

Industries & Professional Activities Subcommittee

Wednesday, March 26, 2025
8:00 AM – 11:00 AM
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 26, 2025
8:00am – 11:00am
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I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):
- CS/HB 277 Veterans' Benefits Assistance by Intergovernmental Affairs Subcommittee, Albert, Alvarez, D.
- HB 453 Pool/Spa Contractors by Smith, Alvarez, D.
- CS/HB 4011 Palm Beach County by Intergovernmental Affairs Subcommittee, Skidmore
- HB 6033 Labor Pool Act by Abbott

V. Consideration of the following proposed committee substitute(s):
- PCS for HB 291 -- Personal Mobility Device Battery Safety Standards
- PCS for HB 499 -- Malt Beverages
- PCS for HB 709 -- Jai Alai Permitholders

VI. Closing Remarks

VII. Adjournment

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 277	**COMPANION BILL:** CS/SB 910 (Collins)
TITLE: Veterans' Benefits Assistance	**LINKED BILLS:** None
SPONSOR(S): Albert, Alvarez, D.	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs
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➤
Industries & Professional Activities
➤
State Affairs

SUMMARY

Effect of the Bill:

The bill establishes standards for persons assisting a veteran or any eligible beneficiary of a veteran including his or her spouse or dependent child in applying for benefits administered by the Florida Department of Veterans' Affairs or the United States Department of Veterans Affairs.

The bill provides that a person assisting a veteran in applying for benefits may only be compensated if they make certain disclosures to the veteran, including the existence of other organizations that provide assistance for free. The bill limits the amount of compensation a provider may receive for their services, prohibits guaranteeing a successful outcome or specific result, and requires the provider to follow certain procedures to protect the veteran's personally identifiable protected information. The bill also prohibits a person from receiving compensation for referring someone to a person who provides assistance in applying for benefits.

The bill provides that a violation of these requirements is a violation the Florida Deceptive and Unfair Trade Practices Act.

Fiscal or Economic Impact:

The bill may have an indeterminate negative impact on state government expenditures to the extent additional violations of the Florida Deceptive and Unfair Trade Practices Act are prosecuted.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill establishes standards for persons assisting a veteran or any eligible beneficiary of a veteran including his or her spouse or dependent child in applying for benefits administered by the Florida Department of Veterans' Affairs (FDVA) or the United States Department of Veterans Affairs (VA).

The bill prohibits any provider from receiving compensation for referring an individual to another person who will advise, assist, or consult with the applicant regarding a veterans' benefits matter. (Section 1)

The bill provides that a provider may receive compensation for providing services in connection to a claim filed within the one-year presumptive period after active-duty release as determined by the VA, but only if the veteran signs a waiver acknowledging that he or she is within the presumptive period and is choosing to deny the free services available. Furthermore, to receive compensation, the service provider must enter a written agreement signed by both parties that specifies the terms of compensation and provides that compensation may only be paid if the veteran is successful in securing an increase in benefits. The bill limits the amount of compensation the service provider may receive at the lesser of five times the amount of the monthly increase in benefits awarded or $12,500. (Section 1)

The bill requires the service provider to provide a written and oral disclosure stating:

- The provider is not affiliated with the FDVA or the VA.
- The services being provided are available free of charge from other organizations,
- The provider is not necessarily endorsed by any of the other organizations.
- The veteran may qualify for other veterans' benefits beyond the benefits for which they are receiving services. (Section 1)

The disclosure must meet certain criteria to ensure it is easily identifiable, must be signed by the veteran, and the service provider must retain a copy for at least six years after the service relationship ends. (Section 1)

The bill prohibits a provider from charging an initial or non-refundable fee or any interest charge on a payment plan agreed to between the parties. A service provider is also prohibited from guaranteeing a successful outcome or that a veteran will receive certain benefits or a specific level, percentage, or amount of veterans' benefits. (Section 1)

In the event a veteran dies before a claim is processed, the bill requires any expected compensation to be waived, provides that a charge, fee, or debt may not be collected, and requires any payment plan for services be terminated immediately. (Section 1)

The bill requires the provider follow certain procedures to protect the veteran's personally identifiable protected information, including prohibiting the use of international call or data center to process information, prohibiting the use of a veteran's personal information to access certain data, and requiring individuals undergo a level 2 background screening before entering into any agreement with a veteran for veterans' benefits. (Section 1)

The bill requires that a provider provide copies of all executed documents discussed above be given to the veteran being assisted. The provider must keep a copy of all executed documents for six years. (Section 1)

If an individual files a complaint with the Consumer Protection Division of the Office of the Attorney General against a provider giving services in return for compensation, the provider may not receive compensation before the resolution of the complaint. (Section 1)

The bill provides that a violation of any of these requirements is a violation of Florida Deceptive and Unfair Trade Practices Act. (Section 1)

The bill does not apply to, limit, or expand requirements for agents or employees of the VA or agents or attorneys accredited and regulated by the VA. (Section 1)

The bill provides an effective date of upon becoming a law. (Section 2)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative impact on state government expenditures to the extent additional violations of the Florida Deceptive and Unfair Trade Practices Act are prosecuted.

PRIVATE SECTOR:

May result in an indeterminate negative fiscal impact on a private provider of assistance with securing veterans' benefits.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Department of Veterans' Affairs (FDVA)

The FDVA is a nearly 1,500-member constitutionally chartered[1] department with a budget of $218 million for FY 2024-25.[2] FDVA operates a network of nine state veterans' homes and provides statewide outreach to connect veterans and their spouses with services, benefits, and support.[3] FDVA is currently required to provide benefits and services in the fields of health care, mental health and substance abuse, claims support, education, employment, housing, burial benefits, and legal assistance to veterans and their spouses.[4]

Florida is home to 21 military installations[5] and 66,971 military personnel.[6] Florida also has the nation's third-largest veteran[7] population, with almost 1.4 million veterans.[8]

The FDVA also annually produces the Florida Veterans' Benefits Guide, to connect veterans and their families with earned federal and state benefits, services, and support. The guide provides a comprehensive listing of services and benefits for veterans in the state.[9]

Veterans Claims Examiners

FDVA oversees and operates the Bureau of Veteran Claim Services (Bureau) within the Division of Veterans' Benefits and Assistance.[10] Through the Bureau, veterans' claims examiners assist veterans in securing earned services, benefits, and support.

The FDVA houses claims examiner offices throughout the state and at the U.S. Department of Veterans Affairs (VA) Regional Office in Bay Pine, each VA Medical Center, and many VA Outpatient Clinics.[11] Claims assistance is provided at no cost and covers all state and federal veterans' programs.[12]

City and County Veteran Service Officers

City and county veteran service officers are hired locally, respectively by their local municipality or the board of county commissioners.[13] To qualify, an applicant must be a veteran who:

- Served in the active military, naval, or air service; and
- Was discharged or released under honorable conditions or who later received an upgraded discharge under honorable conditions.

The applicant must additionally have a minimum of a 2-year degree from an accredited institute of higher education, a high school degree or its equivalent, and four years of administrative experience. A surviving spouse may be hired if the veteran spouse meets these qualifications.

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[1] Art. IV, s. 11, Fla. Const.
[2] Florida Department of Veterans' Affairs, *2024 Annual Report*, pg. 3 (last visited Feb. 18, 2025).
[3] Florida Department of Veterans' Affairs, *Florida Department of Veterans' Affairs – Our Vision and Mission* (last visited Feb. 18, 2025).
[4] Florida Department of Veterans' Affairs, *Benefits & Services* (last visited Feb. 18, 2025).
[5] Select Florida, *Defense & Homeland Security* (last visited Feb. 18, 2025).
[6] Florida Commerce, *Florida Military & Defense: Economic Impact Summary (January 2024)* (last visited Feb. 18, 2025).
[7] Section 1.01(14), F.S., defines a "veteran" as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions, or who later received an upgraded discharge under honorable conditions.
[8] U.S. Department of Veterans Affairs, National Center for Veterans Analysis and Statistics, *VetPop2023 Living Veterans by State, Age Group, Gender, 2023-2053* (last visited Feb. 18, 2025). The Veteran Population Projection Model 2023 (VetPop2023) provides an official veteran population projection from the U.S. Department of Veterans Affairs.
[9] Florida Department of Veterans' Affairs, *Florida Veterans' Benefits Guide* (last visited Feb. 18, 2025).
[10] S. 20.37(2), F.S.
[11] Florida Department of Veterans' Affairs, *Claims* (last visited Feb. 18, 2025).
[12] *Id*.
[13] S. 292.11(1), F.S.

The FDVA provides required training for county and city veteran service officers to assist veterans, and every veteran service officer must successfully pass a test administered by the FDVA.[14] In addition, the FDVA requires completion of periodic training refresher courses as a condition of continuing employment.

Federal Law on Paid Services for Benefit Assistance of Veterans

Federal law governs the payment of fees by a veteran to an accredited agent or attorney for representation in securing federal benefits.[15] An accredited attorney or an agent may receive fees for representation before an agency of original jurisdiction or the Board of Veterans' Appeals, subject to limitation.[16] Any fee agreement for providing these services must include:

- The name of the veteran;
- The name of the claimant or appellant if other than the veteran;
- The name of any disinterested third-party payer and their relationship with the veteran, claimant, or appellant;
- The VA file number;
- Specific terms under which the amount to be paid for services is determined; and
- If the VA is to pay the agent or attorney directly out of past due benefits.[17]

The fee agreement must also include the following statement, signed by the provider:

> "I certify that no agreement, oral or otherwise, exists under which the claimant or appellant will provide anything of value to the third-party payer in this case in return for payment of my fee or salary, including, but not limited to, reimbursement of any fees paid."[18]

Any fee charged for services must be reasonable, based on:

- The extent and type of services performed;
- The complexity of the case;
- The level of skill and competence required in giving the services;
- The amount of time spent on the case;
- The results achieved, including the amount of benefits recovered;
- The level of review to which the claim was taken and the representative retained;
- Rates charged by other representatives for similar services;
- Whether, and to what extent, the payment of fees is contingent upon the results achieved; and
- If applicable, why an agent or attorney was discharged or withdrew from representation before the date of the decision awarding benefits.[19]

A presumption of reasonableness applies if a fee does not exceed 20 percent of a past-due benefit if the representative provided service through the date of the decision awarding benefits. If a fee exceeds 33 and 1/3 percent of a past-due benefit, it is considered unreasonable. Each presumption is disputable by showing clear and convincing evidence.[20]

Filing of a Notice of Disagreement

A Notice of Disagreement is a filing by a claimant who disagrees with the decision made by the VA on a disability compensation claim.[21] Although the claim decision by the VA becomes certified after 30 days, it is not final until one year after the date of the decision. Therefore, the claimant can file a Notice of Disagreement at any time up to one year from the date of decision.

