

Commerce Committee

Tuesday, April 15, 2025
1:00 PM - 5:00 PM
Webster Hall (212 Knott)

Meeting Packet

Daniel Perez
Speaker

James Buchanan
Chair

The Florida House of Representatives

Commerce Committee

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Meeting Agenda

Tuesday, April 15, 2025
1:00 pm – 5:00 pm
Webster Hall (212 Knott)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):

- CS/HB 147 Prohibited Practices in Consumer Debt Collection by Insurance & Banking Subcommittee, Gossett-Seidman
- CS/HB 177 Transportation Facility Designations by Economic Infrastructure Subcommittee, Harris, Woodson
- CS/HB 203 Transportation Concurrency by Housing, Agriculture & Tourism Subcommittee, Grow
- HB 211 Farm Products by Cobb, Hunschofsky
- CS/CS/HB 369 Provenance of Digital Content by Economic Infrastructure Subcommittee, Information Technology Budget & Policy Subcommittee, McFarland
- CS/CS/HB 381 Platting by Intergovernmental Affairs Subcommittee, Housing, Agriculture & Tourism Subcommittee, Holcomb
- CS/CS/HB 393 My Safe Florida Condominium Pilot Program by Budget Committee, Housing, Agriculture & Tourism Subcommittee, Lopez, V., Hunschofsky
- CS/HB 411 Affordable Property Ad Valorem Tax Exemption on Leased Land by Ways & Means Committee, Chaney
- CS/HB 429 Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers by Industries & Professional Activities Subcommittee, Yeager
- CS/HB 543 Third-party Reservation Platforms by Industries & Professional Activities Subcommittee, Oliver
- CS/CS/HB 551 Fire Prevention by Intergovernmental Affairs Subcommittee, Industries & Professional Activities Subcommittee, Borrero
- CS/CS/HB 651 Department of Agriculture and Consumer Services by Criminal Justice Subcommittee, Housing, Agriculture & Tourism Subcommittee, Tuck, Alvarez, D.

- CS/CS/HB 683 Construction Regulations by Intergovernmental Affairs Subcommittee, Industries & Professional Activities Subcommittee, Griffitts
- CS/HB 701 Local Housing Assistance Plans by Housing, Agriculture & Tourism Subcommittee, Stark, Berfield
- CS/HB 709 Jai Alai Permitholders by Industries & Professional Activities Subcommittee, Esposito
- CS/HB 839 Insurance Overpayment Claims Submitted to Psychologists by Insurance & Banking Subcommittee, Booth
- CS/HB 897 Timeshare Plan Management by Housing, Agriculture & Tourism Subcommittee, Berfield
- CS/HB 913 Condominium Associations by Housing, Agriculture & Tourism Subcommittee, Lopez, V.
- CS/HB 987 Transportation Facility Designations by Economic Infrastructure Subcommittee, Brannan, Nix
- CS/HB 991 Community Redevelopment Agencies by State Affairs Committee, Giallombardo
- CS/CS/HB 1071 Alternative Plans Reviews and Inspections by Intergovernmental Affairs Subcommittee, Industries & Professional Activities Subcommittee, Benarroch
- CS/HB 1097 Insurance Research by Budget Committee, Canady
- HB 1165 Mobile Cranes and Accessory Support Vehicles by Owen
- CS/CS/HB 1219 Employment Agreements by Judiciary Committee, Industries & Professional Activities Subcommittee, Koster
- CS/CS/HB 1397 Transportation by Transportation & Economic Development Budget Subcommittee, Economic Infrastructure Subcommittee, Abbott, Bankson
- CS/HB 1523 Utility Services by Economic Infrastructure Subcommittee, Busatta

Consideration of the following proposed committee substitute(s):

- PCS for CS/HB 579 -- Land Use and Development
- PCS for CS/HB 795 -- Anchoring and Mooring at Seaports
- PCS for HB 999 -- Legal Tender
- PCS for CS/HB 1015 -- Flood Disclosures
- PCS for HB 1137 -- Utility Service Restrictions
- PCS for HB 1467 -- Gambling

V. Closing Remarks

VI. 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 147	**COMPANION BILL:** CS/CS/SB 232 (Rodriguez)
TITLE: Prohibited Practices in Consumer Debt Collection	**LINKED BILLS:** None
SPONSOR(S): Insurance & Banking Subcommittee; Gossett-Seidman	**RELATED BILLS:** None

Committee References

Insurance & Banking	➤	Civil Justice & Claims	➤	Commerce
17 Y, 0 N, As CS		18 Y, 0 N		

SUMMARY

Effect of the Bill:

The bill exempts email communications from the standard prohibition on communications with a debtor between the hours of 9:00 p.m. and 8:00 a.m. The bill clarifies when communications are considered sent and received based on requirements established in the Uniform Electronic Transactions Act, which is an established standard under Florida law. The bill also removes referenced examples of telephone communications to ensure that violations are measured by the time of communication rather than the form of communication.

The bill is effective upon becoming law.

Fiscal or Economic Impact:

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides that prohibited debt collection practices apply unless otherwise authorized by law. Additionally, the bill exempts email communications from the standard prohibition on communications with a debtor between the hours of 9:00 p.m. and 8:00 a.m. All communications other than emails remain prohibited during these hours. The bill defines when communications are considered sent and received to clarify how less intuitive communications, particularly electronic communications, should be treated by Florida law (e.g., delayed-send text or push notification). The bill clarifies when communications are considered sent and received based on requirements established in the Uniform Electronic Transactions Act by citing to provisions regarding when an electronic record is considered "sent" and "received" in s. 668.50(15), F.S. (Section 1)

The bill's "sent and received" standard provides that a communication violates the statute only if both events occur within the prohibited hours. In other words, if a communication were sent at 8:00 p.m. but received at 9:30 p.m., the communication would not violate the statute. However, in practice, barring a technical anomaly, sending and receiving should be expected to occur at virtually the same time, though possibly separated by fractions of a second. (Section 1)

The bill also removes referenced examples of telephone communications to ensure that violations are measured by the time of communication rather than the form of communication. (Section 1)

The bill reenacts several existing provisions of the law for the purpose of incorporating changes made by the bill. (Sections 2, 3, 4, 5 and 6).

The bill is effective upon becoming law.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The Federal Fair Debt Collection Practices Act (FDCPA)

The FDCPA[1] became effective March 1978 to eliminate abusive, deceptive, and unfair debt collection practices.[2] Under the FDCPA, a debt collector may not communicate or attempt to communicate with a consumer about a debt at an unusual or inconvenient time unless the consumer provides prior consent or the communication is permitted by a court. In the absence of specific knowledge to the contrary, the law presumes that contacting a consumer before 8:00 a.m. or after 9:00 p.m. local time is inconvenient.[3] While email[4] and text communications[5] are permitted under the FDCPA, debt collectors must provide consumers with a reasonable and simple method to opt out of such communications.[6]

The Florida Consumer Collection Practices Act (FCCPA)

The FCCPA[7] prohibits certain practices by any person attempting to collect a debt.[8] It serves as Florida's counterpart to the FDCPA and aims to eliminate abusive and harassing debt collection tactics.[9] For example, under the FCCPA, a person collecting consumer debt[10] is prohibited from utilizing tactics such as using or threatening violence,[11] using profane or vulgar language,[12] or attempting to enforce an illegitimate debt.[13]

Additionally, among the list of prohibited practices, a person collecting consumer debt may not communicate with a debtor between 9 p.m. and 8 a.m. in the debtor's time zone without the debtor's prior consent.[14] However, the FCCPA does not specify the types of communication restricted during these hours. The law does provide two situations in which the presumed time of a telephone call may be calculated in reference to the time zone of the caller and the recipient, but because these situations only reference telephone calls and not all types of communications, it is unclear how or if the law applies to other types of communication.

