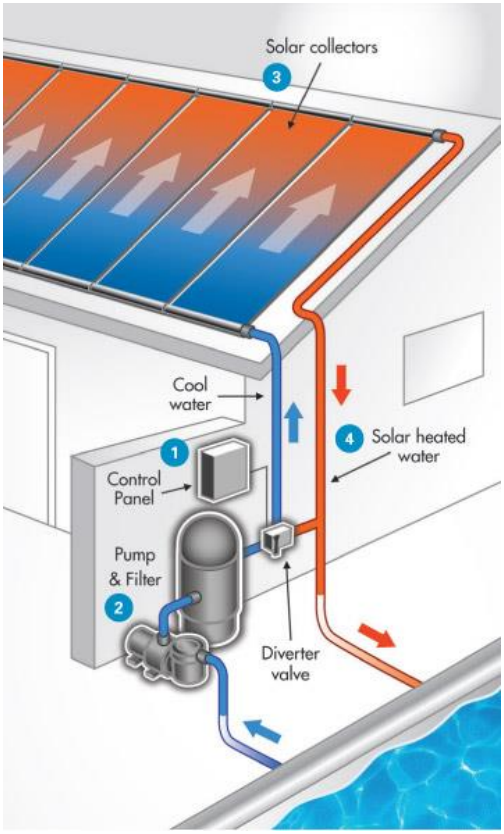
1) Heated Copper Coils 2) Burner 3) Fan 4) Cold Pool Water Entry 5) Heated Water Exit

https://pooltipsusa.com/how-gas-pool-heaters-work-unveiling-the-science-behind-your-warm-swim/ (last visited March 14, 2025).

[11] Jessica Carter, *Do pool heat pumps use a lot of electricity?* Eclipse Pool Heating (August 9, 2022) https://eclipsepoolheating.com.au/2022/08/09/do-pool-heat-pumps-use-a-lot-of-electricity/ (last visited March 14, 2025); Michael Dean, *How Does a Pool Heater Work?* Pool Research (August 13, 2024) https://poolresearch.com/how-heaters-work/ (last visited March 14, 2025)

[12] Michael Dean, *supra* note 8.

Solar pool heaters
Solar pool heaters work by using a solar collector, which warms the water with solar power. The circulation pump pulls the water into the solar collector, which is then pulled back into the pool as diagrammed below:[13]



BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Brackett

[13] Performance Solar, *How Solar Pool Heating Works*, https://performancesolar.com/solar-pool-heating/ (last visited March 14, 2025); David Stillwell, How does a solar pool heater work? (September 6, 2023) Consumer Affairs https://www.consumeraffairs.com/solar-energy/how-does-a-solar-pool-heater-work.html (last visited March 14, 2025).

A bill to be entitled

An act relating to air-conditioning and mechanical contractors; amending s. 489.105, F.S.; revising the definition of the term "class A air-conditioning contractor" and "mechanical contractor" to include additional services that such contractors may perform; providing an effective date.

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

Section 1. Paragraphs (f) and (i) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50

feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:

1. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.~~; to~~

2. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping.~~; to~~

3. Replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems.~~; to~~

4. Repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.~~; to~~

5. Install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring.~~; and to~~

6. Install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

7. Replace and repair existing package pool heaters and connect replacement package pool heaters to existing pool piping. The replacement of an existing package pool heater must use the same make and model as the existing pool heater. This includes maintaining the flow rate, connection points, and heater specifications without modifications to existing pool piping or system components. The replacement or repair of an existing package pool heater does not include alterations to the pool's hydraulic system, the addition of bypass valves, installation of new plumbing, rerouting of pipes, changes to the pool’s circulation system, or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping.

8. Perform ~~The scope of work for such contractor also includes~~ any excavation work incidental to work performed in subparagraphs 1.-7., but not ~~thereto, but does not include~~ any work such as liquefied petroleum or natural gas fuel lines

within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

9. ~~A Class A air-conditioning contractor may~~ Test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:

1. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.~~; to~~

2. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes,

vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings.~~; to~~

3. Replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems.~~; to~~

4. Repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.~~; to~~

5. Install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring.~~; and to~~

6. Install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

7. Replace and repair existing package pool heaters and connect replacement package pool heaters to existing pool piping. The replacement of an existing package pool heater must use the same make and model as the existing pool heater. This includes maintaining the flow rate, connection points, and heater specifications without modifications to existing pool piping or system components. The replacement or repair of an existing package pool heater does not include alterations to the

pool's hydraulic system, the addition of bypass valves, installation of new plumbing, rerouting of pipes, changes to the pool’s circulation system, or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping.

8. Perform ~~The scope of work for such contractor also includes~~ any excavation work incidental to work performed in subparagraphs 1.-7., but not ~~thereto, but does not include~~ any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

9. A mechanical contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

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

PCS for HB 981

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 981	**COMPANION BILL:** SB 1584 (Simon)
TITLE: Athlete Representation and Compensation	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:

The bill protects student athletes from excessive athlete agent fees in name, image, and likeness (NIL) contracts with NIL collectives, prohibits registration of high school NIL compensation, and allows high school student athletes to seek advice regarding NIL compensation from registered advisors, such as their high school athletic coach.