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[14] S. 291.11(4), F.S.
[15] 38 CFR s. 14.636.
[16] *See* 38 CFR ss. 14.636(c)(1)(i) and (ii), (2)(i) and (ii).
[17] 38 CFR s. 14.636(g).
[18] 38 CFR s. 14.636(d)(2)(iii).
[19] 38 CFR s. 14.636(e).
[20] 38 CFR 14.636(f).
[21] Veterans News, *How to File a Notice of Disagreement on your VA Compensation Claim* (last visited Feb. 18, 2025).

Background Screening

Current law provides standard procedures for screening a prospective employee[22] where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.[23] Chapter 435, F.S., establishes procedures for criminal history background screening of prospective employees and outlines the screening requirements. There are two levels of background screening: level 1 and level 2.

- Level 1: Screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,[24] and may include criminal records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through FDLE's website, which provides immediate results.[25]
- Level 2: Screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.[26]

All individuals subject to background screening must be confirmed to have not been arrested for and waiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the 52 statutorily enumerated offenses that are prohibited under Florida law, or similar law of another jurisdiction.[27]

Current law requires some positions to be screened for additional criminal offenses due to the nature of the position or the populations being served. For example, some positions under the authority of the Agency for Health Care Administration are screened for additional offenses, such as financial crimes like fraud.[28]

The criminal history check process does not limit disqualification based on when an offense was committed. As such, any history of a listed offense is considered disqualifying regardless of when the offense was committed. Only through the exemption process can some offenses be disregarded dependent on when they were committed.

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

The 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.[29] The FDUTPA is based on federal law, specifically section 5 of the Federal Trade Commission Act.[30]

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.[31]
- Failing to abide by storage requirements for personal information and notice requirements for data breaches of such information.[32]
- Failing to abide by requirements for weight-loss programs.[33]

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[22] Section. 435.02, F.S., defines an "employee" to mean any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.
[23] Ch. 435, F.S.
[24] The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. Available at www.nsopw.gov (last visited Mar, 19, 2025).
[25] Florida Dept. of Law Enforcement, *State of Florida Criminal History Records Check*. (last visited Mar. 19, 2025).
[26] S. 435.04, F.S.
[27] S. 435.04(2), F.S.
[28] *See*, s. 408.809, F.S.
[29] Ss. 501.202 and 501.203(8), F.S. Trade or commerce includes the advertising, soliciting, or providing of a good or service.
[30] S. 501.204(2), F.S. *See also* 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).
[31] S. 501.160, F.S.
[32] S. 501.171, F.S.

The state attorney or the Department of Legal Affairs (DLA) may bring FDUTPA actions on behalf of consumers or governmental entities.[34] The Office of the State Attorney (SAO) may enforce violations of the FDUTPA if the violations take place in its jurisdiction.[35] The Department of Legal Affairs 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. Consumers may also file suit through private actions.[36]

The DLA and the SAO may investigate FDUTPA claims by administering oaths and affirmations, subpoenaing witnesses or matter, and collecting evidence.[37]

Claims may be enforced by declaratory judgments, injunctive relief, recovery of actual damages on behalf of consumers and businesses, cease and desist orders, and civil penalties of up to $10,000 per willful violation.[38] The maximum civil penalty increases to $15,000 per violation if the victim is an active duty servicemember or a veteran or the spouse or dependent child of an active duty servicemember or veteran.[39]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	18 Y, 0 N, As CS	3/19/2025	Darden	Burgess
THE CHANGES ADOPTED BY THE COMMITTEE:	• Limited the providers' maximum compensation to 5 months of benefits or $12,500, whichever is less. • Required the providers' disclosure to be made orally and in writing. • Increased the providers' required documentation retention timeframe from 1 year to 6 years. • Required providers to complete a level 2 background screening. • Prohibited compensation of providers before certain complaints have been resolved.			
Industries & Professional Activities Subcommittee			Anstead	Thompson
State Affairs Committee				

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

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[33] S. 501.0579, F.S.

[34] Ss. 501.207(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 Fla. B.J. 52, Dec. 2002 (analyzing the merits of FDUPTA and the potential for deterrence of anticompetitive conduct in Florida).

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

[36] S. 501.211, F.S.

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

[38] Ss. 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. S. 501.2075, F.S. Enforcing authorities may also request attorney fees and costs of investigation or litigation. S. 501.2105, F.S.

[39] S. 501.2077(2), F.S.

A bill to be entitled

An act relating to veterans' benefits assistance; creating s. 501.9741, F.S.; providing definitions; prohibiting a person from receiving compensation for referring an individual to another person for advising, assisting, or consulting on veterans' benefits matters; authorizing compensation for services rendered during a specified period only under certain circumstances; requiring that, before such services are rendered, a written agreement, which must include specified information, be signed by both parties; requiring that persons who advise, assist, or consult on veterans' benefits matters for compensation provide a specified oral and written disclosure before entering into a business relationship with a client; prohibiting a provider who advises, assists, or consults on veterans' benefits matters from charging certain fees; prohibiting the charging of interest on payment plans; providing requirements in the event of the death of a veteran claimant; prohibiting certain guarantees; providing security requirements for the handling of a veteran's personal and account information; requiring a provider to successfully complete a specified background screening before entering into an agreement with a veteran for

veterans' benefits matters; requiring a provider to provide copies of certain documents to the veteran and maintain a copy of such documents pursuant to specified provisions; prohibiting a person who provides services from receiving compensation before the resolution of a certain complaint if the individual receiving services files such a complaint; providing that a violation is a deceptive and unfair trade practice which may be subject to specified penalties; providing construction; providing an effective date.

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

Section 1. Section 501.9741, Florida Statutes, is created to read:

501.9741 Assisting in veterans' benefits matters.—

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

(a) "Compensation" means payment of any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered.

(b) "Provider" means an entity or individual assisting veterans with veterans' benefits matters.

(c) "Veteran" has the same meaning as in s. 1.01(14) and includes eligible peacetime service as defined in s. 296.02.

(d) "Veterans' benefits matter" means the preparation, presentation, or prosecution of a veteran's claim, or a claim by the veteran's spouse, dependent child, or any other individual eligible for any benefit, program, service, commodity, function, status, or entitlement under the laws and regulations administered by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.

(2) LIMITS ON COMPENSATION; TERMS OF ENGAGEMENT; WRITTEN DISCLOSURE.—

(a) A person may not receive compensation for referring an individual to a provider who will advise, assist, or consult with the individual regarding any veterans' benefits matter.

(b) A provider may receive compensation for services rendered in connection with a claim filed within the 1-year presumptive period after active-duty release as determined by the United States Department of Veterans Affairs only if the veteran acknowledges, by signing a waiver, that he or she is within the presumptive period and is choosing to deny the free services available to him or her.

(c) A provider seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must, before rendering services, enter into a written agreement, signed by both parties, which:

1. Memorializes the specific terms under which the compensation will be determined; and

2. Provides that compensation for such services is contingent upon securing an increase in benefits awarded as a direct result of such services. Any such compensation may not exceed the lesser of five times the amount of the monthly increase in benefits awarded based on the claim or $12,500, and must be paid out according to the specific terms agreed to by both parties in accordance with subparagraph 1.

(d)1. A provider who advises, assists, or consults on veterans' benefits matters for compensation shall provide the following disclosure, both orally and in writing, before entering into a business relationship with an individual:

"This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you

are receiving services here."

2. The written disclosure must appear in a font size of at least 12 points in an easily identifiable place in the provider's agreement with the individual seeking services and must be signed by the individual to signify that he or she understands the oral and written disclosure's provisions. The provider must retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 6 years after the date on which the service relations terminate.

(e) A provider who advises, assists, or consults on a veterans' benefits matter may not charge an initial or nonrefundable fee. Any charge for interest on any payment plan agreed to by the parties is prohibited.

(3) DEATH OF VETERAN CLAIMANT.—If a veteran claimant dies before a claim is processed:

(a) Any expected compensation must be waived and a charge, fee, or debt may not be collected; and

(b) Any payment plan for services rendered must be terminated immediately.

(4) PROHIBITIONS.—

(a) A provider may not guarantee, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific

level, percentage, or amount of veterans' benefits.

(b) A provider who advises, assists, or consults on veterans' benefits matters for compensation:

1. May not use an international call center or data center to process a veteran's personal information.

2. May not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information.

(5) BACKGROUND SCREENING.—A provider must successfully complete a level 2 background screening as described in s. 435.04 before entering into any agreement with a veteran for veterans' benefits matters.

(6) DOCUMENTATION.—A provider must provide copies of all fully executed documents required by subsection (2) to the veteran being assisted in the veterans' benefits matters and maintain a copy of all fully executed documents for 6 years.

(7) COMPLAINT.—If an individual to whom a provider provides services under this section in return for compensation files a complaint with the Consumer Protection Division of the Office of the Attorney General, the provider may not receive compensation for any services provided to such an individual before the resolution of the complaint.

(8) PENALTIES.—A violation of this section constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of this chapter. Violators may be subject to

penalties provided in that part, including s. 501.2077 for violations against a military servicemember or his or her spouse or dependent child.

(9) CONSTRUCTION.—This section may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the Department of Veterans' Affairs or agents or attorneys accredited by the United States Department of Veterans Affairs and regulated by that agency.

Section 2. This act shall take effect upon becoming a law.

HB 453

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 453	**COMPANION BILL:** SB 570 (Gruters)
TITLE: Pool/Spa Contractors	**LINKED BILLS:** None
SPONSOR(S): Smith, Alvarez, D.	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Commerce

SUMMARY

Effect of the Bill:

The bill clarifies and expands the scope of work for swimming pool/spa contractors.