Recent Litigation

The U.S. District Court for the Southern District of Florida recently addressed the meaning of "communicate with" a consumer under the FCCPA.[15] In this case, the plaintiff sued a debt collector for sending an email at 8:23 p.m., which was delivered to her at 10:14 p.m. and remained unread until 11:44 a.m. the following day.[16] The plaintiff

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[1] 15 U.S.C. § 1692 et seq.
[2] The Fed. Rsrv., *Consumer Compliance Handbook*, available at https://www.federalreserve.gov/boarddocs/supmanual/cch/fairdebt.pdf, (last visited Mar. 18, 2025).
[3] 12 C.F.R. § 1006.6(b)(1)(i).
[4] 12 C.F.R. § 1006.6(d)(4).
[5] 12 C.F.R. § 1006.6(d)(5).
[6] 12 C.F.R. § 1006.6(d)(4)(ii)(4) and (d)(5)(i).
[7] Ss. 559.55-559.785, F.S.
[8] "Debt collector" means any person who uses any instrumentality of commerce within this state, whether initiated from within or outside this state, in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term "debt collector" includes any creditor who, in the process of collecting her or his own debts, uses any name other than her or his own which would indicate that a third person is collecting or attempting to collect such debts. S. 559.55(7), F.S.
[9] The Consumer Prot. Law Comm. of the Florida Bar, *The Consumer Law Bench Book*, p. 46, available at https://www.floridabar.org/about/cmtes/cmte-cm410/cplc-bench-manual/ (last visited Mar. 18, 2025).
[10] "Debt" or "consumer debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment. S. 559.55(6), F.S.
[11] S. 559.72(2), F.S.
[12] S. 559.72(8), F.S.
[13] S. 559.72(9), F.S.
[14] S. 559.72(17), F.S.
[15] *Quinn-Davis v. TrueAccord Corp.*, Case No. 1:23-cv-23590-LEIBOWITZ/REID, 2024 WL 4851344, (S.D. Fla. Nov. 20, 2024).
[16] *Id*. at 1.

argued that this constituted a violation of the FCCPA, which prohibits communication with a debtor between 9 p.m. and 8 a.m.[17]

With no binding precedent on point, the court ruled that an email does not constitute communication "with" a consumer until the consumer either reads or at least receives the message.[18] Under this Court's interpretation, the debt collector did not "communicate" with the plaintiff until 11:44 a.m., when she actually read the email.[19] As a result, the court granted the defendant's motion for summary judgment.[20]

Since this case addressed a previously unresolved legal question, in the future Florida courts or other federal district courts may interpret the issue differently. Notably, the court's ruling diverges from the Consumer Financial Protection Bureau's interpretation under the FDCPA, which takes a broader view of what it means to "communicate with" a debtor.[21]

Uniform Electronic Transactions Act

The Uniform Electronic Transactions Act (Act)[22] applies to electronic records and electronic signatures relating to a transaction.[23] As used in this Act, an "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.[24]

Under the Act, an electronic record is sent when the record:

- Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record.
- Is in a form capable of being processed by that system.
- Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.[25]

Additionally, an electronic record is received when the record enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and is in a form capable of being processed by that system.[26] Accordingly, an electronic record is considered received even if no individual is aware of its receipt.[27]

If a person is aware that an electronic record purportedly sent or purportedly received was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable provisions of law.[28]

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[17] *Id*.
[18] *Id*. at 6-7.
[19] *Id*. at 7.
[20] Id.
[21] *Id.* at 5. ("The CFPB interprets 'communicate with' under the FDCPA to mean that a debt collector communicates with a customer when the debt collector 'sends' an electronic communication.").
[22] S. 668.50, F.S.
[23] "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, insurance, or governmental affairs. S. 668.50(2)(p), F.S.
[24] S. 668.50(2)(g), F.S.
[25] S. 668.50(16)(a), F.S. This provision controls unless another agreement has been made between the sender and the recipient.
[26] S. 668.50(16)(b), F.S. This provision controls unless another agreement has been made between the sender and the recipient.
[27] S. 668.50(16)(e), F.S.
[28] S. 668.50(16)(g), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee	17 Y, 0 N, As CS	3/5/2025	Lloyd	Schenk
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarify that emails may be sent at any time, 24 hours a day, rather than allowing additional contacts, other than telephone calls. • Specifies the time of day assigned to the action of sending an electronic contact or receiving an electronic contact by cross referencing the Uniform Electronic Transactions Act, as implemented in s. 668.50(15), F.S. • Removes references to telephone calls to make it clear that all types of contacts are limited by the subsection, except email contacts.			
Civil Justice & Claims Subcommittee	18 Y, 0 N	3/20/2025	Jones	Leshko
Commerce Committee			Hamon	Schenk

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

A bill to be entitled

An act relating to prohibited practices in consumer debt collection; amending s. 559.72, F.S.; revising prohibited practices for a person attempting to collect consumer debt; making technical changes; reenacting ss. 559.565(2), 559.725(2), 559.77(1) and (2), 648.44(1)(o), and 817.7001(2)(b), F.S., relating to enforcement action against out-of-state consumer debt collector, consumer complaints and administrative duties, civil remedies, prohibitions and penalties, and definitions, respectively, to incorporate the amendment made to s. 559.72, F.S., in references thereto; providing an effective date.

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

Section 1. Section 559.72, Florida Statutes, is amended to read:

559.72 Prohibited practices generally.—Unless otherwise authorized by law, in collecting consumer debts, a ~~no~~ person may not ~~shall~~:

(1) Simulate in any manner a law enforcement officer or a representative of any governmental agency.

(2) Use or threaten force or violence.

(3) Tell a debtor who disputes a consumer debt that she or

he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed as required by subsection (6).

(4) Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection. However, this does not prohibit a person from telling the debtor that her or his employer will be contacted if a final judgment is obtained.

(5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.

(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made before such dispute has been asserted and written notice is received from the debtor that any part of the debt is disputed, and if such dispute is reasonable, the person who made the original

disclosure must reveal upon the request of the debtor within 30 days the details of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days.

(7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.

(8) Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family.

(9) Claim, attempt, or threaten to enforce a debt when such person knows that the debt is not legitimate, or assert the existence of some other legal right when such person knows that the right does not exist.

(10) Use a communication that simulates in any manner legal or judicial process or that gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law, when it is not.

(11) Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments that only attorneys are authorized to prepare.

(12) Orally communicate with a debtor in a manner that gives the false impression or appearance that such person is or

is associated with an attorney.

(13) Advertise or threaten to advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor.

(14) Publish or post, threaten to publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts.

(15) Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents if requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt.

(16) Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor. An example of this would be an envelope addressed to "Deadbeat, Jane Doe" or "Deadbeat, John Doe."

(17) Communicate with the debtor via a communication sent and received, as provided in s. 668.50(15), between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor. The prohibition contained in this subsection does not apply to an e-mail communication.

~~(a)~~ The person may presume that the time a ~~telephone call~~ communication is received conforms to the local time zone

assigned to the record address ~~area code~~ of the debtor ~~number called~~, unless the person reasonably believes that the debtor's telephone is located in a different time zone.

~~(b) If, such as with toll-free numbers, an area code is not assigned to a specific geographic area, the person may presume that the time a telephone call is received conforms to the local time zone of the debtor's last known place of residence, unless the person reasonably believes that the debtor's telephone is located in a different time zone.~~

(18) Communicate with a debtor if the person knows that the debtor is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address, unless the debtor's attorney fails to respond within 30 days to a communication from the person, unless the debtor's attorney consents to a direct communication with the debtor, or unless the debtor initiates the communication.

(19) Cause a debtor to be charged for communications by concealing the true purpose of the communication, including collect telephone calls and telegram fees.

Section 2. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in a reference thereto, subsection (2) of section 559.565, Florida Statutes, is reenacted to read:

559.565 Enforcement action against out-of-state consumer

debt collector.—The remedies of this section are cumulative to other sanctions and enforcement provisions of this part for any violation by an out-of-state consumer debt collector, as defined in s. 559.55(11).

(2) A person, whether or not exempt from registration under this part, who violates s. 559.72 is subject to sanctions the same as any other consumer debt collector, including imposition of an administrative fine. The registration of a duly registered out-of-state consumer debt collector is subject to revocation or suspension in the same manner as the registration of any other registrant under this part.

Section 3. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in a reference thereto, subsection (2) of section 559.725, Florida Statutes, is reenacted to read:

559.725 Consumer complaints; administrative duties.—

(2) The office shall inform and furnish relevant information to the appropriate regulatory body of the state or the Federal Government, or The Florida Bar in the case of attorneys, if a person has been named in a consumer complaint pursuant to subsection (3) alleging violations of s. 559.72. The Attorney General may take action against any person in violation of this part.

Section 4. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in

references thereto, subsections (1) and (2) of section 559.77, Florida Statutes, are reenacted to read:

559.77 Civil remedies.—

(1) A debtor may bring a civil action against a person violating the provisions of s. 559.72 in the county in which the alleged violator resides or has his or her principal place of business or in the county where the alleged violation occurred.