Fiscal or Economic Impact:

The bill will likely have a positive fiscal impact on student athletes due to the cap on agent fees and a negative fiscal impact on athlete agents.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill protects collegiate student athletes and high school student athletes who are preparing to enter into collegiate sports from excessive agent fees. Specifically, beginning on July 1, 2025, the bill limits athlete agent fees to no more than 5 percent in deals with NIL collectives. The bill also requires the Department of Business and Professional Regulation (DBPR) to maintain a database of licensed athlete agents that is accessible to the public via the Internet. (Sections 1 and 2).

The bill prohibits Florida High School Athletic Association (FHSAA) Bylaws from requiring a high school student athlete to register compensation with the FHSAA, an FHSAA member school, or any other entity. (Section 4).

The bill authorizes a high school student athlete who is preparing to enter into collegiate sports to earn NIL compensation. If such student athlete is under the age of 18, he or she must obtain written permission from his or her parent.[1] The bill prohibits such athletes from entering into NIL contracts involving the following: adult entertainment products and services; alcohol, tobacco, vaping, and nicotine products; controlled substances; prescription pharmaceuticals; gambling, including sports betting, the lottery, and betting in connection with video games, online games, and mobile devices; weapons, firearms, and ammunition; and NIL Collectives. (Section 5).

The bill also permits high school student athletes to consult with registered advisors, such as the student athlete's coach, academic advisor, or other designated school employee. A student athlete under the age of 18 must obtain written permission from a parent to consult with an advisor. The bill requires all persons advising student athletes to notify the school principal or designated school administrator of their role in advising the student athlete. Each public high school with a student athlete pursuing NIL compensation must maintain a list of all registered advisors.

[1] The Florida Early Learning-20 Education Code defines the term, 'parent' to include, "either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent." Section 1000.21(6), F.S.

The bill also encourages such schools to provide educational resources to assist student athletes in understanding NIL opportunities, financial literacy, and contractual obligations as they transition to college. (Section 5).

The bill's sections relating high school NIL are cited as "The Florida High School Name, Image, and Likeness Act." (Sections 3 through 5).

The effective date of the bill is July 1, 2025. (Section 6).

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. The bill will likely have a positive fiscal impact on student athletes due to the cap on agent fees and a negative fiscal impact on athlete agents. The extent to which student athletes and agents will be impacted is unknown.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Athlete Agents

Florida law defines an athlete agent as a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation.[2] The term includes all employees and other persons acting on behalf of an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.

Athlete agents representing intercollegiate student athletes for purposes of NIL must be licensed by DBPR.[3] Among the licensure requirements is that athlete agent be of good moral character and undergo a criminal history records check. DBPR maintains a publicly searchable list of registered athlete agents on its website.

Athlete Agent Compensation Limits

The National Football League Players Association (NFLPA) regulations limit athlete agent fees for player contracts to 3 percent, with limited exceptions.[4] Similarly, the National Basketball Association Players Association (NBPA) regulations limit athlete agent fees for player contracts to 4 percent, with limited exceptions.[5] These limits are applicable to player contracts; in other words, contracts between the player and the team. Professional athletes often supplement their income through endorsement deals, and in such cases, agent fees may be higher than the limits set by the NFLPA and NBPA for player contracts.

Currently, a student athlete's educational institution or team is prohibited from directly providing NIL compensation to the student athlete. As such, any NIL compensation a student athlete receives must come from a third-party NIL deal. Currently, Florida law does not place any limits on athlete agent fees for NIL compensation.

NCAA NIL Bylaws

National Collegiate Athletic Association (NCAA) Bylaws[6] authorize an individual to receive compensation for the use of his or her NIL, provided such compensation include the following:

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[2] S. 468.452(2), F.S.
[3] S. 468.453, F.S.
[4] National Football League Players Association, *NFLPA Regulations Governing Contract Advisors*, at 12, *available at* https://nflpaweb.blob.core.windows.net/website/RegulationsAmendedAugust2016.pdf.
[5] National Basketball Association Players Association, *NBPA Regulations Governing Player Agents*, at 30, *available at* https://cosmic-s3.imgix.net/fec8eea0-dbdc-11e9-a097-0b637a5431fa-Agent-Regulations--Final--2019.pdf.
[6] NCAA Bylaw 22.

- *Quid pro quo* (e.g., compensation for work performed);
- Not be contingent upon initial or continued enrollment at a particular institution (no recruiting inducement); and
- Not be in return for athletics participation or achievement (no 'pay-for-play').