Fiscal or Economic Impact:

The bill may have a positive economic impact on swimming pool/spa contractors by expanding their scope of work and clarifying their current scope of work.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill **expands** the scope of work for all swimming pool/spa contractors to include the installation of lighting, light transformers, and the connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect for swimming pool, spa, hot tub, or interactive water feature[1] equipment. However, swimming pool/spa service contractors may only repair or replace lighting and light transformers, and may not install such items. (Section 1)

The bill **expands** the scope of work for **residential swimming pool/spa contractors** by allowing them to perform work on a commercial swimming pool, spa, hot tub, or public bathing place.[2] However, a residential swimming pool/spa contractor **may not** build a new commercial swimming pool spa, hot tub, or public bathing place. (Section 1)

The bill expands the scope of work for swimming pool/spa service contractors to include the **renovation or remodeling** of a swimming pool, hot tub, spa, interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance. Currently, swimming pool/spa service contractors may only perform servicing and make repairs. (Section 1)

The bill provides that a swimming pool/spa contractor **may not** install or upgrade a dedicated electrical disconnect or electrical circuits, or perform any work inside a main electrical panel. The bill also clarifies that a

[1] The Florida Building Code defines "interactive water features" as a type of swimming pool that is a structure designed to allow for recreational activities with recirculated, filtered, and treated water; but having minimal standing water. Section 454 of the Eighth edition of the Florida Building Code (Building).

[2] A "public bathing place" is a body of water, natural or modified by humans, for swimming, diving, and recreational bathing used by consent of the owner or owners and held out to the public by any person or public body, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of the state. S. 514.011(4), F.S.

swimming pool/spa contractor may not make direct connections to a sanitary sewer system or to potable water lines. (Section 1)

The bill redefines the scope of work for a **commercial pool/spa contractor** to **clarify** that it includes but is not limited to:

- All phases of construction, repair, renovation, remodel, deconstruction, and servicing of a swimming pool, hot tub, spa, interactive water feature, decorative water feature, public bathing place, or a swimming pool or spa appurtenance.
- The construction of uninhabitable equipment rooms for swimming pool, spa, hot tub, or interactive water feature equipment.
- The excavation and earthmoving required for the installation of swimming pools, spas, hot tubs, or interactive water features, the operation of construction pumps for dewatering purposes, and draining swimming pools, spas, hot tubs, or interactive water features.
- The installation of rebar or similar support materials, and the shaping and shooting of gunite dry mix and wet mix, concrete, or similar product mix used in the construction of swimming pools, spas, hot tubs, or interactive water features.
- The installation of equipotential bonding, light conduits, and any cleaning or sanitizing equipment that requires at least partial disassembling.
- The installation of fiberglass swimming pool, spa, or hot tub shells and vinyl pool, spa, or hot tub liners.
- The application and removal of all interior pool, spa, hot tub, or interactive water feature finishes.
- The construction, maintenance, or remodel of decorative or interactive water features, displays that use recirculated water.
- The installation of all swimming pool, spa, hot tub, or interactive water feature piping.
- The construction and installation of retaining walls, concrete flatwork, pavers and bricks, and footings for the construction of a swimming pool, spa, hot tub, or interactive water feature.
- The scope of work of a swimming pool/spa servicing contractor. (Section 1)

The bill redefines the scope of work for **residential pool/spa contractors** to **clarify** that their scope of work is the same as a commercial pool/spa contractor, except a residential pool/spa contractor **may not** construct any **new** commercial swimming pool, spa, hot tub, or public bathing place. (Section 1)

The bill redefines the scope of work for a **swimming pool/spa servicing contractor** to clarify that it includes, but is not limited to:

- All aspects of the repair or servicing of a swimming pool, hot tub, spa, interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance.
- The repair or replacement of equipotential bonding, light conduit, and any cleaning or sanitizing equipment that requires at least partial disassembling.
- The installation, repair, or replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, including, but not limited to, pool pumps, filters, feeders, controllers, and heaters.
- The repair of uninhabitable equipment for swimming pool, spa, hot tub, or interactive water feature equipment.
- The repair or replacement of all perimeter piping and filter piping.
- The substantial or complete draining of a swimming pool, spa, or hot tub for repair or renovation and the operation of construction pumps for dewatering purposes.
- The removal and reapplication of all interior swimming pool, spa, hot tub, or interactive water feature finishes.
- The installation, repair, or replacement of all tile and coping for a swimming pool, spa, hot tub, or interactive water feature. (Section 1)

The bill clarifies that **licensure is not required** when using equipment for:

- Treating or cleaning a swimming pool, spa, hot tub, or interactive water feature unless such use involves installation, modification, or replacement of the equipment or affects the structural integrity of the swimming pool, spa, hot tub, or interactive water feature.
- Treating water.

- Changing the filter media.[3] (Section 1)

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Swimming pool/spa contractor

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.[4]

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.[5]

Currently there are three types of swimming pool/spa contractors:
- Commercial pool/spa contractor.
- Residential pool/spa contractor.
- Swimming pool/spa servicing contractor.

"Commercial pool/spa contractors" are individuals who are certified or registered to construct, repair, and service any public or private swimming pool, hot tub, or spa including:[6]
- Installing, repairing, or replacing existing equipment;
- Cleaning or sanitizing equipment that requires at least a partial disassembling, excluding filter changes;
- Installing new interior finishes, package pool heaters, and perimeter piping and filter piping;
- Constructing equipment rooms or housing for pool/spa equipment; and
- The scope of work of a swimming pool/spa servicing contractor.

"Residential pool/spa contractors" are individuals who are certified or registered to construct repair, and service any residential swimming pool, hot tub, or spa. The scope of work is identical to the scope of work for commercial pool/spa contractors; however, residential pool/spa contractors **may only** work on residential swimming pools, hot tubs, and spas.[7]

"Swimming pool/spa servicing contractors" are individuals who are certified or registered to repair and service any public or private swimming pool, hot tub, or spa including:[8]
- Repairing or replacing existing equipment;
- Cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes;
- Installing new pool/spa equipment and interior refinishing;
- Reinstalling or adding pool heaters;
- Repairing or replacing perimeter piping and filter piping;
- Repairing equipment rooms or housing for pool/spa equipment; and

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[3] The filter media is the media inside a pool filter, such as sand, that traps debris and contaminants. AquaDoc Choosing the Right Filter Media for Your Pool (June 13, 2024) https://www.mavaquadoc.com/blogs/pool-maintenance-blog/choosing-the-right-filter-media-for-your-pool#:~:text=The%20filter%20media%20is%20the%20material%20inside%20your,to%20choose%20the%20best%20one%20for%20your%20pool. (last visited March 21, 2025)
[4] S. 489.105(3), F.S.
[5] S. 489.107, F.S.
[6] S. 489.105(3)(j), F.S.
[7] S. 489.105(3)(k), F.S.
[8] S. 489.105(3)(l), F.S.

- Substantially or completely draining a swimming pool, or hot tub or spa, for the purpose of repair or renovation.

The scope of work for all three types of swimming pool/spa contractors does not include direct connections to a sanitary sewer system or to potable water lines.[9]

Water treatment or cleaning a pool/spa does not require a license unless the structural integrity of the pool/spa is affected or the equipment attached to the pool/spa must be substantially or completely disassembled or replaced. Installing an aboveground pool also does not require a license.[10]

A contractor, including swimming pool/spa contractors, must **subcontract all electrical,** mechanical, plumbing, roofing, sheet metal, and air-conditioning work, to a contractor certified or registered in the respective category, unless the pool/spa contractor also holds a state certificate or registration in the respective category.[11]

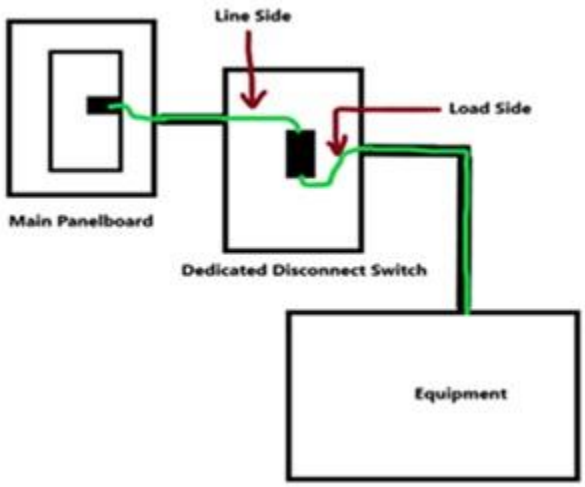
Dedicated electrical circuit

An electrical circuit is a path or loop through which electricity flows. An electrical disconnect or breaker is a switch that stops the flow of the electrical circuit if the devices or appliances draw too much power. A regular or non-dedicated electrical circuit supplies electricity from the breaker to multiple outlets. [12]

A dedicated electrical circuit has its very own circuit breaker that only supports one outlet and therefore is dedicated to powering just one device or appliance. Dedicated circuits are designed to protect major appliances and devices that draw a lot of power, such as refrigerators, from electrical damage. They also prevent fires and electrocution by ensuring the device or appliance does not draw more power than the circuit can handle.[13]

[9] S. 489.105, F.S.
[10] Ss 489.103(6), and 489.105, F.S.; DBPR, *Trust but Verify*, http://www.myfloridalicense.com/dbpr/reg/documents/trustbutverify_000.pdf?x40199 (last visited March 21, 2025).
[11] S. 489.113(3), F.S.
[12] Harrison Electric Inc., *What Are Dedicated Circuits & Which Appliances Should Have Them?*, (July 20, 2020) https://harrison-electric.com/Blog/entryid/205/what-are-dedicated-circuits-which-appliances-should-have-them (last visited on March 20, 2025); Michael Christian, *What Is an Electrical Disconnect and Its Importance?*, House and Home Online (December 20, 2023) https://houseandhomeonline.com/what-is-an-electrical-disconnect/ (last visited march 21, 2025).
[13] Harrison Electric Inc., *Dedicated Circuits: What They Are & How to Determine If You Need Them*, (August 16, 2021) https://harrison-electric.com/Blog/entryid/243/dedicated-circuits-what-they-are-how-to-determine-if-you-need-them (last visited on March 20, 2025).