(2) Any person who fails to comply with any provision of s. 559.72 is liable for actual damages and for additional statutory damages as the court may allow, but not exceeding $1,000, together with court costs and reasonable attorney's fees incurred by the plaintiff. In determining the defendant's liability for any additional statutory damages, the court shall consider the nature of the defendant's noncompliance with s. 559.72, the frequency and persistence of the noncompliance, and the extent to which the noncompliance was intentional. In a class action lawsuit brought under this section, the court may award additional statutory damages of up to $1,000 for each named plaintiff and an aggregate award of additional statutory damages up to the lesser of $500,000 or 1 percent of the defendant's net worth for all remaining class members; however, the aggregate award may not provide an individual class member with additional statutory damages in excess of $1,000. The court may award punitive damages and may provide such equitable relief as it deems necessary or proper, including enjoining the

defendant from further violations of this part. If the court finds that the suit fails to raise a justiciable issue of law or fact, the plaintiff is liable for court costs and reasonable attorney's fees incurred by the defendant.

Section 5. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in a reference thereto, paragraph (o) of subsection (1) of section 648.44, Florida Statutes, is reenacted to read:

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(o) Attempt to collect, through threat or coercion, amounts due for the payment of any indebtedness related to the issuance of a bail bond in violation of s. 559.72.

Section 6. For the purpose of incorporating the amendment made by this act to section 559.72, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 817.7001, Florida Statutes, is reenacted to read:

817.7001 Definitions.—As used in this part:

(2)

(b) "Credit service organization" does not include:

1. Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States Secretary of Housing and Urban Development for participation in

any mortgage insurance program under the National Housing Act;

2. Any bank, savings bank, or savings and loan association whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or a subsidiary of such bank, savings bank, or savings and loan association;

3. Any credit union, federal credit union, or out-of-state credit union doing business in this state;

4. Any nonprofit organization exempt from taxation under s. 501(c)(3) of the Internal Revenue Code;

5. Any person licensed as a real estate broker by this state if the person is acting within the course and scope of that license;

6. Any person collecting consumer claims pursuant to s. 559.72;

7. Any person licensed to practice law in this state if the person renders services within the course and scope of his or her practice as an attorney and does not engage in the credit service business on a regular and continuing basis;

8. Any broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission if the broker-dealer is acting within the course and scope of that regulation; or

9. Any consumer reporting agency as defined in the Federal Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.

Section 7. This act shall take effect upon becoming law.

COMMERCE COMMITTEE

CS/HB 147 by Rep. Gossett-Seidman
Prohibited Practices in Consumer Debt Collection

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Gossett-Seidman (line 19):

- Conforms the bill to its Senate companion by:
  - Removing the "sent and received" standard for determining when a communication occurs and an accompanying reference to Florida's adopted provisions of the Uniform Electronic Transactions Act for interpreting the standard.
  - Restoring the original statutory language regarding time zone presumptions for telephone calls based on area codes (for geographical numbers) or the debtor's last known place of residence (for toll-free numbers), rather than using the debtor's record address for all communications.

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: Commerce Committee
Representative Gossett-Seidman offered the following:

Amendment (with title amendment)

Remove lines 19-109 and insert:

559.72 Prohibited practices generally.—In collecting consumer debts, a ~~no~~ person may not ~~shall~~:

(1) Simulate in any manner a law enforcement officer or a representative of any governmental agency.

(2) Use or threaten force or violence.

(3) Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed as required by subsection (6).

(4) Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection. However, this does not prohibit a person from telling the debtor that her or his employer will be contacted if a final judgment is obtained.

(5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.

(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made before such dispute has been asserted and written notice is received from the debtor that any part of the debt is disputed, and if such dispute is reasonable, the person who made the original disclosure must reveal upon the request of the debtor within 30 days the details of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days.

(7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.

(8) Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family.

(9) Claim, attempt, or threaten to enforce a debt when such person knows that the debt is not legitimate, or assert the existence of some other legal right when such person knows that the right does not exist.

(10) Use a communication that simulates in any manner legal or judicial process or that gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law, when it is not.

(11) Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments that only attorneys are authorized to prepare.

(12) Orally communicate with a debtor in a manner that gives the false impression or appearance that such person is or is associated with an attorney.

(13) Advertise or threaten to advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor.

(14) Publish or post, threaten to publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts.

(15) Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents if requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt.

(16) Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor. An example of this would be an envelope addressed to "Deadbeat, Jane Doe" or "Deadbeat, John Doe."

(17) Communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor. <u>This subsection does not apply to an e-mail communication that is sent to an e-mail address and that otherwise complies with this section.</u>

(a) The person may presume that the time a telephone call is received conforms to the local time zone assigned to the area code of the number called, unless the person reasonably believes that the debtor's telephone is located in a different time zone.

(b) If, such as with toll-free numbers, an area code is not assigned to a specific geographic area, the person may

presume that the time a telephone call is received conforms to the local time zone of the debtor's last known place of residence, unless the person reasonably believes that the debtor's telephone is located in a different time zone.

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

Remove lines 5-13 and insert:
collect consumer debt; providing applicability; making a technical change; reenacting ss. 559.565(2), 559.725(2), 559.77(1) and (2), 648.44(1)(o), and 817.7001(2)(b), F.S., relating to enforcement action against an out-of-state consumer debt collector, consumer complaints and administrative duties, civil remedies, prohibitions and penalties, and definitions, respectively, to incorporate the amendment made to s. 559.72, F.S., in references thereto; providing an effective date.

WHEREAS, the Legislature acknowledges that s. 559.72(17), Florida Statutes, was adopted before e-mail communication became commonly used, and that the only specific communication explicitly contemplated in such subsection is telephone calls, and

WHEREAS, the Legislature intends to update and clarify prohibited practices in collecting debt to address e-mail

communication by excluding such communication from prohibited contact between the hours of 9:00 p.m. and 8:00 a.m. because such contact is less invasive and less disruptive than telephone calls, NOW, THEREFORE,

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 177	**COMPANION BILL:** CS/SB 274 (Arrington)
TITLE: Transportation Facility Designations	**LINKED BILLS:** None
SPONSOR(S): Harris, Woodson	**RELATED BILLS:** None

Committee References

Economic Infrastructure
17 Y, 0 N, As CS

➤

Commerce

SUMMARY

Effect of the Bill:

The bill designates two transportation facilities for memorial purposes and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each designation.

Fiscal or Economic Impact:

The bill will have an insignificant negative impact on state government expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires FDOT to erect suitable markers for the following transportation facility designations: (Section 1).

Harris Rosen Way
That portion of International Drive between S.R. 528 and Sand Lake Road in Orange County is designated as "Harris Rosen Way."

Bernard Wilkes Ribault River Bridge
The bridge on Moncrief Road West over the Ribault River in Duval County will be designated as "Bernard Wilkes Ribault River Bridge."

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will have an insignificant negative impact on state government expenditures. FDOT estimates a cost of $2,400 per designation for the appropriate markers, which provides for two signs per designation at $1,200 per sign.[1] Therefore, the bill has an estimated negative fiscal impact of $4,800 to the State Transportation Trust Fund. This cost can be absorbed within existing FDOT resources.

[1] Email from Jack Rogers, Director of Legislative Affairs, Department of Transportation, RE: Road Designations Review (Feb. 13, 2025).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Legislative Designation of Transportation Facilities

The Legislature may designate a transportation facility, such as a bridge or a portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not officially change the existing names of facilities and may not require local governments or private parties to change street signs, mailing addresses, or 911 emergency telephone number system listing.[2]

Unless specifically provided by law, public facilities such as roads, bridges, and other similar facilities may not be named for any living person.[3]

Transportation Facility Markers

Following a legislative designation, FDOT is required to place markers at the termini or intersections specified for each highway segment or bridge designated and may place other markers it deems as appropriate.[4] Before markers may be erected, the appropriate city or county commission must pass a resolution in support of the particular honorary designation. If the designated bridge or road segment is located in more than one city or county, there must be resolutions supporting the designation from each affected local government before markers may be erected.[5]

Biographical Information

Harris Rosen Way
Harris Rosen was President and Chief Operating Officer of Rosen Hotels & Resorts, a hospitality company founded in 1974 that operates seven Orlando-area hotels. Mr. Rosen received numerous philanthropic and humanitarian awards, including the Association of Fundraising Professionals lifetime award, as well as the Leadership Florida's LeRoy Collins Lifetime Achievement Award. Mr. Rosen passed away on November 25, 2024, at age 85.

Bernard Wilkes Ribault River Bridge
Coach Bernard Wilkes was recognized as one of the most successful high school coaches in Florida's history. He dedicated 30 years of service to the Duval County Public School System, teaching and coaching basketball at Ribault Senior High School. Throughout his career, Coach Wilkes led the basketball team to four state championships, 12 Gateway Conference championships, 21 district titles, and reached the Florida High School Athletic Association Finals 16 times. Coach Wilkes passed away on March 5, 2006.