Currently, NCAA is not enforcing its Bylaw prohibiting NIL recruiting inducements.[7]

Florida High School Athletics Association

The FHSAA is statutorily designated as the governing nonprofit organization for interscholastic athletics for grades 6 through 12 in Florida public schools. Any high school, middle school, or combination school,[8] including charter schools, virtual schools, private schools, and home education cooperatives,[9] may become a member of the FHSAA. The FHSAA is prohibited from denying or discouraging interscholastic competition between its member schools and non-FHSAA member schools in Florida and may not take discriminatory or retributory action against a member school that engages in interscholastic competition with non-FHSAA member schools.[10]

The executive and legislative authority of the FHSAA is vested in its board of directors, which is composed of 13 members, 8 of whom are appointed by the Governor and confirmed by the Senate, 4 of whom are elected from among FHSAA members and the Commissioner of Education (commissioner).[11] The FHSAA is required to adopt bylaws regulating, among other topics, student eligibility, recruiting, and member schools' interscholastic competition in accordance with applicable law.[12] The commissioner may direct the FHSAA to revise its bylaws at any time.[13] Bylaws adopted by the FHSAA Board of Directors must be ratified by the State Board of Education and are not effective until ratified.[14]

Florida High School Athletic Association Name, Image, and Likeness Bylaw

In June 2024, the FHSAA amended its bylaws to authorize Florida high school athletes to benefit from NIL agreements.[15] The bylaw was approved by the State Board of Education in July 2024.[16] The FHSAA NIL bylaws took effect beginning with the 2024-25 school year.[17]

The FHSAA bylaw defines an NIL agreement as a fully executed, written contract that allows for student-athletes to profit from or be compensated for promoting, partnering, and/or representing product endorsements and other activities, as permitted by the bylaw, and that is limited to a student-athlete's high school period of athletic eligibility and shall not extend beyond a student-athlete's high school graduation date.[18] Upon entering into an NIL agreement the student athlete and his or her parent agrees to release their school, its district or governing body, and FHSAA from any liability related to, or arising from the NIL agreement and to hold harmless their school, its district or governing body, and FHSAA from any liability related to, or arising from the NIL agreement.[19]

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[7] Dan Murphy, *NCAA can't enforce NIL rules after judge grants injunction*, ESPN, (Feb. 23, 2024), https://www.espn.com/college-sports/story/_/id/39585390/ncaa-enforce-nil-rules-judge-grants-injunction (last visited March 15, 2025).

[8] A "combination school" is any school that provides instruction to students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined (e.g. K-12; K-8; 6-12; or 7-12). Bylaw 3.2.2.3, FHSAA.

[9] A "home education cooperative" is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA.

[10] S. 1006.20(1), F.S.

[11] S. 1006.20(4)(a), F.S.

[12] S. 1006.20(2), F.S.

[13] S. 1006.20(2)(a), F.S.

[14] S. 1006.20(2)(a)1.-2., F.S.

[15] Bylaw 9.9.4, FHSAA. *See* FHSAA, *Amateurism and Name, Image & Likeness (NIL)*, https://fhsaa.com/sports/2024/8/12/ABOUT_NILResources.aspx (last visited March 13, 2025)

[16] Florida Department of Education, *2024 Archived Meetings July 24, 2024 – Meeting Agenda*, https://www.fldoe.org/policy/state-board-of-edu/meetings/2024/2024-07-24/ (last visited March 13, 2025).

[17] *See* FHSAA, *Bylaws of the Florida High School Athletic Association, Inc. 2024-25 Edition*, *available at* https://s3.amazonaws.com/fhsaa.org/documents/2024/10/2/2425_handbook_update_10124.pdf.

[18] Bylaw 9.9.4.1, FHSAA.

[19] Bylaw 9.9.4.1.1-2, FHSAA.

Additionally, a student who engages in any NIL activity must sign an "Affidavit of Compliance with the Regulations on Amateurism and Interscholastic Athletic Eligibility." The affidavit will be accompanied by an explanation of the FHSAA Bylaw on Amateurism, including the penalties for violating the bylaw, as well as the consequences of making a false statement on the affidavit. The student/parent must complete, obtain all applicable signatures and submit this form to the school within 5 business days of signing a NIL agreement.[20]

A student athlete is prohibited from making any reference to and will not otherwise use or authorize others to use the uniforms, logos, mascots, insignia, or identifying marks of a member school, the FHSAA, the National Federation of State High School Associations (NFHS), and/or any FHSAA, NFHS, or member school event, game, or championship when engaging in any NIL activity unless they receive prior written consent for such use.[21] Student athletes are also prohibited from endorsing or promoting any third-party entities, goods, or services during school-/district-sponsored activities or FHSAA activities and may not reference FHSAA, NFHS, school, or school district accolades or championships in the student's NIL activities for which they are compensated.[22]

Student athletes are prohibited from entering into NIL Agreements with any of the following categories of products or services:[23]

- Adult entertainment products and services;
- Alcohol, tobacco, vaping, and nicotine products;
- Cannabis products;
- Controlled substances;
- Prescription pharmaceuticals;
- Gambling, including sports betting, the lottery, and betting in connection with video games, online games, and mobile devices;
- Weapons, firearms, and ammunition;
- Political or social activism; and
- NIL Collectives.[24]

No school employee, athletic department staff member, or representative of a school's athletic interests may form, direct, offer, provide, or otherwise engage in any activity outlined in the NIL bylaw, including the use of NIL opportunities to recruit student athletes.[25]

A student-athlete who transfers after starting a sport, is prohibited from securing a NIL agreement that season, unless the student-athlete:[26]

- continues to compete at their original school, while maintaining eligibility to do so;
- is the dependent child of active-duty military personnel whose move resulted from military orders;
- relocated due to a foster care placement in a different school zone;
- moved due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; or
- is authorized for good cause in district, private or charter school board policy.