The load side of an electrical circuit are the wires passing electricity from a device in the circuit downstream to other devices, while the "line side" are the wires bringing electricity to the device.[14]



Pool Light Transformer

Genereally, pool lights use low voltage, usually around 12 volts, to minimize the risk of electric shock in the pool area. A pool light transformer converts higher voltage from a structure's main electrical system to the lower voltage required by the pool lights. This protects the pool lights from overloading.[15]

BILL HISTORY

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

[14] Timothy Thiele, *Line vs. Load Wiring: What's the Difference?*, The Spruce (April 19, 2024) https://www.thespruce.com/line-and-load-connections-1152729

[15] Schematic Central, *How to Wire a Pool Light Transformer: A Complete Wiring Diagram*, https://schempal.com/pool-light-transformer-wiring-diagram (last visited March 24, 2025).

A bill to be entitled

An act relating to pool/spa contractors; amending s. 489.105, F.S.; revising the definition of the terms "commercial pool/spa contractor," "residential pool/spa contractor," and "swimming pool/spa servicing contractor"; providing an effective date.

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

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

489.105 Definitions.—As used in this part:

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

and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(j) "Commercial pool/spa contractor" means a contractor whose scope of work includes ~~involves~~, but is not limited to, all phases of the construction, repair, renovation, remodel, deconstruction, and servicing of a ~~any~~ swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash pad or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance, whether public, private, or otherwise, regardless of use.

1. The scope of such work includes, but is not limited to, the following:

a. The scope of work of a swimming pool/spa servicing contractor.

b. The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.

c. The installation of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.

d. The construction of uninhabitable equipment rooms or

housing for swimming pool, spa, hot tub, or interactive water feature equipment for the protection of the equipment from outside elements or preventing unauthorized access.

e. Excavation and earthmoving required for the installation of swimming pools, spas, hot tubs, or interactive water features and the operation of construction pumps for dewatering purposes for swimming pool, spa, hot tub, or interactive water feature excavation sites, and draining swimming pools, spas, hot tubs, or interactive water features.

f. The installation of rebar or similar support materials for swimming pool, spa, hot tub, or interactive water feature structures, and the shaping and shooting of gunite dry mix and wet mix, concrete, or similar product mix used in the construction of swimming pools, spas, hot tubs, or interactive water features.

g. The installation of fiberglass swimming pool, spa, or hot tub shells and vinyl swimming pool, spa, or hot tub liners.

h. The application and removal of all interior swimming pool, spa, hot tub, or interactive water feature finishes.

i. The construction, maintenance, or remodel of decorative or interactive water features, displays, or areas that use recirculated water, including fountains, waterfalls, and spray nozzles.

j. The installation of all swimming pool, spa, hot tub, or interactive water feature piping including, but not limited to,

drain piping, perimeter piping, and circulation or filter piping used in the construction of swimming pools, spas, hot tubs, or decorative or interactive water feature displays or areas.

k. The construction and installation of retaining walls, concrete flatwork, pavers and bricks, and footings for the construction of a swimming pool, spa, hot tub, or interactive water feature, whether newly constructed or additions to or remodels of an existing swimming pool, spa, hot tub, or interactive water feature ~~The installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor~~.

2. The scope of ~~such~~ work does not include direct connections to a sanitary sewer system or to potable water lines, the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel. ~~The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure;~~

~~however,~~

3. The usage of swimming pool, spa, hot tub, or interactive water feature ~~such~~ equipment for ~~the purposes of~~ water treatment or cleaning does not require licensure unless the usage involves installation ~~construction~~, modification, or replacement of such equipment. Water treatment that does not require such equipment; filter media changes; or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature, does not require a license. ~~In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.~~

(k) "Residential pool/spa contractor" means a contractor whose scope of work is the same as a commercial pool/spa contractor under paragraph (j) but does not include the construction of any new commercial swimming pool, spa, hot tub, or public bathing place ~~involves, but is not limited to, the construction, repair, and servicing of a residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the~~

~~installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment~~.

(l) "Swimming pool/spa servicing contractor" means a contractor whose scope of work includes ~~involves~~, but is not limited to, all aspects of the repair, renovation, remodeling, or ~~and~~ servicing of a swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash pad or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance, whether public or private, or otherwise,

regardless of use.

1. The scope of work includes, but is not limited to, the following:

a. The installation, repair, or replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, including, but not limited to, pool pumps; filters; feeders; controllers; and swimming pool, spa, or hot tub heaters, whether electric, gas, or solar.

b. The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.

c. The repair or replacement of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.

d. The repair of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment.

e. The repair or replacement of all perimeter piping and filter piping.

f. The substantial or complete draining of a swimming pool, spa, or hot tub for repair or renovation and the operation of construction pumps for dewatering purposes for drained swimming pools, spas, hot tubs, or interactive water features.

g. The removal and reapplication of all interior swimming pool, spa, hot tub, or interactive water feature finishes.

h. The installation, repair, or replacement of all tile and coping for a swimming pool, a spa, a hot tub, or an interactive water feature ~~the repair or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of repair or renovation~~.

2. The scope of the ~~such~~ work does not include direct connections to a sanitary sewer system or to potable water lines, the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel. ~~The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however,~~

3. The usage of swimming pool, spa, hot tub, or interactive water feature ~~such~~ equipment for ~~the purposes of~~ water treatment or cleaning does not require licensure unless

the usage involves installation ~~construction~~, modification, ~~substantial or complete disassembly,~~ or replacement of such equipment. Water treatment that does not require such equipment; filter media changes; or the cleaning of a swimming pool, a spa, a hot tub, or an interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature does not require a license. ~~In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.~~

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

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 453 by Rep. Smith
Pool/Spa Contractors

AMENDMENT SUMMARY
March 26, 2025

Amendment 1 by Rep. Smith (line 54):

- Clarifies that a pool/spa contractor may only perform excavation and earthmoving if it's required for the installation of a swimming pool, spa, hot tub, or interactive water feature.

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 Smith offered the following:

Amendment

Remove lines 54-59 and insert:

e. Excavation and earthmoving only as required for the installation of swimming pools, spas, hot tubs, or interactive water features.

f. The operation of construction pumps for dewatering purposes for swimming pool, spa, hot tub, or interactive water feature excavation sites, and for draining swimming pools, spas, hot tubs, or interactive water features.

CS/HB 4011

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 4011	**COMPANION BILL:** None
TITLE: Palm Beach County	**LINKED BILLS:** None
SPONSOR(S): Skidmore	**RELATED BILLS:** None

Committee References

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

SUMMARY

Effect of the Bill:

The bill amends the special act creating the Palm Beach County Building Code Advisory Board to allow any individual who serves a county or municipality as a building official and has a Florida Building Code Administrator certification to be appointed to the board to serve in a seat designated for local government building officials.

Fiscal or Economic Impact:

None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill amends the definition of a building official in the special act creating the Palm Beach County Building Code Advisory Board to allow any individual with a Florida Building Code Administrator certification who serves the municipality or county as a building official to be appointed to a board seat designated for building officials. The bill removes the requirement that a building official be a full-time employee of the municipality or county, requiring instead that the building official serves a municipality or county in the commission district where he or she is nominated. These requirements are consistent with the building code administrators requirements outlined in s. 468.607, F.S. (Section 1)

The bill provides an effective date of upon becoming a law. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Palm Beach County Building Code Advisory Board

Palm Beach County Building Code Advisory Board (Board) advises the Palm Beach County Board of County Commissions and local governments within the county on building codes and standards with the goal of promoting

uniformity in interpretation, implementation, and enforcement of the Florida Building Code.[1] The Board is authorized to advise local governments on:

- Administrative and technical amendments to the Florida Building Code;
- Evaluation of new and innovative construction materials, products, systems, and methods for compliance with the Florida Building Code;
- How construction code enforcement may be improved and standardized; and
- How to prevent the reoccurrence of disputes.[2]

The Board is further authorized to act as the county-wide compliance review board, pursuant to s. 553.73(4)(b)7., F.S.,[3] and to evaluate new or existing products or systems and provide advisory reports to the county's municipalities.[4]

The Board has 16 members appointed by the Palm Beach County Board of County Commissioners (BOCC) for three-year terms.[5] The Board is composed of:

- Seven local government building officials, with one representative from each county commission district;
- Seven members appointed from nominees submitted by construction industry organizations;[6]
- One member who is a registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects; and
- One member who is a professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society.[7]

Florida Building Code Administrator Certification

Chapter 468, Part XII, F.S. regulates building code administrators and inspectors, including provisions related to standards for certification as a building code administrator.[8] The Florida Building Code Administrators and Inspectors Board , within the Department of Business and Professional Regulation (DBPR), licenses and regulates building code administrators, building code inspectors, and building code plans examiners.[9] All building code administrators employed by a state agency or local governmental authority are required to have a building code administrator certification.[10] Current law prohibits any person from engaging in the duties of a building code administrator unless they have a valid, board-issued certification.[11]

To obtain a building code administrator certification, eligible individuals must pass a board-approved examination. Individuals may also obtain a certification by endorsement if they have held a valid equivalent certification issued

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[1] Ch. 74-565, Laws of Fla, as amended by ch. 2001-323, Laws of Fla. *See also* Palm Beach County, *Building Code Advisory Board* (last visited Feb. 21, 2025).
[2] Ch. 74-565, Laws of Fla, as amended by ch. 2001-323, s. 1(7), Laws of Fla.
[3] Ch. 74-565, Laws of Fla, as amended by ch. 2001-323, s. 1(7)(5), Laws of Fla.
[4] Ch. 74-565, Laws of Fla, as amended by ch. 2001-323, s. 1(8), Laws of Fla.
[5] Ch. 74-565, Laws of Fla, as amended by ch. 2001-323, s. 1(6)(1), Laws of Fla.
[6] The act specifies that the Associated General Contractors, Florida East Coast Chapter; the Gold Coast Builders Association; the Associated Builders and Contractors, Florida East Coast Chapter; the Electrical Council of Florida, Palm Beach Chapter; the Palm Beach County Roofing and Sheet Metal Contractors Association; the Air Conditioning Contractors of America, Palm Beach Chapter; the Plumbing Heating Cooling Contractors Association of Florida, Palm Beach Chapter may submit nominees, but also provides that any other recognized regional industry trade associations may submit nominees.
[7] Ch. 74-565, s. 6(1) Laws of Fla., as amended by chs. 2001-323 and 2017-215, Laws of Fla.
[8] Section 468.603(2), F.S. defines building code administrator or building official as any employee of municipal or county governments, or any person contracted, with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.
[9] S. 468.606, F.S. See also Florida Dept. of Business and Professional Regulation, *Building Code Administrators & Inspectors* (last visited Feb. 17, 2025).
[10] S. 468.607, F.S.
[11] S. 468.609(4), F.S.