[2] S. 334.071(1), F.S.
[3] S. 267.062(1), F.S.
[4] S. 334.071(2), F.S.
[5] S. 334.071(3), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	17 Y, 0 N, As CS	3/19/2025	Keating	Garcia
THE CHANGES ADOPTED BY THE COMMITTEE:	• Added a designation for the bridge on Moncrief Road West over the Ribault River in Duval County as the "Bernard Wilkes Ribault River Bridge."			
Commerce Committee			Hamon	Garcia

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

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of International Drive between S.R. 528 and Sand Lake Road in Orange County is designated as "Harris Rosen Way."

(2) The bridge on Moncrief Road West over the Ribault River in Duval County is designated as "Bernard Wilkes Ribault River Bridge."

(3) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

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

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

COMMERCE COMMITTEE

CS/HB 177 by Rep. Harris and Woodson
Transportation Facility Designations

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Bracy Davis (line 19):

- Directs the Department of Transportation to erect suitable markers designating W. South Street between South Division Avenue and U.S. 441 in Orange County as “Geraldine Thompson Way.”

Amendment 2 by Rep. Duggan (line 19):

- Directs the Department of Transportation to erect suitable markers designating West Beaver Street (SR 10) between King Street and Acorn Street in Duval County as “Harry Frisch Street.”

Amendment 3 by Rep. Mooney (line 19):

- Directs the Department of Transportation to erect suitable markers designating bridge number 900111 on S.R. 5/ South Pine Channel over South Pine Channel in Monroe County as “Jose Wejebe Bridge.”

Amendment 4 by Rep. Rizo (line 19):

- Directs the Department of Transportation to erect suitable markers designating that portion of S.R. 932/N.W. 103rd Street/49th Street within the City of Hialeah in Miami-Dade County as "Celia Cruz Way."

Amendment 5 by Rep. Aristide (line 19):

- Directs the Department of Transportation to erect suitable markers designating that portion of S.R. 915 in North Miami Beach on NE 6th Avenue between S.R. 860 and S.R. 816 as "Toussaint L'Ouverture Boulevard."

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: Commerce Committee

Representative Bracy Davis offered the following:

Amendment

Remove line 19 and insert:

(3) That portion of W. South Street between South Division Avenue and U.S. 441 in Orange County is designated as "Geraldine Thompson Way."

(4) The Department of Transportation is directed to erect

Amendment No. 2

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: Commerce Committee

Representative Duggan offered the following:

Amendment

Remove line 19 and insert:

(3) West Beaver Street (SR 10) between King Street and Acorn Street in Duval County is designated as "Harry Frisch Street."

(4) The Department of Transportation is directed to erect

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: Commerce Committee

Representative Mooney offered the following:

Amendment

Remove line 19 and insert:

(3) Bridge number 900117 on S.R. 5/ Niles Channel over Niles Channel in Monroe County is designated as "Jose Wejebe Bridge."

(4) The Department of Transportation is directed to erect

Amendment No. 4

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: Commerce Committee

Representative Rizo offered the following:

Amendment

Remove line 19 and insert:

(3) That portion of S.R. 932/N.W. 103rd Street/49th Street within the City of Hialeah in Miami-Dade County is designated as "Celia Cruz Way."

(4) The Department of Transportation is directed to erect

Amendment No. 5

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: Commerce Committee

Representative Aristide offered the following:

Amendment

Remove line 19 and insert:

(3) That portion of S.R. 915 in North Miami Beach on NE 6th Avenue between S.R. 860 and S.R. 816 is designated as "Toussaint L'Ouverture Boulevard."

(4) The Department of Transportation is directed to erect

CS/HB 203

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 203	**COMPANION BILLS:** SB 1738 (Ingoglia)
TITLE: Transportation Concurrency	**LINKED BILLS:** None
SPONSOR(S): Grow	**RELATED BILLS:** SB 1074 (McClain)

Committee References

Housing, Agriculture & Tourism	➤	Intergovernmental Affairs	➤	Commerce
13 Y, 0 N, As CS		17 Y, 0 N		

SUMMARY

Effect of the Bill:

The bill allows counties with a population of 200,000 or less that apply concurrency to transportation facilities to maintain current levels of service rather than meeting adopted levels of service.

Fiscal or Economic Impact:

The bill has an indeterminate fiscal or economic impact on local governments.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill amends Florida's Community Planning Act. For small counties[1] that apply transportation concurrency, the bill provides that the capital improvement element of their respective comprehensive plans may maintain current levels of service. (Section 1.)

In effect, the bill allows a small county that has imposed transportation concurrency requirements to identify in its comprehensive plan only those facilities necessary to maintain ***current*** levels of service, rather than meeting adopted levels of service.

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

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate fiscal or economic impact on local governments.

[1] For purposes of these provisions, "small county" means any county that has a population of 200,000 or less, as determined by the most recent official estimate. *See* ss. 339.2818(2) and 186.901, F.S.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Community Planning Act

Florida's Community Planning Act (CPA)[2] requires every local government[3] to plan for future development and growth by adopting, implementing, and amending as necessary a comprehensive plan.[4] All elements of a plan or plan amendment must be based on relevant, appropriate data[5] and an analysis by the local government which may include surveys, studies, the respective community's goals and visions, and other data available at the time of adopting the plan or amendment.[6]

Among other requirements, each comprehensive plan must include a transportation element that addresses mobility issues in relation to the size and character of the local government.[7] The purpose of the transportation element is for the local government to plan a multimodal transportation system with an emphasis on public transportation systems, where feasible.[8]

The transportation element must:

- Provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan; and
- Be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, the Florida Transportation Plan, and the Department of Transportation adopted work program.[9]

Transportation Concurrency

Under Florida's concurrency laws, certain public facilities and services must be in place and available to serve new development no later than the issuance of a certificate of occupancy or its functional equivalent by a local government.[10] "At its core, concurrency is a state requirement that development is not to proceed unless infrastructure capacity and specific urban services are in place to service the new development."[11] Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis;[12] however, any local government may extend the concurrency requirement to additional public facilities, such as transportation.[13]

If a local government chooses to apply concurrency to transportation facilities, the local government's comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide the local government's application of concurrency to the transportation facilities.[14] A level of service is an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on the operational characteristics of the facility.[15] The level is measured by the capacity per unit of demand for each public facility.

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[2] Ch. 163, Part II, F.S.
[3] Local government means any county or municipality. S. 163.3164(29), F.S.
[4] Ss. 163.3167(2), F.S. and 163.3177, F.S.
[5] To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue. S. 163.3177(1)(f), F.S.
[6] S. 163.3177(1)(f), F.S.
[7] S. 163.3177(6)(b), F.S.
[8] *Id.*
[9] *Id.*
[10] S. 163.3180(2), F.S.
[11] Chapin, Timothy S., T. Gregory, & J. Brown, *Rethinking the Florida Transportation Concurrency Mandate* (Aug. 2007), https://gradschool.fsu.edu/sites/g/files/imported/storage/original/application/d4bd2fba3ffe3f180a973d0d838aac7c.pdf (last visited Mar. 27, 2025).
[12] S. 163.3180(1), F.S.
[13] *Id.*
[14] S. 163.3180(5)(a), F.S.
[15] S. 163.3164(28), F.S.

Further, the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard.[16] A local government's comprehensive plan that imposes transportation concurrency must contain appropriate amendments to the capital improvements element[17] of its comprehensive plan.[18]

Under current law, for a local government that imposes transportation concurrency, the capital improvement element of its comprehensive plan must identify facilities necessary to meet adopted levels of service during a 5-year period.[19]

Small Counties

Under Florida law, a "small county" is defined for the purposes of transportation finance and planning as any county that has a population of 200,000 or less.[20] Each year, the Office of Economic and Demographic Research (EDR) provides population estimates of local governments to the Executive Office of the Governor.[21] Population is computed as the number of residents and EDR employs the same general guidelines used by the United States Bureau of the Census.[22] In 2024, 38 out of Florida's 67 counties were considered small counties.[23]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	13 Y, 0 N, As CS	4/1/2025	Curtin	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	• Limited the authorization for a comprehensive plan for transportation concurrency to identify facilities necessary to maintain current levels of service to counties with a population of 200,000 or less.			
Intergovernmental Affairs Subcommittee	17 Y, 0 N	4/9/2025	Darden	Darden
Commerce Committee			Hamon	Fletcher

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

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[16] S. 163.3180(5)(d), F.S.

[17] "Capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of the CPA, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements are considered capital improvements. S. 163.3164(7), F.S.

[18] S. 163.3180(5)(d), F.S.

[19] *Id.*

[20] *See* s. 339.2818(2), F.S.

[21] S. 186.901(1), F.S.

[22] S. 186.901(2)(a), F.S.