[20] Bylaw 9.9.5, FHSAA.
[21] Bylaw 9.9.4.3, FHSAA.
[22] Bylaw 9.9.4.3.1-2, FHSAA.
[23] Bylaw 9.9.4.4, FHSAA.
[24] The bylaw defines a NIL Collective to include groups, organizations, or cooperative enterprises that exist to collect funds from donors, individuals, or business to: help facilitate NIL deals for student-athletes; facilitate payments to or transfers funds to student-athletes; create ways for athletes to monetize from their NIL; and/or otherwise promote NIL for schools or student-athletes. Bylaw 9.9.4.2, FHSAA.
[25] Bylaw 9.9.4.5-6, FHSAA.
[26] Bylaw 9.9.4.7, FHSAA. *See* bylaw 9.3.2.2, FHSAA.

FHSAA member institution and their employees are subject to penalties, in accordance with FHSAA bylaws, for violations of the NIL bylaw.[27] The eligibility of student-athletes shall be impacted by violations of the NIL bylaw in the following ways:[28]

- For a first offense, the student-athlete shall receive a formal warning. If applicable, the student shall immediately terminate/modify the NIL agreement, remove any advertisement, promotional activity, or endorsement, and return any awards, gifts, or other compensation.
- For a second offense, the student-athlete will be ineligible to represent any member school for a period of one year from the date of discovery.
- For a third offense, the student-athlete will be ineligible to compete in any interscholastic athletic contest in any sport for the duration of the student-athlete's high school career.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023B	HB 7B	LaMarca	Hutson	Effective February 16, 2023

OTHER RESOURCES:

High School NIL: State-by-state regulations for name, image and likeness rights

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Thompson

[27] Bylaw 9.9.6.1-2, FHSAA.
[28] Bylaw 9.9.6.3, FHSAA.

A bill to be entitled

An act relating to athlete representation and compensation; amending s. 468.454, F.S.; prohibiting an athlete agent of a student athlete from receiving more than a specified percentage of the student athlete's total compensation derived from the use of the student athlete's name, image, or likeness; creating s. 468.45651, F.S.; requiring the Department of Business and Professional Regulation to maintain a database of athlete agents which is accessible to the public; providing a short title; amending s. 1006.20, F.S.; requiring the FHSAA to adopt bylaws requiring student athletes to register specified compensation with the FHSAA; prohibiting the registration of any other compensation for a student athlete; creating s. 1006.206, F.S.; authorizing high school student athletes who meet specified criteria to earn compensation for the use of their name, image, or likeness; requiring students under a certain age to obtain parental consent to earn such compensation; providing requirements for such contracts and agreements; authorizing student athletes to consult with authorized advisors; requiring students under a specified age to obtain parental consent for such consultation; providing requirements for such

advisors; providing school and Department of Education responsibilities and requirements; authorizing the department to conduct specified audits; requiring schools to provide specified records for such audits; requiring the State Board of Education to adopt rules; providing an effective date.

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

Section 1. Present subsection (12) of section 468.454, Florida Statutes, is renumbered as subsection (13), and a new subsection (12) is added to that section, to read:

468.454 Contracts.—

(12) Beginning with contracts executed on or after July 1, 2025, an agent contract with a student athlete or an athlete specified in s. 1006.206 may not allow an athlete agent to receive more than 5 percent of such athlete's total compensation, whether monetary or otherwise, derived from an endorsement deal, a promotional activity, or any other opportunity with a name, image, and likeness collective in which such athlete uses his or her name, image, or likeness. For purposes of this subsection, a "name, image, and likeness collective" has the same meaning as provided in 1006.206.

Section 2. Section 468.45651, Florida Statutes, is created to read:

468.45651 Database of athlete agents.—The department shall maintain a database of athlete agents who are licensed pursuant to this part. The database must be accessible to the public via the Internet.

Section 3. Sections 4 and 5 of this act may be cited as "The Florida High School Name, Image, and Likeness Act."

Section 4. Paragraph (n) is added to subsection (2) of section 1006.20, Florida Statutes, to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(n) The FHSAA bylaws may not require a student athlete to register compensation with the FHSAA, an FHSAA member school, or any other entity.

Section 5. Section 1006.206, Florida Statutes, is created to read:

1006.206 High school student athlete compensation; school district and department responsibilities; rulemaking authority.—

(1) A high school student athlete who is preparing to enter into collegiate sports, may earn compensation for the use of his or her name, image, or likeness. A student under the age of 18 must obtain written permission from his or her parent.

(2)(a) A student athlete specified in subsection (1) may not engage in any name, image, and likeness activity or enter into a contract or agreement involving adult entertainment products and services; alcohol, tobacco, vaping, and nicotine

products; controlled substances; prescription pharmaceuticals; gambling, including sports betting, the lottery, and betting in connection with video games, online games, and mobile devices; weapons, firearms, and ammunition; or a name, image, and likeness collective.

(b) For purposes of paragraph (a), a "name, image, and likeness collective" does not include school sanctioned team fundraising. However, a "name, image, and likeness collective" does include, but is not limited to, a group, organization, or cooperative enterprise that exists to collect funds from donors, individuals, or businesses to:

1. Help facilitate name, image, and likeness deals for student athletes.

2. Facilitate payments to or transfers funds to student athletes.

3. Create ways for athletes to monetize from their name, image, or likeness.

4. Otherwise promote name, image, and likeness activities for schools or student athletes.

(c) Any name, image, and likeness contract or agreement must comply with all state and federal laws.