by another state or territory of the United States for at least 10 years and have successfully passed an examination administered by the International Code Council.[12]

Under current law, individuals eligible to take the examination for the building code administrator certification if they are at least 18 years of age, of good moral character, and must either:

- have 10 years' combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of supervisory experience in these roles; or
- demonstrate a total of 10 years of experience through a combination of postsecondary education in construction or a related field[13] and experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent with five years of supervisory experience in these roles and complete at least 20 hours of in-state laws, rules, and ethics relating to the professional standards of practice, duties, and responsibilities of a certified building code administrator.[14]

Through the examination the individual demonstrates that he or she has sufficient knowledge of state laws and building codes. The examination is intended to be substantially equivalent to examinations administered by the International Code Council.[15]

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.[16] A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website[17] at least 30 days prior to the introduction of the local bill in the House or Senate.[18] The bill was noticed in the Palm Beach Post on January 10, 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.[19] 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

[12] S. 468.613, F.S. See also Florida Dept. of Business and Professional Regulation, *Building Code Administrator-Initial Certification by Examination or Endorsement* (last visited Feb. 17, 2025).
[13] No more than five years of demonstrated experience in construction or a related field may be years of applied experience.
[14] S. 468.609(3), F.S.
[15] S. 468.609(5)(a), F.S. See also International Code Council, *Who We Are* (last visited Feb. 17, 2025).
[16] Art. III, s. 10, Fla. Const.
[17] S. 50.0311(2), F.S.
[18] 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.
[19] Intergovernmental Affairs Subcommittee, *Local Bill Policies and Procedures Manual*, p. 11 (last visited Feb. 17, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	16 Y, 0 N, As CS	3/19/2025	Darden	Jones
THE CHANGES ADOPTED BY THE COMMITTEE:	Corrects directory language.			
Industries & Professional Activities Subcommittee			Anstead	Brackett
State Affairs Committee				

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

A bill to be entitled

An act relating to Palm Beach County; amending chapter 74-565, Laws of Florida, as amended; revising the definition of the term "building official"; providing an effective date.

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

Section 1. Subsection (3) of section 2 of chapter 74-565, Laws of Florida, as amended by chapter 2001-323, Laws of Florida, is amended to read:

Section 2. Definitions.—As used in this act:

(3) "Building official" means an individual charged with the administration and enforcement of the Florida Building Code, who possesses a Florida Building Code Administrator certification and is serving ~~is a full-time employee of~~ a municipality or the county, in the respective commission ~~election~~ district from ~~in~~ which he or she is nominated ~~the jurisdiction is situated~~.

Section 2. This act shall take effect upon becoming a law.

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

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 6033	**COMPANION BILL:** SB 1672 (Truenow)
TITLE: Labor Pool Act	**LINKED BILLS:** None
SPONSOR(S): Abbott	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Civil Justice & Claims ➤ Commerce

SUMMARY

Effect of the Bill:

The bill repeals Florida's Labor Pool Act.

Fiscal or Economic Impact:

Indeterminate. The bill may have a positive economic impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill repeals Florida's Labor Pool Act, which governs the day labor industry in the state. (Section 1)

The effective date of the bill is July 1, 2025. (Section 4)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. The bill may have a positive economic impact on the private sector to the extent there will be a reduction in litigation expenses for labor pools due to the removal of the prohibitions and remedies for violations under the Labor Pool Act.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Labor Pool Act

Part II of ch. 448, F.S., also known as the Labor Pool Act (Act),[1] provides for the health, safety, and well-being of day laborers throughout the state and to outlines uniform standards of conduct and practice for labor pools. The Act defines "labor pool" as a business entity that operates a labor hall[2] by one or more of the following methods:[3]

- Contracting with third-party users to supply day laborers on a temporary basis;

[1] Ch. 95-332, L.O.F.

[2] S. 448.22(3), F.S., defines a "labor hall" as a central location maintained by a labor pool where day laborers assemble and are dispatched to work for a third-party user.

[3] S. 448.22(1), F.S. The act also specifically excludes certain businesses from its provisions: businesses registered as farm labor contractors; employee leasing companies; temporary help services that solely provide white collar employees, secretarial employees, clerical employees, or skilled laborers; labor union hiring halls; or labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use. *See* s. 448.23, F.S.

- Hiring, employing, recruiting, or contracting with workers to fulfill contracts for temporary labor; or
- Fulfilling any contracts for day labor in accordance with the Act, even if the entity also conducts other business.

Exceptions

The Act does not apply to the following types of businesses:[4]

- Business entities duly registered as farm labor contractors pursuant to part III of chapter 450;
- Employee leasing companies, as defined in s. 468.520;
- Temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, or skilled laborers;
- Labor union hiring halls; or
- Labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use.

Prohibitions

The Act prohibits labor pools from:[5]

- Charging a day laborer:[6]
    - For safety equipment, clothing, accessories, or any other items required by the nature of the work;
    - More than a reasonable amount to transport a worker to or from the designated worksite; or
    - For directly or indirectly cashing a worker's check.
- Requesting or requiring that any day laborer sign any document waiving statutory protections.
- Charging more than the actual cost of providing lunch, if the labor pool provides lunch at the worksite.[7]
- Restricting a day laborer's right to accept a permanent position with a third-party user to whom the laborer is referred for temporary work, or to restrict the right of a third-party user to offer employment to an employee of the labor pool.[8]

Requirements

The Act requires labor pools to:

- If operating a labor hall, provide the following facilities for a worker waiting at the hall for a job assignment:[9]
    - Restroom facilities;
    - Drinking water; and
    - Sufficient seating.
- Select one of the following methods to pay a day laborer for work performed:[10]
    - Cash;
    - Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;
    - Payroll debit card; or
    - Electronic fund transfer.
- Notify a day laborer of the payment method that the labor pool intends to use and the day laborer's options to elect a different payment method.[11]
- If selecting to pay a day laborer by payroll debit card:[12]
    - Offer the day laborer the option to elect payment by electronic fund transfer; and

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[4] s. 448.23, F.S.
[5] S. 448.24(1), F.S.
[6] "Day labor" means temporary labor or employment that is occasional or irregular for which the worker is employed for not longer than the time period required to complete the temporary assignment for which the individual worker was hired, although an individual may be eligible for additional temporary assignments when available. *See* s. 448.22(2), F.S.
[7] S. 448.24(4), F.S.
[8] S. 448.24(6), F.S.
[9] S. 448.24(5), F.S.
[10] S. 448.24(2), F.S.
[11] *Id.*
[12] *Id.*

    - Provide the day laborer with a list, including the address, of a nearby business that does not charge a fee to withdraw the debit card's contents.
- Compensate day laborers at or above the minimum wage.[13]
- Comply with the Workers' Compensation Law in ch. 440, F.S.[14]
- Insure any motor vehicle owned or operated by the labor pool and used for worker transportation.[15]
- Furnish each worker with a written itemized statement showing in detail each wage deduction.
- Give each worker an annual earnings statement summary.[16]

Remedies

Under the Act, any worker affected by a violation of the provisions relating to labor pool duties and obligations may file a lawsuit against the labor pool. In any such lawsuit, the worker is required to give the labor pool a reasonable opportunity to cure the alleged violation within 60 days. Workers are authorized to recover actual and consequential damages, or $1,000, whichever is greater, for each violation, and costs. The legal remedy:

- Must be filed within 1 year after the date the notice of an alleged violation is served; and
- Is exclusive and prohibits the worker from pursuing any other available legal remedy.[17]

Fair Labor Standards Act

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.[18] In 1938, the FLSA established a minimum wage of $.25 an hour. The current federal minimum wage rate is $7.25 an hour, which went into effect July 24, 2009. The FLSA applies to employment within any state in the U.S., the District of Columbia, or any territory or possession of the U.S.[19]

The FLSA covers most private and public sector **employees**. However, certain employers and employees are exempt from coverage, including individuals with disabilities, youth workers, tipped workers, and executive, administrative, and professional workers. The FLSA covers businesses if the business has annual sales of at least $500,000.[20] It also covers certain individual employees if such employee is engaged in interstate commerce.

The FLSA provides that if states enact worker protections, including minimum wage rates, that are more protective of employees than what is provided by the FLSA, the state law applies.[21] **Consequently, no state law may weaken the worker protections in the FLSA.** However, state laws that impose greater worker protections will supersede those in the FLSA.[22]

Thirty states plus Washington DC, Guam, Puerto Rico, and the Virgin Islands provide a minimum wage greater than the federal minimum wage. Thirteen states provide a minimum wage that is equal to the federal minimum wage. Five states have not adopted a minimum wage and two states have a minimum wage that is below the federal minimum wage.[23] For those seven states, the federal minimum wage applies, but only to those workers covered by the FLSA.

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[13] *Id.*
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] S. 448.25, F.S.
[18] 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.
[19] Congressional Research Service, CRS Report R42713, *The Fair Labor Standards Act (FLSA): An Overview*, https://crsreports.congress.gov/product/pdf/R/R42713, (last visited March 7, 2025). (The main FLSA provisions and accompanying Department of Labor (DOL) regulations constitute what is commonly known as federal wage and hour laws and federal child labor law.).
[20] The size of an enterprise is measured by its "annual sales or business done." Annual sales or business done includes all business activities that can be measured in dollars. Thus, retailers are covered by the FLSA if their annual sales are at least $500,000. Owners of rental properties are covered if they collect at least $500,000 annually in rent. 29 C.F.R.§§779.258-779.259.
[21] 29 U.S.C. §218.
[22] Congressional Research Service, CRS Report R42713, *The Fair Labor Standards Act (FLSA): An Overview, Updated March 8, 2023*, https://crsreports.congress.gov/product/pdf/R/R42713, (last visited March 7, 2025).
[23] U.S. Department of Labor, Consolidated Minimum Wage Table, https://www.dol.gov/agencies/whd/mw-consolidated (last visited March 7, 2025).