[23] *See* Florida Office of Economic and Demographic Research, *Florida's Resident Population*, The Florida Legislature Econographic News (2024 Vol. I), https://edr.state.fl.us/Content/population-demographics/reports/econographicnews_2024_Volume%201.pdf (last visited Apr. 2, 2025).

A bill to be entitled

An act relating to transportation concurrency; amending s. 163.3180, F.S.; revising facilities required to be identified in the capital improvements element of a comprehensive plan that imposes transportation concurrency for small counties; providing an effective date.

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

Section 1. Paragraph (d) of subsection (5) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period or to maintain current levels of service for small counties as defined in s. 339.2818(2).

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

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 211	**COMPANION BILL:** SB 374 (Truenow)
TITLE: Farm Products	**LINKED BILLS:** None
SPONSOR(S): Cobb, Hunschofsky	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism 14 Y, 0 N ➤ Intergovernmental Affairs 17 Y, 0 N ➤ Commerce

SUMMARY

Effect of the Bill:

The bill amends the definition of "farm product" to include plants and plant products, regardless of whether the plants and plant products are edible or nonedible.

The bill revises the prohibition on governmental entities adopting or enforcing any ordinance, resolution, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an activity of a bona fide farm operation to include the collection, storage, processing, and distribution of farm products on agricultural land.

Fiscal or Economic Impact:

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill amends the definition of "farm product" to include plants and plant products,[1] regardless of whether the plants and plant products are edible or nonedible. (Section 1.)

The bill revises the prohibition on governmental entities[2] adopting or enforcing any ordinance, resolution, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an activity of a bona fide farm operation to include the collection, storage, processing, and distribution of farm products on agricultural land. (Section 1.)

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

[1] For purposes of these provisions, "plants and plant products" mean trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them, unless specifically excluded by the rules of the Department of Agriculture and Consumer Services. S. 581.011(27), F.S.

[2] For purposes of these provisions, "governmental entity" means local and regional government entities but does not include a water management district, a water control district established under ch. 298, F.S., or a special district created by special act for water management purposes. Ss. 164.1031(3) and 163.3162(d), F.S.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Agriculture in Florida

As of 2024, Florida had 44,400 farm operations[3] covering 9.7 million acres of farmland.[4] In 2023, Florida ranked first in the United States in the value of production for floriculture, Valencia oranges, sugarcane, watermelons and sweet corn. The state ranked second in value of production for bell peppers, strawberries, tomatoes grown in the open, and non-Valencia oranges; ranked third nationally in cabbage and grapefruit; and ranked fourth nationally in peanuts.[5]

Regulation of Bona Fide Farm Operations

To prevent duplication of regulation, a local or regional governmental entity[6] is prohibited from exercising any of its powers to adopt or enforce any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agriculture land,[7] if such activity is:

- Regulated through implemented best management practices, interim measures, or regulations adopted as rules pursuant to ch. 120, F.S.,[8] by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or
- Regulated by the U.S. Department of Agriculture, the U.S. Army Corps of Engineers, or the U.S. Environmental Protection Agency.[9]

Classification of Agricultural Land

Under Florida law, a property appraiser must, on an annual basis, classify all lands within a county for tax assessment purposes as either agricultural or nonagricultural.[10] Subject to certain restrictions, only lands that are used primarily for bona fide agricultural purposes may be classified as agricultural.[11] For purposes of this classification, the term "bona fide agricultural purposes" means good faith commercial agricultural use of the land, which includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, pisciculture, aquaculture, algaculture, sod farming, and all forms of farm products and farm production.[12]

Currently, Florida law defines "farm product" as any plant[13] or any animal that is useful to humans and includes, but is not limited to, any product derived therefrom.[14]

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[3] "Farm operations" means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor. S. 823.14(3)(d), F.S.

[4] USDA's National Agricultural Statistics Service Florida Field Office, *2024 State Agricultural Overview*, https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=FLORIDA (last visited Mar. 27, 2025).

[5] Department of Agriculture and Consumer Services, *Florida Agriculture Overview and Statistics*, https://www.fdacs.gov/Agriculture-Industry/Florida-Agriculture-Overview-and-Statistics (last visited Mar. 27, 2025).

[6] *Supra* note 2.

[7] *See* s. 193.461, F.S.

[8] Ch. 120, F.S., is the Administrative Procedure Act. *See* s. 210.51, F.S.

[9] S. 163.3162(3)(a), F.S.

[10] S. 193.461(1), F.S.

[11] S. 193.461(3)(b), F.S.

[12] Ss. 193.461(3)(b) and 193.461(5), F.S.

[13] *Supra* note 1.

[14] S. 163.3162(2)(c), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	14 Y, 0 N	4/1/2025	Curtin	Fletcher
Intergovernmental Affairs Subcommittee	17 Y, 0 N	4/9/2025	Darden	Jones
Commerce Committee			Hamon	Fletcher

A bill to be entitled

An act relating to farm products; amending s. 163.3162, F.S.; revising the definition of the term "farm product"; providing that the collection, storage, processing, and distribution of a farm product is an activity of a bona fide farm operation which a governmental entity may not prohibit, restrict, regulate, or otherwise limit; reenacting s. 163.3177(7)(b), F.S., relating to the definition of the term "rural agricultural industrial center," to incorporate the amendment made to s. 163.3162, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) and paragraph (a) of subsection (3) of section 163.3162, Florida Statutes, are amended to read:

163.3162 Agricultural lands and practices.—

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

(c) "Farm product" means plants and plant products ~~any plant,~~ as defined in s. 581.011, regardless of whether such plants and plant products are edible or nonedible, or any animal useful to humans and includes, but is not limited to, any product derived therefrom.

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

(3) DUPLICATION OF REGULATION.—Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter:

(a) A governmental entity may not exercise any of its powers to adopt or enforce any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation, including, but not limited to, the collection, storage, processing, and distribution of a farm product, on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

Section 2. For the purpose of incorporating the amendment made by this act to section 163.3162, Florida Statutes, in a reference thereto, paragraph (b) of subsection (7) of section 163.3177, Florida Statutes, is reenacted to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(7)

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of opportunity.

Section 3. 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 #: CS/CS/HB 369	**COMPANION BILL:** CS/SB 702 (Burgess)
TITLE: Provenance of Digital Content	**LINKED BILLS:** None
SPONSOR(S): McFarland	**RELATED BILLS:** None

Committee References

Information Technology Budget & Policy
17 Y, 0 N, As CS
➤
Economic Infrastructure
16 Y, 0 N, As CS
➤
Commerce

SUMMARY

Effect of the Bill:

The bill defines the term "provenance data" as information about the origin of digital content and the history of modifications to such content that identifies whether some or all of the content has been produced or modified by generative artificial intelligence. The bill requires artificial intelligence providers to apply provenance data to content or make a provenance application tool that enables a user to apply provenance data, either directly or through the use of third-party technology. It also requires an artificial intelligence provider to make available a free provenance reader. The bill requires social media platforms to retain all available provenance data of content uploaded to or posted on such platform and make it available in a readable format to the users of the platform. The bill provides that certain violations constitute an unfair or deceptive act.

Fiscal or Economic Impact:

The bill does not appear to have a fiscal impact on the state or local governments.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates a new section of law related to provenance data of digital content. The bill defines various terms, including:

- "Generative artificial intelligence" has the same meaning as in s. 106.145(1), F.S.[1]
- "Generative artificial intelligence model" means an artificial intelligence system designed to generate new data or content based on the patterns or structures of its training data. The term does not include capabilities primarily intended for classification, predictions, or labeling.
- "Generative artificial intelligence provider" means an organization that develops a generative artificial intelligence tool that is publicly available.
- "Generative artificial intelligence tool" means a product or feature that provides the outputs from a generative artificial intelligence model to end users.
- "Provenance application tool" means a tool or online service that allows users to apply provenance data.
- "Provenance data" means information about the origin of digital content and the history of modifications to such content in a format that is compliant with widely adopted guidelines or specifications promulgated by an established standard-setting body. Provenance data must indicate whether some or all of the content is synthetic content. If there is synthetic content, the provenance data must identify the name of the generative artificial intelligence provider whose generative artificial intelligence tool generated the synthetic data. Provenance data must not include any personally identifying information, unique device,

[1] Section 106.145, F.S., defines "generative artificial intelligence" as a machine-based system that can, for a given set of human-defined objectives, emulate the structure and characteristics of input data in order to generate derived synthetic content including images, videos, audio, text, and other digital content.