(3) A student athlete may consult with a registered advisor regarding compensation for the student's name, image, or likeness. A student under the age of 18 must obtain written permission from his or her parent to consult with an advisor.

Registered advisors include:

(a) The student athlete's coach.

(b) The student athlete's academic advisor.

(c) Any designated employee of the student athlete's school who has registered as an advisor.

A person advising a student athlete must notify the school principal or a designated school administrator of their role in advising the student athlete.

(4) Each public high school with a student athlete pursuing compensation for his or her name, image, or likeness:

(a) Must maintain a list of all registered advisors.

(b) May, and are encouraged to, provide educational resources to assist student athletes in understanding name, image, or likeness opportunities, financial literacy, and contractual obligations as they transition to college.

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

PCS for HB 1219

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 1219	**COMPANION BILL:** SB 922 (Leek)
TITLE: Employment Agreements	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:

The bill creates the Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act to protect confidential information and client relationships by creating two types of agreements: covered garden leave agreements and covered noncompete agreements. The agreements protect the confidentiality of information and client relationships for up to 4 years, either while the covered employee remains employed (covered garden leave agreement) or after the covered employee has left employment (covered noncompete agreement).

Fiscal or Economic Impact:

The bill may have a positive economic impact by encouraging businesses to establish in Florida in order to enter into garden leave agreements.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates the Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act to protect confidential information and client relationships. A covered employer[1] and covered employee[2] may enter into a covered garden leave agreement in which the covered employer agrees to provide no more than 4 years of advance, express notice before terminating the employment or contractual relationship. (Section 1 and 2)

The time between the notice and agreed upon termination date is referred to as the notice period. In exchange, the covered employee agrees not resign before the end of the notice period. The covered employer agrees to retain the employee during the notice period and pay the same salary and benefits the covered employee received in the month preceding the beginning of the notice period. However, the covered employer is not required to provide discretionary incentive compensation or benefits or have the covered employee continue performing work during the notice period and the covered employer may reduce, during the notice period, the term of the covered garden leave agreement by providing 30 days advance notice. (Section 2)

[1] The bill defines covered employer as an entity or individual who employs or engages a covered employee.
[2] The bill defines covered employee as an employee or individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage, or who has access to his or her employer's or client's confidential information or customer relationships.

Covered garden leave agreements do not violate public policy as restraint of trade or an attempt to monopolize trade or commerce in this state provided that:

- The covered employee was advised, in writing, of the right to seek counsel and provided the covered agreement at least 7 days before the agreement or offer of employment expired;
- The covered employee acknowledged, in writing, receipt of confidential information or customer relationships; and
- The covered garden leave agreement provides that:
    - After the first 90 days of the notice period, the covered employee does not have to provide services to the covered employer;
    - The covered employee may engage in nonwork activities at any time, including during normal business hours, during the remainder of the notice period;
    - The covered employee may, with the permission of the covered employer, work for another employer while still employed by the covered employer during the notice period.
    - The garden leave agreement notice period may be reduced during the notice period if the covered employer provides at least 30 days' advance notice in writing to the covered employee. (Section 2)

Once a covered employer seeks enforcement of a covered garden leave agreement, the court must preliminarily enjoin the covered employee from providing services to any business, entity, or individual other than the covered employer during the notice period. The injunction may only be modified or dissolved if the covered employee establishes by clear and convincing evidence that:

- The covered employee will not perform, during the notice period, any work similar to the services provided to the covered employer; or
- The covered employer has failed to pay or provide the salary and benefits provided for in the covered garden leave agreement during the notice period and has had a reasonable opportunity to cure the failure. (Section 2)

Once a covered employer seeks enforcement of a covered garden leave agreement, the court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the notice period. The injunction may only be modified or dissolved if the covered employee establishes by clear and convincing evidence that:

- The covered employee will not provide any services covered by the agreement; or
- The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning to engage in, any business activity similar to those of the covered employer during the notice period. (Section 2)

The bill also creates covered noncompete agreements which are agreements, not to exceed 4 years, within a specified geographic area defined in the agreement. (Section 2)

The covered employee agrees not to assume a role with another business, entity or individual in which it is reasonably likely the covered employee would use confidential information or customer relationships of the covered employer or provide services similar to the services provided to the covered employer during the three years prior to the noncompete period. The noncompete period begins upon termination of employment and continues through the end of the agreed-upon post-employment period provided in the agreement. A covered noncompete agreement must reduce the noncompete period day-for-day by any nonworking portion of the notice period of a covered garden leave agreement. (Section 2)

Covered noncompete agreements do not violate public policy as restraint of trade or an attempt to monopolize trade or commerce in this state provided that:

- The covered employee was advised, in writing, of the right to seek counsel and provided the covered agreement at least 7 days before the agreement or offer of employment expired;
- The covered employee acknowledged, in writing, receipt of confidential information or customer relationships; and
- The covered noncompete agreement provides that the agreement is reduced day-to-day by any nonworking portion of the notice period, pursuant to a covered garden leave agreement between the covered employee and the covered employer. (Section 2)