The US Department of Labor, Wage and Hour Division provides the following information regarding the application of the minimum wage, overtime pay and recordkeeping requirements of the FLSA to low-wage employees earning wages by the day, commonly known as day laborers:[24]

- **Minimum Wage:** FLSA covered employers must pay day laborers at least the applicable minimum wage for all hours worked regardless of whether the worker is paid by the hour, the day, or at a piece rate. The minimum wage for covered nonexempt employees is $7.25 an hour effective July 24, 2009. (Certain State rates may be higher.)
- **Hours Worked:** Employers must pay day laborers for all work performed whether or not the employer approves the work in advance. In general, "hours worked" includes all time an employee must be on duty, or at the place of work. Normally, time spent in training, traveling from site to site during the day and doing repair work must be paid.
- **Overtime:** Normally, employers must pay time and one-half of the worker's regular rate of pay after 40 hours of work in a 7-day workweek.
- **Recordkeeping:** Records must be kept by employers of all wages paid and of all hours worked, regardless of where the work is performed. Workers should keep a record of their employer's name, address, phone number, the hours they worked, and any payments received.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/HB 895	Basabe	Perry	The bill became law on July 1, 2023.

BILL HISTORY

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

[24] US Department of Labor, *Fact Sheet #61: Day Laborers Under the Fair Labor Standards Act (FLSA)*, https://www.dol.gov/agencies/whd/fact-sheets/61-flsa-day-laborers#:~:text=FLSA%20covered%20employers%20must%20pay,State%20rates%20may%20be%20higher.) (last visited Mar. 21, 2025).

A bill to be entitled

An act relating to the Labor Pool Act; repealing ss. 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, F.S., relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively; amending ss. 443.101 and 448.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, Florida Statutes, are repealed.

Section 2. Subsection (10) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(10) Subject to the requirements of this subsection, if the claim is made based on the loss of employment as a leased employee for an employee leasing company or as a temporary employee for a temporary help firm.

(a) As used in this subsection, the term:

1. "Temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement

the client's workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects~~, and includes a labor pool as defined in s. 448.22~~. The term also includes a firm created by an entity licensed under s. 125.012(6), which hires employees assigned by a union for the purpose of supplementing or supporting the workforce of the temporary help firm's clients. The term does not include employee leasing companies regulated under part XI of chapter 468.

2. "Temporary employee" means an employee assigned to work for the clients of a temporary help firm. ~~The term also includes a day laborer performing day labor, as defined in s. 448.22, who is employed by a labor pool as defined in s. 448.22.~~

3. "Leased employee" means an employee assigned to work for the clients of an employee leasing company regulated under part XI of chapter 468.

(b) A temporary or leased employee is deemed to have voluntarily quit employment and is disqualified for benefits under subparagraph (1)(a)1. if, upon conclusion of his or her latest assignment, the temporary or leased employee, without good cause, failed to contact the temporary help or employee-leasing firm for reassignment, if the employer advised the temporary or leased employee at the time of hire and that the leased employee is notified also at the time of separation that he or she must report for reassignment upon conclusion of each

assignment, regardless of the duration of the assignment, and that reemployment assistance benefits may be denied for failure to report. ~~For purposes of this section, the time of hire for a day laborer is upon his or her acceptance of the first assignment following completion of an employment application with the labor pool. The labor pool as defined in s. 448.22(1) must provide notice to the temporary employee upon conclusion of the latest assignment that work is available the next business day and that the temporary employee must report for reassignment the next business day. The notice must be given by means of a notice printed on the paycheck, written notice included in the pay envelope, or other written notification at the conclusion of the current assignment.~~

Section 3. Subsection (2) of section 448.111, Florida Statutes, is amended to read:

448.111 Evidentiary standards for actions of a business during an emergency.—

(2) Notwithstanding any other law, the following actions of a business, if taken during a public health emergency declared by the State Health Officer under s. 381.00315 or a state of emergency declared by the Governor under s. 252.36, may not be used as evidence in a civil cause of action brought under s. 440.10, s. 440.192, s. 440.38, s. 440.381, s. 448.103, s. 448.110, ~~s. 448.25,~~ chapter 532, or s. 717.115, or in a civil cause of action, as provided for under general law, to recover

lost wages, salary, employment benefits, or other compensation, because an individual has not been properly classified as an employee:

(a) Providing financial assistance to previously engaged individuals who are unable to work because of health and safety concerns.

(b) Directly providing benefits that are related to the health and safety of engaged individuals, including medical or cleaning supplies, personal protective equipment, health checks, or medical testing.

(c) Providing training or information related to the health and safety of engaged individuals or the public.

(d) Taking any action, including action required or suggested by any federal, state, or local law, ordinance, order, or directive which is intended to protect public health and safety.

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 #: PCS for HB 291	**COMPANION BILL:** SB 410 (Rodriguez)
TITLE: Personal Mobility Device Battery Safety Standards	**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 that all personal mobility devices—such as electric bicycles and electric scooters—sold in the state be certified by internationally accepted standards to withstand underwater submersion up to one meter in depth. Batteries that meet certain International Electrotechnical Commission Standards automatically comply with these requirements. Anyone who violates its requirements is subject to civil penalties to be imposed by the Department of Environmental Protection.

Fiscal or Economic Impact:

Indeterminate. It is unknown if the bill will have an economic or fiscal impact on commercial sellers. However, the bill may reduce the number of malfunctions in personal mobility device batteries, which may result in less injuries that result from such malfunctions.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires that a rechargeable lithium-ion battery used in any personal mobility device[1] sold in Florida to meet the internationally accepted ingress protection standard for electrical enclosures, providing protection against the effects of liquid submersion up to a depth of one meter. A battery which meets the International Electrotechnical Commission's "IPX6" standard automatically complies with the requirements of the bill. (Section 1).

The Department of Environmental Protection (DEP) may impose a fine of up to $1,000 for a seller's first violation of the bill's requirements; a fine of up to $5,000 for the second violation; and fine of up to $10,000 for the third or subsequent violation. DEP may suspend the imposition of any such penalty, conditioned upon the seller's compliance with terms the DEP finds appropriate. Any funds collected through fines must be deposited into the General Revenue Fund. (Section 1).

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

[1] The bill defines "Personal Mobility Device" as any small, lightweight vehicle powered by a rechargeable lithium-ion battery designed to transport only one person, such as electric bicycles, electric skateboards, and electric scooters.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The International Electrotechnical Commission—Ingress Protection

Founded in 1906, the International Electrotechnical Commission (IEC) is a standards organization that develops and publishes standards for electrical, electronic and related technologies. The IEC provides instructions, guidelines, rules, and definitions which are used to design, manufacture, install, test and certify, maintain, and repair electrical and electronic devices and systems.[2]

Electronic equipment deteriorates or malfunctions when exposed to water or dust. As a result, the IEC has developed ingress protection ratings (IP), which grade the resistance of an enclosure against the intrusion of dust or liquids.[3] The following chart explains the IP ratings system:



Florida Battery Sales Regulation

Florida law prohibits a cell manufacturer[4] or marketer[5] from selling any consumer or non-consumer product that is powered by a rechargeable battery unless the battery or product meets certain criteria.[6] A rechargeable battery

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[2] *International Electrotechnical Commission*, https://www.prd.iec.ch/understanding-standards (last visited Mar. 21, 2025).
[3] *International Electrotechnical Commission*, https://www.iec.ch/ip-ratings (last visited Mar. 21, 2025).
[4] "Cell" is defined as a galvanic or voltaic device weighing 25 pounds or less that consists of an enclosed or sealed container containing a positive and negative electrode in which one or both electrodes consist primarily of cadmium or lead and which container includes a gel or liquid starved electrolyte. Section 403.7192(1)(a), F.S. A "cell manufacturer" is an entity that manufactures cells in the U.S. or imports into the U.S. cells or units for which no unit management program has been put into effect by the actual manufacturer of the cell or unit. Section 403.7192(1)(b), F.S. A "unit" is a cell, a rechargeable battery, or a rechargeable product with nonremovable rechargeable batteries. Section 403.7192(1)(e), F.S. A "unit management program" is a program or system for the collection, recycling, or disposal of units put in place by a marketer in accordance with law. Section 403.7192(1)(f), F.S.
[5] A "marketer" is any person who manufactures, sells, distributes, assembles, or affixes a brand name or private label or licenses the use of a brand name on a unit or rechargeable product. This does not include someone engaged in the retail sale of a unit or rechargeable product. Section 403.7192(1)(c), F.S.
[6] Section 403.7192(4)(a), F.S.

is defined as any small, nonvehicular, rechargeable nickel-cadmium or sealed lead-acid battery that weighs less than 25 pounds and is not used for memory backup.[7] The manufacturer or marketer must meet the following criteria:

- For consumer products, the battery can be easily removed by the consumer, or the battery is contained in a battery pack that is separate from the product and can be easily removed.
- For non-consumer products, the battery can be removed or is contained in a battery pack that is separate from the product.
- The product or the battery, or the packaging if the product is a consumer product, is labeled with a recycling symbol and includes the term "Cd" for nickel-cadmium batteries or "Pb" for small, sealed lead batteries to indicate the chemical composition of the battery.
- The instruction manual for the product or the packaging if the product is a consumer product clearly states that the sealed lead or nickel-cadmium battery must be recycled or disposed of properly.[8]

If the Secretary of DEP determines that a consumer or non-consumer product's design would result in significant danger to public health and safety if it were to be removable, the Secretary may authorize the sale of the product without compliance with that requirement.

BILL HISTORY

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

[7] Section 403.7192(1)(d), F.S. This definition includes a battery pack that contains a rechargeable battery. *Id*.
[8] Section 403.7192(4), F.S.

A bill to be entitled

An act relating to personal mobility device battery safety standards; amending s. 403.7192, F.S.; defining the term "personal mobility device"; prohibiting the sale of a personal mobility device using a battery that is not certified as meeting a specified ingress protection standard; providing penalties; providing an effective date.

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

Section 1. Paragraphs (d), (e), and (f) of subsection (1) of section 403.7192, Florida Statutes, are redesignated as paragraphs (e), (f), and (g), respectively, subsections (9) and (10) are renumbered as subsections (10) and (11), respectively, a new paragraph (d) is added to subsection (1), and a new subsection (9) is added to that section, to read:

403.7192 Batteries; requirements for consumer, manufacturers, and sellers; penalties.—

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

(d) "Personal mobility device" means a small, lightweight vehicle powered by a rechargeable lithium-ion battery designed to transport only one person, such as an electric bicycle, electric skateboard, or electric scooter.