system, or service information that is reasonably capable of being associated with a particular user, unless directed by the user.
- "Provenance reader" means a tool or service that allows users to view the provenance data.
- "Social media platform" means an online forum, website, or application for which the primary function is to allow users to upload content or view content or activity of other users. The term does not include:
    - An online service, website, or application where the exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly to other users not specifically identified as the recipients by the sender; or
    - An online service, application, or website that consists primarily of news, sports, entertainment, or other information or content that is not user generated or uploaded but is preselected by the provider, and for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content.
- "Synthetic content" means any visual or audio content that has been produced or modified by a generative artificial intelligence tool. (Section 1)

The bill provides that a generative artificial intelligence provider must:
- Make available a provenance application tool that enables the user to apply provenance data, either directly or through the use of third-party technology, to content that has been generated or modified to include synthetic content; or
- Apply provenance data, either directly or through the use of third-party technology, to content that has been generated or modified to include synthetic content. (Section 1)

The bill requires a generative artificial intelligence provider subject to the requirements of the bill to make available to the public for free, either directly or through the use of third-party technology, a provenance reader. (Section 1)

The bill requires a social media platform to retain all available provenance data of content uploaded to or posted on such platform, and make it available in a readable format to the users of the platform directly, through a conspicuous indicator that allows a user to access the provenance data, or both. This requirement does not apply in cases of the user's removal of the data. (Section 1)

The bill provides that a violation of the law constitutes an unfair or deceptive act or practice. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Provenance Data

The Coalition for Content Provenance and Authenticity (C2PA), an alliance between Adobe, Arm, Intel, Microsoft, and Truepic, addresses the issues of misleading digital media through the development of technical standards for certifying the source and history of media content.[2] The source and history of such content is often known as provenance. Provenance is trustworthy and tells the user about the origins of the digital content. It may include information about who created the digital content and how, when, and where it was created or edited.[3]

Artificial Intelligence

While strictly describing or defining artificial intelligence (AI) can be difficult as the term encompasses a large field of existing and emerging technologies, methodologies, and application areas, the Congressional Research Service has recently stated that AI is "generally thought of as computerized systems that work and react in ways commonly

[2] C2PA, *Overview*, *available at* https://c2pa.org/ (last visited March 17, 2025).
[3] C2PA, *FAQ, available at* https://c2pa.org/faq/ (last visited March 17, 2025).

thought to require intelligence."[4] The application of AI extends to areas such as "natural language processing, facial recognition, and robotics."[5] A subset of AI, called generative AI, a term which refers to "machine learning models developed through training on large volumes of data" for the purpose of generating new content, has undergone rapid advancement over the past few years.[6]

Social Media Platforms

The term "social media" includes "forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, videos, personal messages, and other content (such as videos)."[7] In 2005, the year Facebook started, just five percent of American adults used social media platforms. By 2023, over 80 percent use some type of social media.[8]

Florida Deceptive and Unfair Trade Practices Act

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA)[9] 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.[10] For a violation of the FDUTPA, the State Attorney or the Department of Legal Affairs may bring actions when it is in the public interest on behalf of consumers or governmental entities.[11] The Office of the State Attorney may enforce the act if the violation takes place in its jurisdiction.[12] 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.[13] Consumers may also file suit through private actions.[14]

The Department of Legal Affairs and the State Attorney, as enforcing authorities, may seek the following remedies:

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to $10,000 per willful violation.[15]

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction where a person is aggrieved by a FDUTPA violation.
- Actual damages, attorney fees, and court costs, where a person has suffered a loss due to a FDUTPA violation.[16]

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[4] *Artificial Intelligence: Overview, Recent Advances, and Considerations for the 118th Congress*, Congressional Research Service, *available at* https://crsreports.congress.gov/product/pdf/R/R47644 (last visited March 7, 2025).
[5] *Id.*
[6] *Id.*; *See also Generative Artificial Intelligence: Overview, Issues, and Questions for Congress*, Congressional Research Service, *available at* https://crsreports.congress.gov/product/pdf/IF/IF12426 (last visited Mar. 12, 2024).
[7] Merriam-Webster, *Dictionary*, *Definition, Social Media*, https://www.merriam-webster.com/dictionary/social%20media (last visited March 7, 2025).
[8] Pew Research Center, *Americans' Social Media Use*, (Jan.31, 2024), https://www.pewresearch.org/internet/fact-sheet/social-media/ (last visited March 7, 2025).
[9] S. 501.201, F.S.
[10] *See s.* 501.202, F.S.
[11] *See* ss. 501.203(2), 501.206, and 501.207, F.S.
[12] S. 501.203(2), F.S.
[13] *Id.*
[14] S. 501.211, F.S.
[15] Ss. 501.207(1), 501.2075, and 501.208, F.S.
[16] S. 501.211(2), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Information Technology Budget & Policy Subcommittee	17 Y, 0 N, As CS	3/19/2025	Davila	Harrington
THE CHANGES ADOPTED BY THE COMMITTEE:	• Removes provisions pertaining to disclaimers on election materials; • Removes provisions pertaining to a pilot program at the Division of Emergency Management; • Removes provisions relating to capture devices; • Amends various definitions and requirements relating to AI; • Moves the effective date of the bill to July 1, 2026.			
Economic Infrastructure Subcommittee	16 Y, 0 N, As CS	3/31/2025	Keating	Bauldree
THE CHANGES ADOPTED BY THE COMMITTEE:	• Revises the definition for "social media platform" for the purposes of the bill. • Clarifies that a generative artificial intelligence provider subject to the requirements of the bill shall make specified information available to the public.			
Commerce Committee			Hamon	Bauldree

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

A bill to be entitled

An act relating to provenance of digital content; creating s. 501.9741, F.S.; providing definitions; requiring certain artificial intelligence providers to make provenance data available through specified options; requiring such providers to make provenance readers available in a specified manner; requiring certain social media platforms to retain and make available certain provenance data; providing applicability; providing that a violation constitutes an unfair or deceptive act or practice; 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 Provenance data of digital content.—

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

(a) "Generative artificial intelligence" has the same meaning as in s. 106.145(1).

(b) "Generative artificial intelligence model" means an artificial intelligence system designed to generate new data or content based on the patterns or structures of its training data. The term does not include capabilities primarily intended

for classifications, predictions, or labeling.

(c) "Generative artificial intelligence provider" means an organization that develops a generative artificial intelligence tool that is publicly available.

(d) "Generative artificial intelligence tool" means a product or feature that provides the outputs from a generative artificial intelligence model to end users.

(e) "Provenance application tool" means a tool or online service that allows users to apply provenance data.

(f) "Provenance data" means information about the origin of digital content and the history of modifications to such content in a format that is compliant with widely adopted guidelines or specifications promulgated by an established standard-setting body. Provenance data must indicate whether some or all of the content is synthetic content. If there is synthetic content, the provenance data must identify the name of the generative artificial intelligence provider whose generative artificial intelligence tool generated the synthetic data. Provenance data shall not include any personally identifying information, unique device, system, or service information that is reasonably capable of being associated with a particular user, unless directed by the user.

(g) "Provenance reader" means a tool or service that allows users to view provenance data.

(h) "Social media platform" means an online forum,

website, or application for which the primary function is to allow users to upload content or view content or activity of other users. The term does not include:

1. An online service, website, or application where the exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly to other users not specifically identified as the recipients by the sender; or

2. An online service, website, or application, that consists primarily of news, sports, entertainment, or other information or content that is not user generated or uploaded but is preselected by the provider, and for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content.

(i) "Synthetic content" means any visual or audio content that has been produced or modified by a generative artificial intelligence tool.

(2) A generative artificial intelligence provider shall:

(a) Make available a provenance application tool that enables the user to apply provenance data, either directly or through the use of third-party technology, to content that has been generated or modified to include synthetic content; or

(b) Apply provenance data, either directly or through the

use of third-party technology, to content that has been generated or modified to include synthetic content.

(3) A generative artificial intelligence provider subject to the requirements of subsection (2) shall also make available to the public for free, either directly or through the use of third-party technology, a provenance reader.

(4) A social media platform must retain all available provenance data of content uploaded to or posted on such platform, and make available to the users of the platform such provenance data in a readable format directly or through a conspicuous indicator that allows a user to access the provenance data or both. This requirement does not apply in cases of the user's removal of provenance data.

(5) A violation of this section constitutes an unfair or deceptive act or practice as specified in s. 501.204 and shall be exclusively enforced in a civil action by the Attorney General. The Department of Legal Affairs must notify the generative artificial intelligence provider or the social media platform of any suspected violation and allow the provider or platform 30 calendar days to cure the alleged violation before initiating enforcement action. This section does not create a private right of action.

Section 2. This act shall take effect July 1, 2026.