Once a covered employer seeks enforcement of a covered noncompete agreement, the court must preliminarily enjoin the covered employee from providing services to any business, entity, or individual other than the covered employer during the noncompete period. The injunction may only be modified or dissolved if the covered employee establishes by clear and convincing evidence that:

- The covered employee will not perform, during the noncompete period, any work similar to the services provided to the covered employer or use confidential information or customer relationships of the covered employer; or
- The covered employer has failed to pay or provide the compensation provided for in the covered noncompete agreement during the noncompete period and has had a reasonable opportunity to cure the failure. (Section 2)

Once a covered employer seeks enforcement of a covered noncompete agreement, the court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the noncompete period. The injunction may only be modified or dissolved if the covered employee establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

- The covered employee will not provide any services covered by the agreement or use confidential information or customer relationships of the covered employer; or
- The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning to engage in, any business activity similar to those of the covered employer during the noncompete period and in the geographic area described in the agreement. (Section 2)

Any information filed with the court which the covered employer deems confidential, must be filed under seal to protect confidentiality or avoid substantial injury. In addition, the court must presume that an employee or individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing. (Section 2)

Prior to entering covered garden leave agreements and covered noncompete agreements, a covered employer must provide the proposed covered agreement to a prospective covered employee at least 7 days before the offer of employment expires or 7 days before the covered agreement expires if the covered employee is a current employee. (Section 2)

When enforcing either type of agreement, a reduction in salary or benefits or other appropriate action during the noncompete or notice period due to gross misconduct by the covered employee may not be considered a breach of the noncompete or garden leave agreement. In addition to injunctive relief, a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

The prevailing party is entitled to reasonable attorney fees and costs. (Section 2).

The effective date of the bill is July 1, 2025. (Section 3)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Noncompete Agreements (Restrictive Covenants)

Generally, a contract in restraint of trade or commerce in Florida is unlawful.[3] However, non-competition restrictive covenants[4] contained in employment agreements that are reasonable in time, area, and line of business, are not prohibited.[5] In any action concerning enforcement of a restrictive covenant, a court may not enforce a

[3] Section 542.18, F.S.

[4] Section 542.335, F.S. employs the term "restrictive covenants" and includes all contractual restrictions such as noncompetition/nonsolicitation agreements, confidentiality agreements, exclusive dealing agreements, and all other contractual restraints of trade. *See Henao v. Prof'l Shoe Repair, Inc.,* 929 So.2d 723, 726 (Fla. 5th DCA 2006).

[5] S. 542.335(1), F.S.

restrictive covenant unless it is set forth in a writing signed by the person against whom enforcement is sought, and the person seeking enforcement of a restrictive covenant must prove the existence of one or more legitimate business interests justifying the restrictive covenant.[6] The term "legitimate business interest" includes, but is not limited to:

- Trade secrets;[7]
- Valuable confidential business or professional information that does not otherwise qualify as trade secrets;
- Substantial relationships with specific prospective or existing customers, patients, or clients;
- Customer, patient, or client goodwill associated with:
    - An ongoing business or professional practice, by way of trade name, trademark, service mark, or "trade dress;"
    - A specific geographic location; or
    - A specific marketing or trade area; or
- Extraordinary or specialized training.[8]

Federal Trade Commission Rule

In September of 2024, the FTC's rule[9] against noncompete agreements was set to take effect to promote competition by banning noncompete agreements nationwide.[10] Under the rule, existing noncompete agreements for most workers would no longer be enforceable.[11] Existing noncompete agreements for senior executives would remain in force, however, new noncompete agreements, even if they involve senior executives would be banned.[12]

Additionally, the rule requires employers to provide notice to workers other than senior executives who are bound by an existing noncompete agreement that they will not be enforceable.[13] Ultimately, the rule determined that it is an unfair method of competition for employers to enter into noncompete agreements with workers, and therefore noncompete agreements are a violation of Section 5 of the FTC Act.

On July 23, 2024, the U.S. District Court for the Eastern District of Pennsylvania issued a decision, which held that the FTC had the authority to issue its rule banning most employment based noncompete agreements.[14]

On August 14, 2024, the U.S. District Court for the Middle District of Florida entered a limited injunction prohibiting the FTC from enforcing the FTC's noncompete rule. The court used the "major questions doctrine" to argue that the FTC did not have a valid grant of congressional authority to enact the rule.[15]

On August 20, 2024, the U.S. District Court for the Northern District of Texas granted summary judgement to the plaintiffs in *Ryan, LLC v. FTC*, which sets aside the FTC's noncompete clause rule.[16] The court found that the FTC has no authority to promulgate substantive rules regarding unfair competition, and the rule is invalid because it is arbitrary and capricious.[17]

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[6] *Id*.

[7] S. 688.002(4), F.S., defines a "trade secret" as information, including a formula, pattern, compilation, program, device, method, technique, or process that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

[8] S. 542.335(1)(b), F.S.

[9] 16 C.F.R. § 910.1-6

[10] *FTC Announces Rule Banning Noncompetes*, The Federal Trade Commission, *available at* https://www.ftc.gov/news-events/news/press-releases/2024/04/ftc-announces-rule-banning-noncompetes (last visited Mar. 14, 2025).