(9)(a) A person who engages in the business of, serves in

the capacity of, or acts as a commercial seller of personal mobility devices may not sell any personal mobility device using a rechargeable lithium-ion battery that is not certified by a recognized certification organization as meeting an internationally accepted ingress protection standard for electrical enclosures that provide protection against the effects of temporary submersion in liquid up to a depth of 1 meter. A battery that is IPX6 certified in accordance with International Electrotechnical Commission Standard No. 60529 meets the requirements of this subsection.

(b) A person who violates paragraph (a) is subject to an administrative fine, assessed by the department, of up to $1,000 for a first violation; a fine of up to $5,000 for a second violation; and a fine of up to $10,000 for a third or subsequent violation. The department shall deposit fines collected pursuant to this paragraph into the General Revenue Fund. The department may suspend the imposition of a fine pursuant to this paragraph, conditioned upon the person's compliance with terms the department deems appropriate.

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

PCS for HB 499

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 499	**COMPANION BILL:** SB 1818 (Collins)
TITLE: Malt Beverages	**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 allows malt beverage manufacturers who produce less than 31,000 gallons per year to sell and deliver their malt beverages directly to vendors. The bill also allows malt beverage manufacturers, who produce less than 31,000 gallons a year to end contracts with distributors under certain conditions.

Fiscal or Economic Impact:

The bill may have a positive fiscal and economic impact for malt beverage manufacturers who produce less than 31,000 gallons per year by allowing them to sell directly to vendors and to end their distribution agreements within a certain time-period.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates an exception to the "three-tiered system" by allowing malt beverage manufacturers, who produce less than 31,000 gallons in a calendar year, to sell and deliver their malt beverages directly to vendors. (Section 1)

The bill allows malt beverage manufacturers to terminate, cancel, not renew, or discontinue a distribution agreement without paying reasonable compensation to the distributor, if the manufacturer:

- Produced less than 31,000 gallons of beer in the 12-months prior to entering the agreement;
- Provides written notice to the distributor at least 24 months before the termination, cancellation, nonrenewal, or discontinuance of the distribution agreement; and
- Provides the written notice to the distributor not less than 36 months after the effective date of the agreement, but not more than 38 months after the effective date. (Section 2)

This applies to all distributor and malt beverage manufacturer distribution agreements entered into on or after July 1, 2025, and may not be waived by any party. (Section 2)

The bill allows a malt beverage manufacturer to request the Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) to certify in writing how much beer the manufacturer produced in a 12-month period. (Section 2)

The division's certification is effective for three (3) years and is prima facie evidence of the amount of beer produced by the manufacturer. A manufacturer may only make one request in any 12-month period. (Section 2)

The bill provides an effective date of July 1, 2025. (Section 3)

RULEMAKING:

The bill authorizes DBPR to adopt rules for malt beverage manufacturers to request written certification of the amount of beer they produced in a 12-month period.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Malt Beverages

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

"Alcoholic beverages" are defined in s. 561.01, F.S., as "distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume."

"Malt beverages" are brewed alcoholic beverages containing malt. Beer is a brewed beverage that meets the federal definition in 27 C.F.R. s. 25.11 and contains less than 6 percent alcohol by volume. The terms "beer" and "malt beverage" have the same meaning in the Beverage Law.[3]

Section 561.14, F.S., specifies license and registration classifications used in the Beverage Law:

- "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.[4]
- "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."

Malt Beverage Manufacturers

According to DBPR, there are 365 malt beverage manufacturers in Florida. Of those 365 manufacturers, 283 manufacturers brewed less than 31,000 gallons of malt beverages in 2024. The top ten malt beverage manufacturers combined brewed over 330 million gallons of malt beverages in 2024, with the number one manufacturer brewing over 286 million gallons.[5]

Three-Tier System and Tied House Evil

Since the repeal of Prohibition in 1933, regulation of alcohol in the United States has traditionally been based upon what is termed the "three-tier system." The system requires separation of the manufacture, distribution, and retail

[1] Section 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. 561.02, F.S.
[3] S. 563.01, F.S.
[4] S. 561.01(5), F.S.
[5] Email from Chris Kingry, Deputy Legislative Affairs Director, Department of Business and Professional Regulation, Info Request (March 17, 2025).

sale of alcoholic beverages. The manufacturer creates the beverages, and the distributor obtains the beverages from the manufacturer to deliver to the vendor. The vendor makes the ultimate sale to the consumer.[6]

Generally, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail, and manufacturers, distributors, and exporters[7] are generally prohibited from holding a vendor's license.[8]

Manufacturers, distributors, and vendors are generally prohibited from being licensed or having an interest in more than one tier. Limited exceptions exist, subject to certain conditions, such as the ability for a malt beverage manufacturer to hold a vendor's license, a restaurant to hold a manufacturer's license (brew pub), and a winery to hold up to three vendor's licenses.[9]

The three-tier system is rooted in the perceived evils of the "tied house" in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.[10]

Florida's "Tied House Evil Law," s. 561.42, F.S., prohibits a manufacturer or distributor of alcoholic beverages from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer or distributor from giving gifts, loans, property, or rebates to retail vendors.

Exceptions to the Three-Tier System for Malt Beverage Manufacturers

Section 561.221(2), F.S., allows a malt beverage manufacturer to receive up to eight vendor's licenses for the sale of alcoholic beverages on property consisting of a single complex that includes a brewery, which may be divided by no more than one public street or highway. These vendor's licenses are an exception to the three-tier system described in ss. 561.14 and 561.22, F.S., and to the tied house evil restrictions in s. 561.42, F.S.

A malt beverage manufacturer with multiple manufacturing licenses may transfer the malt beverages that it produces between its breweries, up to 100 percent of the yearly production of the receiving brewery. Alcoholic beverages that the malt beverage does not make must be obtained through a distributor, an importer, sales agent, or broker.[11]

Business Relations between Distributors and Malt Beverage Manufacturers (Franchise Law)

Section 563.022, F.S., governs the relationship between malt beverage manufacturers and their distributors. Malt Beverage manufacturers are required[12] to enter into a "beer distribution agreement" or "franchise agreement" with a distributor to sell their product in this state. The agreement must be in writing and conform to statutory requirements.[13]

The Franchise Law specifies that distributors, but not manufacturers, are prohibited from waiving any of the rights granted to them under the Franchise Law.[14]

Under the Franchise Law, a manufacturer may not terminate cancel, terminate, fail to renew their agreement, or refuses to consent to the sale of a distributor's interest in the distributorship without **good cause** regardless of the time period specified in the agreement. A malt beverage manufacturer who cancels, terminates, or fails to renew an

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[6] S. 561.14, F.S.
[7] S. 561.01(16), F.S. "Exporter" means any person that sells alcoholic beverages to persons for use outside the state and includes a ship's chandler and a duty-free shop
[8] S. 561.22(1), F.S.; s. 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.
[9] *See* s. 561.14(1); s. 561.22, F.S.; s. 561.24, F.S.; 561.42, F.S.; and 563.022(14), F.S.
[10] *See* Andrew Tamayo, *What's Brewing in the Old North State: An Analysis of the Beer Distribution Laws Regulating North Carolina's Craft Breweries*, 88 N.C. L. REV. 2198 (2010), http://scholarship.law.unc.edu/nclr/vol88/iss6/6. (last visited March 22, 2025).
[11] S. 561.221(2), F.S.
[12] S. 563.022(15), F.S. The Franchise Law applies to all written or oral agreements between a manufacturer and beer distributor in existence on June 4, 1987, as well as agreements entered into or renewed after June 4, 1987.
[13] S. 563.022(19), F.S.
[14] S. 563.022(13), F.S.

agreement without good cause is required to pay reasonable compensation to the distributor for the diminished value of the distributor's business.[15]

"Good cause" exists if:

- The distributor fails to comply with a reasonable and material provision of the agreement;
- The manufacturer provided written notice to the distributor within 18 months of the failure;
- The distributor was given a reasonable opportunity to make a good faith effort to comply with the agreement; and
- The distributor was given 30 days to submit a corrective action plan, and an additional 90 days to cure in accordance with the plan.[16]

A manufacturer also has "good cause" to terminate, upon 15 days' notice, if the distributor:

- Files for bankruptcy, is insolvent, or is otherwise unable to remain in business.
- Has their state or federal license revoked for more than 60 days.
- Is convicted of a felony, but only if it has an adverse effect on the good will or interest of the distributor or brewer.
- Commits fraudulent conduct on a matter material to the manufacturer.
- Intentionally sells the manufacturer's products outside of their exclusive sales territory.
- Fails to pay for products 15 business days after receiving a demand for immediate payment.
- Sells, transfers, or assigns their interest in the distributorship without the written consent of the brewer.[17]

The burden is on the manufacturer to show that it has acted in good faith, that the notice requirements have been complied with, and there was good cause for the termination, cancellation, nonrenewal, or discontinuance.[18]

If a manufacturer sells or transfers their interest in the brewery, their successor is also bound by the terms and conditions of the distribution agreement.[19] The Franchise Law allows a manufacturer to get out of a distribution agreement if they go out of business or stop making the products covered by the agreement, upon not less than 30 days' prior written notice.[20]

In the event of a dispute arising under the Franchise Law, the prevailing party is entitled to recover costs and attorney fees.[21]

BILL HISTORY

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

[15] S. 563.022(5)(b) and (17), F.S.
[16] S. 563.022(7), F.S.
[17] S. 563.022(10), F.S.
[18] S. 563.022(8), F.S.
[19] S. 563.022(16), F.S.
[20] S. 563.022(11), F.S.
[21] S. 563.022(18)(c), F.S.

A bill to be entitled

An act relating to malt beverages; amending 561.42, F.S.; allowing certain manufacturers to sell malt beverages to vendors; amending s. 563.022, F.S., providing that a manufacturer may terminate, cancel, nonrenew, or discontinue certain contracts under certain conditions; providing that it only applies to contracts entered into on a certain date; providing that certain information is prima facie evidence; providing an effective date.

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

Section 1. Subsection (15) is added to section 561.42, Florida Statutes, to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer, distributor, importer, primary American source of supply, brand owner or registrant, or any broker, sales agent, or sales person thereof, prohibited; procedure for enforcement; exception.—

(15) Nothing in this section or any other provision of the Beverage Law shall prohibit a malt beverage manufacturer who produces less than 31,000 gallons of malt beverages within a calendar year from selling and delivering the malt beverages produced by the manufacturer directly to vendors.