COMMERCE COMMITTEE

CS/CS/HB 369 by Rep. McFarland
Provenance of Digital Content

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. McFarland (line 27):

- Replaces the term “generative artificial intelligence provider” with “generative artificial intelligence developer” and replaces references to “provider” with “developer” throughout the bill.
- Removes “audio” from the definition of “synthetic content.”
- Clarifies the definition of “social media platform.”
- Clarifies that a generative artificial intelligence developer must make available a provenance application tool only when the content is generated or modified using the developer’s generative artificial intelligence tool.
- Clarifies that a generative artificial intelligence developer must apply provenance data in a manner that is technically feasible and reasonable, given the accepted state of the art, as reflected in commonly used industry standards.
- Provides that the provisions of the bill do not apply to any product, service, internet website, or application that exclusively provides video game experiences.

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: Commerce Committee
Representative McFarland offered the following:

Amendment (with title amendment)

Remove lines 27-97 and insert:

(c) "Generative artificial intelligence developer" means an organization that develops a generative artificial intelligence tool that is publicly available.

(d) "Generative artificial intelligence tool" means a product or feature that provides the outputs from a generative artificial intelligence model to end users.

(e) "Provenance application tool" means a tool or online service that allows users to apply provenance data.

(f) "Provenance data" means information about the origin of digital content and the history of modifications to such content in a format that is compliant with widely adopted

guidelines or specifications promulgated by an established standard-setting body. Provenance data must indicate whether some or all of the content is synthetic content. If there is synthetic content, the provenance data must identify the name of the generative artificial intelligence developer whose generative artificial intelligence tool generated the synthetic data. Provenance data shall not include any personally identifying information or unique device, system, or service information that is reasonably capable of being associated with a particular user, unless directed by the user.

(g) "Provenance reader" means a tool or service that allows users to view provenance data.

(h) "Social media platform" means an online forum, website, or application that allows users to upload content or view content or activity of other users. The term does not include:

1. An online service, website, or application where the exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly to other users not specifically identified as the recipients by the sender; or

2. An online service, website, or application that consists primarily of news, sports, entertainment, or other information or content that is preselected by the provider, and

for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content; or,

3. An online service, application, or website that is used for providing or obtaining technical support.

(i) "Synthetic content" means any visual content that has been produced or modified by a generative artificial intelligence tool.

(2) A generative artificial intelligence developer shall:

(a) Make available a provenance application tool that enables the user to apply provenance data, either directly or through the use of third-party technology, to content that has been generated or modified to include synthetic content when such content is generated or modified using the developer's generative artificial intelligence tool; or

(b) Apply provenance data, in a manner that is technically feasible and reasonable, given the accepted state of the art, as reflected in commonly used industry standards, either directly or through the use of third-party technology, to content that has been generated or modified to include synthetic content.

(3) A generative artificial intelligence developer subject to the requirements of subsection (2) shall also make available to the public for free, either directly or through the use of third-party technology, a provenance reader.

(4) A social media platform must retain all available provenance data of content uploaded to or posted on such platform, and make available to the users of the platform such provenance data in a readable format directly or through a conspicuous indicator that allows a user to access the provenance data or both. This requirement does not apply in cases of the user's removal of provenance data.

(5) A violation of this section constitutes an unfair or deceptive act or practice as specified in s. 501.204 and shall be exclusively enforced in a civil action by the Attorney General. The Department of Legal Affairs must notify the generative artificial intelligence developer or the social media platform of any suspected violation and allow the developer or platform 30 calendar days to cure the alleged violation before initiating enforcement action. This section does not create a private right of action.

(6) This section does not apply to any product, service, internet website, or application that exclusively provides video game experiences.

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

Remove lines 4-11 and insert:

requiring certain artificial intelligence developers to make provenance data available through specified

options; requiring such developers to make provenance readers available in a specified manner; requiring certain social media platforms to retain and make available certain provenance data; providing applicability; providing that a violation constitutes an unfair or deceptive act or practice; providing exclusions; providing an

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/CS/HB 381	**COMPANION BILL:** CS/CS/CS/SB 784 (Ingoglia)
TITLE: Platting	**LINKED BILLS:** None
SPONSOR(S): Holcomb	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism	➤	Intergovernmental Affairs	➤	Commerce
16 Y, 0 N, As CS		16 Y, 0 N, As CS		

SUMMARY

Effect of the Bill:

The bill requires counties and municipalities to review and approve preliminary plat or replat submissions administratively, conduct a review for compliance with recording requirements with 15 days of receipt, and make a final determination within 30 business days.

The bill requires the local governing body responsible for reviewing and approving a plat to issue street and mailing addresses, along with individual parcel identification numbers, within 20 business days after a final plat has been recorded. If the local governing body fails to issue addresses or parcel identification numbers within the required timeframe, the local governing body must reduce the addressing fee by 10 percent for each business day it has failed to issue the information.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on local governments to the extent those governments must issue refunds for addressing fees. The bill may have a positive fiscal impact on plat applicants to the extent those applicants may receive refunds and may benefit from faster approval of preliminary plats.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires a county or municipality to review and approve plat or replat submissions administratively. The designee of the local government must review the submission for compliance with recording requirements within 15 days of receipt. If the review determines the submission is not in compliance, he or she must provide written comments to the applicant within the 15-day period. The submittal must ultimately be approved, approved with conditions, or denied within 30 working days, unless the applicant requests an extension in writing and the governing body of the local government approves. The bill prohibits a local government from requesting or requiring an applicant to file for an extension of time. (Section 1).

The bill requires a local governing body responsible for reviewing and approving a plat to issue the street and mailing address, along with the individual parcel identification number within 20 business days after a final plat is recorded by the circuit court clerk or other recording officer. The bill imposes a penalty on a local governing body that fails to comply with the 20 business day deadline by requiring the local governing body to reduce the addressing fee 10 percent for each business day the local government fails to issue the street address, mailing address, and parcel identification number. (Section 2).

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

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on local governments to the extent those governments must issue refunds for addressing fees.

PRIVATE SECTOR:

The bill may have a positive fiscal impact on plat applicants to the extent those applicants may receive refunds and may benefit from faster approval of preliminary plats.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Platting

A "plat" is a map or detailed representation of the subdivision of lands, providing a complete and precise depiction of the subdivision, along with other information that complies with all applicable state requirements and local ordinances.[1] Platting ensures that when subdividing property into lots, all streets, alleys, easements, rights-of-way, public areas, utilities, and sewer and stormwater improvements are identified.[2]

While state laws provide the minimum requirements for the platting of lands, local governments may adopt additional requirements.[3] Prior to approval by the appropriate governing body, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper who is either employed by or under contract to the local governing body.[4]

Before a plat is offered for recording with the clerk of the circuit court, it must be approved by the appropriate governing body, and evidence of such approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation.[5]

The authority for plat approval is designated as follows:

- When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.

When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.[6]

Every plat of a subdivision offered for recording must have certain information, including providing:

- The name of the plat in bold legible letters, and the name of the subdivision, professional surveyor and mapper or legal entity, and street and mailing address on each sheet.
- The section, township, and range immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.
- The dedications and approvals by the surveyor and mapper and local governing body, and the circuit court clerk's certificate and the professional surveyor and mapper's seal and statement.

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[1] S. 177.031(14), F.S.
[2] S. 177.091, F.S.; LakelandLaw.com, *(*May 28, 2020), https://www.lakelandlaw.com/the-basics-of-platting-property/ (last visited Apr. 11, 2025).
[3] S. 177.011, F.S.
[4] S. 177.081(1), F.S.
[5] S. 177.071(1), F.S.
[6] *Id.*

- All section lines and quarter section lines occurring within the subdivision. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.
- Location, width, and names of all streets, waterways, or other rights-of-way.
- Location and width of proposed easements and existing easements identified in the title opinion or property information report must be shown on the plat or in the notes or legend, and their intended use.
- All lots numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.
- Sufficient survey data to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat.
- Designated park and recreation parcels.
- All interior excepted parcels clearly indicated and labeled "Not a part of this plat."
- The purpose of all areas dedicated clearly indicated or stated on the plat.
- That all platted utility easements must provide that such easements are also easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services interferes with the facilities and services of an electric, telephone, gas, or other public utility.[7]

Many local governments have a process to approve a preliminary plat before approving a final plat, and once a preliminary plat is approved, a developer may be allowed to commence construction before the plat is approved. Generally, a preliminary plat is a technical, graphic representation of a proposed development, including plans for streets, utilities, drainage, easements, and lot lines, for a proposed subdivision. If a preliminary plat is required, it is generally a prerequisite for a final plat approval and the submission of any property improvement plans or permit applications.[8] For example, the City of Jacksonville, the Village of Royal Palm Beach, and the City of Tallahassee allow for a preliminary plat approval process.[9]