[11] *Id.*

[12] *Id.* The final rule defines "senior executives" as workers earning more than $151,164 annually and who are in policy-making positions. *See id. See also* 16 C.F.R. § 910.1-6.

[13] *Id.*

[14] *ATS Tree Services, LLC. v. Federal Trade Commission*, WL 3511630 (E.D. Pa. 2024). The court found that the FTC has broad authority to regulate "unfair methods of competition" under the FTC Act. *See also* 15 U.S.C. §§ 41-58.

[15] *Properties of the Villages, Inc. v. Federal Trade Commission*, WL 3870380 (M.D. Fla. 2024). The "major questions doctrine" requires administrative agencies issuing rules of extraordinary economic and political significance to point to clear and unambiguous congressional intent to confer such power on the agency.

[16] *Ryan, LLC v. Federal Trade Commission*, 746 F.Supp.3d 369 (N.D. Tex. 2024). This is a nation wide injunction. The FTC is

[17] *Id.*

Garden Leave Agreements

The term garden leave refers to agreements in which the worker remains employed, receives the same total annual compensation and benefits, but their access to co-workers and company facilities is restricted.[18] Such agreements are not post-employment restrictions.[19]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Brackett

[18] Non-Compete Clause Rule, 89 FR 38342, 38366 (May 7, 2024) https://www.federalregister.gov/documents/2024/05/07/2024-09171/non-compete-clause-rule

[19] *Id.*

A bill to be entitled

An act relating to employment agreements; creating part I of ch. 542, F.S., entitled the "Florida Antitrust Act of 1980"; creating part II of ch. 542, F.S., entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act"; creating s. 542.41, F.S.; providing a short title; creating s. 542.42, F.S.; providing legislative findings; creating s. 542.43, F.S.; defining terms; creating s. 542.44, F.S.; providing applicability; providing that certain covered garden leave agreements are not a restraint of trade or an attempt to monopolize trade or commerce; providing notice requirements for covered garden leave agreements; providing that a covered employer may waive any portion of such notice requirements by providing a specified amount of advance written notice to the covered employee; providing that covered garden leave agreements do not affect other agreements; requiring a court to enter a preliminary injunction to stop covered employees, businesses, entities, or individuals if a breach of a covered garden leave agreement is alleged; authorizing the court to modify such an injunction if a covered employee, business, entity, or individual establishes certain information

by clear and convincing evidence; requiring that certain information be provided to the court under seal; providing that a prevailing covered employer is entitled to recover all available monetary damages for all available claims; providing that a prevailing party is entitled to reasonable attorney fees and costs; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross misconduct; providing that such a reduction is not a breach of the covered garden leave agreement; creating s. 542.45, F.S.; providing applicability; providing that certain covered noncompete agreements are not a restraint of trade or an attempt to monopolize trade or commerce; providing notice requirements for covered noncompete agreements; providing that covered noncompete agreements do not affect other agreements; requiring a court to enter a preliminary injunction to stop covered employees, businesses, entities, or individuals if a breach of a covered noncompete agreement is alleged; authorizing the court to modify such an injunction if a covered employee, business, entity, or individual establishes certain information by clear and convincing evidence; requiring that certain information be provided to the court under seal; providing that a prevailing covered

employer is entitled to recover all available monetary damages for all available claims; providing that a prevailing party is entitled to reasonable attorney fees and costs; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross misconduct; providing that such a reduction is not a breach of the covered noncompete agreement; providing construction regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement; providing an effective date.

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

Section 1. Part I of chapter 542, Florida Statutes, consisting of ss. 542.15-542.36, Florida Statutes, is created and entitled the "Florida Antitrust Act of 1980."

Section 2. Part II of chapter 542, Florida Statutes, consisting of ss. 542.41-542.45, Florida Statutes, is created and entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.41 Short title.—This part may be cited as the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.42 Legislative findings.—The Legislature finds that a proper and legitimate state interest is served by enforcing strong legal protections in contracts between employers and contracted personnel which encourage optimal levels of information sharing and training and development. The Legislature further finds that alternative means of protecting confidential information and client relationships, such as nondisclosure agreements, fixed-duration term contracts, and nonsolicitation clauses in employment contracts, are inadequate to protect against the significant global risks faced by companies in this state. The Legislature further finds that predictability in the enforcement of contracts described in this part encourages investment in this state. Therefore, the Legislature determines and declares that this part fulfills an important state interest.

542.43 Definitions.—For the purposes of this part, the term:

(1) "Annual mean wage of employees in Florida" or "annual mean wage" means the most recent annual mean wage as calculated by the United States Department of Labor Bureau of Labor Statistics, or its successor calculation, for all occupations in this state.

(2) "Benefit" means access to health insurance, life insurance, or disability insurance that is the same as or similar to the insurance that a covered employee had access to

and at the same cost to that employee during the month before the commencement of his or her notice period.

(3) "Covered employee" means an employee or individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage, or who has access to his or her employer's or client's confidential information or customer relationships. The term does not include a person classified as a medical professional as defined in s. 1006.0626.

(4) "Covered employer" means an entity or individual who employs or engages a covered employee.