Section 2. Subsections (12) through (21) are renumbered to subsections (13) through (22) and subsection (12) of section 563.022, Florida Statutes, is amended to read:

563.022 Relations between beer distributors and manufacturers.—

(12)(a) Notwithstanding any provision of law relating to franchise agreements or any other provision in this section, a manufacturer may terminate, cancel, nonrenew, or discontinue a franchise agreement when all of the following occur:

1. The manufacturer produced less than 31,000 gallons of beer in the 12 months prior to the effective date of the franchise agreement.

2. The manufacturer provides written notice of the termination, cancellation, nonrenewal, or discontinuance of the franchise agreement to the distributor not less than 24 months before the effective date of the termination, cancellation, nonrenewal, or discontinuance.

3. The manufacturer provides the written notice to the distributor not less than 36 months after the effective date of the agreement but not more than 38 months after the effective date of the agreement.

(b) A franchise agreement that is terminated, cancelled, nonrenewed, or discontinued under the provisions of this subsection is not a violation of subsection (4), and a manufacturer is not required to pay reasonable compensation to a

distributor.

(c) At the request of a manufacturer, a manufacturer's yearly production amount may be determined by the division. A determination by the division, when certified in writing, is prima facie evidence of the amount of beer produced by a manufacturer in a 12-month period. The division may adopt rules for manufacturers to request written certification of the amount of beer produced by a manufacturer in a given period. However, a manufacturer may not make such request more than once in any 12-month period. A determination by the division that a manufacturer produces less than 31,000 gallons in a 12-month period, is effective for 3 years.

(d) This subsection applies to all franchise agreements entered into on or after July 1, 2025, and may not be waived by any party in a franchise agreement.

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

PCS for HB 709

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 709	**COMPANION BILL:** SB 622 (Rodriguez)
TITLE: Jai Alai Permitholders	**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 allows holders of a valid pari-mutuel permit to lease their facilities to any jai alai permitholder when located within a 35-mile radius, removes the authority for such permitholders to be entitled to certain permits, prohibits the lessee from operating a cardroom or slot machine license at the leased facility, and requires such permitholders to conduct a full schedule of live games.

Fiscal or Economic Impact:

The bill may have a positive economic impact on the private sector by opening up more opportunities for permitholders to lease their facilities.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill revises the restriction that holders of valid pari-mutuel permits are only entitled to lease their facilities to holders of the same class permit, to also:

- Allow holders of a valid pari-mutuel permit to lease their facilities, located at the address listed on the permit on January 1, 2021, to any jai alai permitholder when located within a 35-mile radius.
- Remove the authority for such permitholders to be entitled to obtain an additional permit.
- Prohibit the lessee from operating a cardroom or slot machine license at the leased facility.
- Require such jai alai permitholders to conduct a full schedule of live games as defined in statute. (Section 1)

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

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. The bill may have a positive economic impact on businesses by opening up more opportunities for lessors and lessees of pari-mutuel wagering facilities. Professional jai alai players and others involved in the sport of jai alai may also benefit from an increase in games. The amount of additional revenues that may be generated is unknown.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Pari-mutuel Wagering

Since approximately 1931, pari-mutuel wagering activities (PMW) have been authorized in Florida for jai alai, greyhound racing, and horseracing. These activities are overseen and regulated[1] by the Division of Pari-Mutuel Wagering (Division) at the Florida Gaming Control Commission (Commission), which is housed within the Department of Legal Affairs, Office of the Attorney General.[2] The Commission issues permits and operating licenses for PMW activities. Only PMW permitholders under certain conditions are authorized to conduct other gaming activities like operating a cardroom or operating slot machines at their PMW facilities.

Lease of Pari-mutuel Facilities

Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering in this state are entitled to lease any and all of their facilities, as follows:[3]

- The lease may only be to another holder of a same class valid pari-mutuel permit;
- The permitholders must be located within a 35-mile radius of each other; and
- The lessee is entitled to a permit and license to conduct intertrack wagering[4] and operate its race meet[5] or jai alai[6] games at the leased premises.

Pari-mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (Act)[7] provides specific permitting and licensing requirements for the conduct of the pari-mutuel industry.[8] Pari-mutuel wagering activities are limited to operators who have received a permit from the Division, which is then subject to ratification by county referendum.[9] Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.[10] Certain permitholders are also authorized to operate cardrooms[11] and slot machines at their facility.[12]

The Act generally requires that any transfer or assignment of a permit receive prior approval[13] by the Commission, which must determine the eligibility[14] of persons and entities to hold a permit. Similarly, if a permit is held by a corporation or business entity other than an individual, the transfer of ten percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the Commission.[15]

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[1] From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation, which, in 1993, became DBPR.
[2] *See* ss. 16.71-16.716, F.S.
[3] S. 550.475, F.S.
[4] S. 550.002(16), F.S., defines "intertrack wager" or "intertrack wagering" as a particular form of pari-mutuel wagering in which wagers are accepted at a permitted, in-state track, fronton, or pari-mutuel facility on a race or game transmitted from and performed live at, or simulcast signal rebroadcast from, another in-state pari-mutuel facility.
[5] S. 550.002(19), F.S., defines "meet" or "meeting" as the conduct of live racing or jai alai, or wagering on intertrack or simulcast events, for any stake, purse, prize, or premium.
[6] S. 550.002(17), F.S., defines "jai alai" or "pelota" as a ball game of Spanish origin played on a court with three walls.
[7] Ch. 550, F.S.
[8] S. 550.054(1), F.S.
[9] S. 550.054(2), F.S.
[10] S. 550.0115, F.S.
[11] S. 849.086, F.S.
[12] S. 551.104, F.S.
[13] There is one exception to the prior-approval requirement in s. 550.054(11)(a), F.S., which is that the holder of a permit converted to a jai alai permit "may lease or build anywhere within the county in which its permit is located." As of 2021, such conversions are prohibited. *See* s. 550.054(15)(d), F.S.
[14] *See* s. 550.1815, F.S.
[15] S. 550.054(11)(b), F.S.

The Act restricts pari-mutuel permitholders **from being issued an operating license** to conduct pari-mutuel wagering, slot machine gaming, or the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021.[16]

The Act restricts pari-mutuel permitholders **from holding a permit** to conduct pari-mutuel wagering and associated cardroom or slot machine licenses[17] unless the permitholder, other than a limited thoroughbred permitholder, held an operating license for the conduct of pari-mutuel wagering for Fiscal year 2020-2021.[18]

The Act specifies that permits held on January 1, 2021 are deemed valid,[19] but new permits for pari-mutuel wagering may not be approved or issued.[20]

The Commission is required to revoke the permit of any permitholder, other than a limited thoroughbred permitholder, who did not hold an operating license for the conduct of pari-mutuel wagering for fiscal year 2020-2021. A permit revoked under this provision is void and may not be reissued.[21]

Live Racing Requirements

Currently, only thoroughbred permitholders are required to conduct live racing in order to operate other PMW activities. For example, in order to hold a cardroom license, thoroughbred permitholders are required to run a certain number of live races each year.

The Act defines "full schedule of live racing or games" as follows:[22]

- **Jai alai permitholders**: the conduct of a combination of at least 100 live evening or matinee performances during the preceding year;
- **Converted permitholders**: the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years;
- **Jai alai permitholder who does not operate slot machines**: who has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than $4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year;
- **Jai alai permitholder who operates slot machines**: the conduct of a combination of at least 150 performances during the preceding year;
- **Harness permitholder**: the conduct of at least 100 live regular wagering performances during the preceding year;
- **Quarter horse permitholder at its facility**: unless an alternative schedule of at least 20 live regular wagering performances is agreed upon by the permitholder and either the Florida Quarter Horse Racing Association or the horsemen's association representing the majority of the quarter horse owners and trainers at the facility and filed with the commission along with its annual date application, in the 2010-2011 fiscal year, the conduct of at least 20 regular wagering performances, in the 2011-2012 and 2012-2013 fiscal years, the conduct of at least 30 live regular wagering performances, and for every fiscal year after the 2012-2013 fiscal year, the conduct of at least 40 live regular wagering performances;
- **Quarter horse permitholder leasing another licensed racetrack**: the conduct of 160 events at the leased facility; and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year.

Greyhound permitholders are prohibited from conducting live racing.

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[16] S. 550.01215(1)(d), F.S.
[17] Under s. 551.114(4), F.S., designated slot machine gaming areas must be located at the address specified in the licensed permitholder's slot machine license issued for Fiscal Year 2020-2021.
[18] S. 550.054(15)(a), F.S.
[19] S. 550.054(15)(b), F.S.
[20] S. 550.054(15)(c), F.S.
[21] S. 550.054(9)(c), F.S.
[22] S. 550.002(10), F.S.

Jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders have the option to conduct live racing or games but are not required to do so.[23]

A greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games:[24]

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

BILL HISTORY

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

[23] S. 550.01215, F.S.(1)(b)1., F.S.
[24] *Id.*

A bill to be entitled

An act relating to jai alai permitholders; amending s. 550.475, F.S.; providing that holders of a valid pari-mutuel permit may lease certain facilities to any jai alai permitholder when located within a specified radius of each other; authorizing such permitholders to apply for certain licenses; requiring such permitholders to conduct a full schedule of live games;; providing an effective date.

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

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

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering in this state may ~~are entitled to~~ lease ~~any and all of~~ their facilities, located at the address listed on the permit on January 1, 2021, to any other holder of a same class valid pari-mutuel permit or to any jai alai permitholder, when located within a 35-mile radius of each other; and such lessee may apply for a ~~is entitled to a permit and~~ license to conduct intertrack wagering and operate its race meet or jai alai games at the leased facility ~~premises~~ but may not operate a cardroom or slot machine license at the

leased facility. A jai alai permitholder that leases a facility in accordance with this section must conduct a full schedule of live games as defined in s. 550.002(10) using such permitholder's existing permit and may not operate under the lessor's permit.

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

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

PCS for HB 709 by Rep. Esposito
Jai Alai Permitholders

AMENDMENT SUMMARY
March 26, 2025

Amendment 1 by Rep. Esposito (lines 27-28):

- Requires jai alai permitholders that lease facilities in accordance with this section to conduct at least 59 live performances.

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 lines 27-28 and insert:

in accordance with this section must conduct a minimum of 59 live performances using such

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

Remove lines 8-9 and insert:

permitholders to conduct a certain amount of live performances; providing an effective date.