(5) "Covered garden leave agreement" means a written agreement, or part of a written agreement, between a covered employee and covered employer in which:

(a) The covered employee and covered employer agree to up to, but no more than, 4 years of advance, express notice before terminating the employment or contractor relationship;

(b) The covered employee agrees not to resign before the end of such notice period; and

(c) The covered employer agrees to retain the covered employee for the duration of such notice period and to continue paying the covered employee the same salary and providing the same benefits that the covered employee received from the covered employer in the last month before the commencement of the notice period. The covered employer is not obligated to provide discretionary incentive compensation or benefits or have

the covered employee continue performing any work during the notice period.

(6) "Covered noncompete agreement" means a written agreement, or a portion of a written agreement, between a covered employee and a covered employer in which, for a period not to exceed 4 years and within the geographic area, defined in the agreement the covered employee agrees not to assume a role with or for another business, entity, or individual:

(a) In which the covered employee would provide services similar to the services provided to the covered employer during the 3 years preceding the noncompete period; or

(b) In which it is reasonably likely the covered employee would use the confidential information or customer relationships of the covered employer.

(7) "Noncompete period" means the time from the covered employee's termination of employment through the end of the agreed-upon postemployment period of noncompetition as set forth in the covered noncompete agreement.

(8) "Notice period" means the date from the covered employee's or covered employer's written notice of intent to terminate the covered employee's employment through the date of termination as set forth in a covered garden leave agreement.

(9) "Primary place of work" means the location where the covered employee spends more work time than any other single workplace.

(10) "Salary" means the base compensation, calculated on an annualized basis, which a covered employer pays a covered employee, including a base wage, a salary, a professional fee, or other compensation for personal services, and the fair market value of any benefit other than cash. Salary does not include health care benefits, severance pay, retirement benefits, expense reimbursement, distribution of earnings and profits not included as compensation for personal services, discretionary incentives or awards, or anticipated but indeterminable compensation, including tips, bonuses, or commissions.

542.44 Covered garden leave agreement.—

(1) APPLICABILITY.—This section applies to:

(a) A covered garden leave agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered employee who is subject to a covered garden leave agreement with a covered employer with a significant nexus to this state.

If any provision of this section is in conflict with any other law, the provisions of this section shall govern.

(2) RESTRAINT OF TRADE.—A covered garden leave agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully

enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered garden leave agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) The covered garden leave agreement provides that:

1. After the first 90 days of the notice period, the covered employee does not have to provide services to the covered employer;

2. The covered employee may engage in nonwork activities at any time, including during normal business hours, during the remainder of the notice period; and

3. The covered employee may, with the permission of the covered employer, work for another employer while still employed by the covered employer during the remainder of the notice period.

4. The garden leave agreement notice period may be reduced during the notice period if the covered employer provides at least 30 days' advance notice in writing to the covered employee.

(3) NOTICE.—

(a) A covered employer must provide a proposed covered garden leave agreement to:

1. A prospective covered employee at least 7 days before an offer of employment expires; or

2. A current covered employee at least 7 days before the date that an offer to enter into a covered garden leave agreement expires.

(b) A covered employer may, as provided for in the covered garden leave agreement, shorten the term of the notice period at any time during the notice period by providing at least 30 days' advance notice in writing to the covered employee.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF A COVERED GARDEN LEAVE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the notice period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence that:

1. The covered employee will not perform, during the notice period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer;

or

2. The covered employer has failed to pay or provide the salary and benefits provided for in the covered garden leave agreement during the notice period and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the covered employee's notice period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity similar to those engaged in by the covered employer during the notice period.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect

confidentiality or avoid substantial injury. A court must presume that an employee or individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided under this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the notice period, which reduction or other action may not be considered a breach of the covered garden leave agreement.

542.45 Covered noncompete agreements.—

(1) APPLICABILITY.—This section applies to:

(a) A covered noncompete agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered employee who is subject to a covered noncompete agreement with a covered employer with a significant nexus to this state.

In either case, if any provision of this section is in conflict with any other law, the provisions of this section govern.

(2) RESTRAINT OF TRADE.—A covered noncompete agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered noncompete agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) A covered noncompete agreement provides that the noncompete period is reduced day-for-day by any nonworking portion of the notice period, pursuant to a covered garden leave agreement between the covered employee and the covered employer, if applicable.

(3) NOTICE.—A covered employer must provide a proposed covered noncompete agreement to:

(a) A prospective covered employee at least 7 days before an offer of employment expires; or

(b) A current covered employee at least 7 days before the date that an offer to enter into a covered noncompete agreement

expires.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF COVERED NONCOMPETE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the noncompete period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence that:

1. The covered employee will not perform, during the noncompete period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The covered employer has failed to pay or provide the consideration provided for in the covered noncompete agreement and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the covered employee's

noncompete period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity in the geographic area specified in the noncompete agreement during the noncompete period if such business activity is similar to those engaged in by the covered employer.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury. A court must presume that an employee or individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided in this section is not an exclusive remedy, and a prevailing covered employer is

entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the noncompete period, which reduction or other action may not be considered a breach of the covered noncompete agreement.

Any action regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement as provided in this part is governed by s. 542.335.

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