The fee to have a plat approved differs between local governments. For instance:
- The city of Orlando charges either $1,200 or $3,000, depending on the type of plat being submitted.[10]
- Madison County charges either $1500, $1700, or $2000, depending on whether it is a preliminary or final plat and whether improvements are required; additionally, Madison County charges a $50 fee per lot, along with consultant fees.[11]

Once a final plat is approved, it is submitted to the clerk of the circuit court for recording.[12]

Address Assignment

While the procedures for obtaining an address differ between local governments, they typically require the submission of an application form, a survey map, proof of ownership, and compliance with local zoning regulations.[13] Similarly, the timeframes and fees for obtaining an address vary depending on the jurisdiction. For instance:
- Leon County takes 45 days to issue a new address and street name, with a fee of $156.00.[14]
- Bay County takes five to seven business days, with a fee of $55.00.[15]

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[7] S. 177.091, F.S.
[8] *See e.g.,* City of Zephyrhills Code of Ordinances Art. XI, Part 11.03.00, s. 11.03.02.01.
[9] Jacksonville, Fla., Code § 654.109 (2025), City of Jacksonville Code of Ordinances s. 654-109; Royal Palm Beach, Fla., Code § 22-22 (2025) Village of Royal Palm Beach Code of Ordinances s. 22-22, Tallahassee, Fla., Code § 9-92 (2025), City of Tallahassee Code of Ordinances s. 9-92.
[10] City of Orlando, *Fees—Commercial Development,* Fees—Commercial Development (last visited Apr. 11, 2025).
[11] Madison County, *Planning & Zoning Fees*, Madison County Resolution No. 2016-09-14-A. (last visited Apr. 11, 2025).
[12] S. 177.073(1)(b), F.S.
[13] Land Buyers, How to Get an Address for Land in Florida: A Detailed Guide (last visited Apr. 11, 2025).
[14] Leon County, Leon County AP&P Operating Guidelines (last visited Apr. 11, 2025).
[15] Bay County, Address Numbering (last visited Apr. 11, 2025).

- Orange County, for a single-family residence, takes three business days, with a fee of $20.00.[16]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	16 Y, 0 N, As CS	3/18/2025	Curtin	Rodriguez
THE CHANGES ADOPTED BY THE COMMITTEE:	• Established a 20-business-day deadline, rather than a two-week deadline, for local governments to issue a certain information. • Replaced "building permit fee" with "addressing fee."			
Intergovernmental Affairs Subcommittee	16 Y, 0 N, As CS	4/1/2025	Darden	Burgess
THE CHANGES ADOPTED BY THE COMMITTEE:	• Required counties and municipalities to review and approve preliminary plat or replat submissions administratively and provided timelines for approval.			
Commerce Committee			Hamon	Rodriguez

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

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[16] Orange County, Address Assignment (last visited Apr. 11, 2025).

A bill to be entitled

An act relating to platting; amending s. 177.071, F.S.; requiring that preliminary plat or replat submittals be reviewed and approved administratively by a designee or designees of the appropriate local governing body; requiring such designee or designees to review such plat or replat submittal for compliance within a specified timeframe; requiring that written comments be provided to the applicant if the plat or replat submittal fails to meet specified requirements; requiring that the plat or replat submittal be approved, approved with conditions, or denied within a specified timeframe; providing an exception; prohibiting certain entities from requesting or requiring an applicant to file a written extension of time; creating s. 177.1115, F.S.; requiring the appropriate governing body to issue, within a specified time after recordation of a plat, certain information; providing a penalty; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 177.071, Florida Statutes, are renumbered as subsections (2) and (3),

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

respectively, and subsection (1) is added to that section, to read:

177.071 Approval of plat by governing bodies.—

(1) Preliminary plat or replat submittals shall be reviewed and approved administratively by a designee or designees of the appropriate local governing body. Within 15 days after receipt of a plat or replat submittal, the designee or designees of the appropriate local governing body shall review the plat or replat submittal for compliance with s. 177.091. If it is determined that such plat or replat submittal fails to meet the requirements of s. 177.091, written comments specifying the areas of noncompliance must be provided to the applicant within the 15-day review period. The plat or replat submittal must be approved, approved with conditions, or denied within 30 working days from the date that the plat or replat is submitted, unless a written extension of this timeframe is requested by the applicant and approved by the governing body. An official, employee, agent, or designee of the governing body may not request or require the applicant to file a written extension of time.

Section 2. Section 177.1115, Florida Statutes, is created to read:

177.1115 Issuance of address and individual parcel identification numbers after plat recordation; penalty.—

(1) Within 20 business days after the recordation of a

plat by the circuit court clerk or other recording officer, the appropriate governing body shall issue the street and mailing address, along with the individual parcel identification numbers, as contained in the plat offered for recording pursuant to s. 177.091.

(2) If the appropriate governing body does not issue the street and mailing address, along with the individual parcel identification numbers, within the 20-business-day period in subsection (1), the addressing fee shall be reduced by 10 percent for each business day that the body fails to issue such information.

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

COMMERCE COMMITTEE

HB 381 by Rep. Holcomb
Relating to Platting

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Holcomb (Lines 28-45):

- Requires a plat or replat to be administratively approved if it complies with the requirements of s. 177.091, F.S.
- Defines the term “administrative authority.”
- Provides timeframes within which the administrative authority must: provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal; and approve, approve with conditions, or deny the plat or replat submittal.

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: Commerce Committee
Representative Holcomb offered the following:

Amendment (with title amendment)

Remove lines 28-45 and insert:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official

responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 10 business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4) ~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees ~~the governing bodies having said jurisdiction agree~~ that one plat is mutually acceptable.

(5) ~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats ~~plat~~.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The circuit court clerk or other recording officer shall maintain in

his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

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

Remove lines 3-20 and insert:
F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term "administrative authority"; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative

authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

CS/CS/HB 393

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/CS/HB 393	**COMPANION BILL:** CS/CS/SB 592 (Leek)
TITLE: My Safe Florida Condominium Pilot Program	**LINKED BILLS:** None
SPONSOR(S): Lopez, V., Hunschofsky	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism	➤	Budget	➤	Commerce
16 Y, 0 N, As CS		25 Y, 0 N, As CS		

SUMMARY

Effect of the Bill:

The bill:

- Amends the definition of "condominium" under the My Safe Florida Condominium Pilot Program (Program) to exclude detached units on individual parcels of land;
- Prohibits a condominium association from applying for an inspection or grant unless the association has complied with the milestone inspection requirements and structural integrity reserve requirements;
- Prohibits a condominium association from applying for an inspection or grant unless the windows of the association property or condominium property are established as common elements;
- Provides that only 75 percent of unit owners, rather than 100 percent of unit owners, must approve the application for the grant;
- Clarifies that all grants under the Program must be matched on the basis of $1 provided by the condominium association for every $2 provided by the state towards the actual cost of the project;
- Revises the amount that may be funded for roof-related and "opening protection-related" projects (which include projects related to exterior doors, garage doors, windows, and skylights);
- Revises the roof improvements that are eligible for funding.

Fiscal or Economic Impact:

The Fiscal Year 2024-2025 General Appropriations Act (GAA) provided $30 million in nonrecurring general revenue for the Program. The proposed House GAA for Fiscal Year 2025-2026, reverts and re-appropriates the unexpended balance of funds, which would be available to fund the Program.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

My Safe Florida Condominium Pilot Program

The bill makes changes to the My Safe Florida Condominium Pilot Program (Program).

The bill amends the definition of "condominium" to exclude detached units on individual parcels of land. The bill limits participation to structures or buildings on the condominium property which are three or more stories in height, and that each structure or building that is subject to grant funding must contain at least two single-family dwellings. (Section 1.)

The bill prohibits a condominium association from applying for an inspection or grant under the Program unless the association has complied with the milestone inspection requirements under s. 553.899, F.S., and the structural integrity reserve study requirements under s. 718.112(2)(g) and (h), F.S. (Section 1.)

The bill also prohibits a condominium association from applying for an inspection or grant unless the windows of the association property or condominium property are established as common elements in the declaration. (Section 1.)

The bill requires the approval of at least 75 percent of all unit owners who reside within a structure or building that is the subject of a mitigation grant, rather than approval of 100 percent of the unit owners. This requirement replaces the current requirement to obtain unanimous approval. (Section 1.)

Grant Awards: Funding and Maximums

The bill clarifies that all grants under the Program must be matched on the basis of $1 provided by an association for $2 provided by the state *toward the actual cost of a project*. (Section 1.)

The bill eliminates the restrictions that limit grant contributions for a roof-related project to $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project. For opening protection-related projects, the bill eliminates the limitation on grant contributions to a maximum grant award of $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project. (Section 1.)

The bill specifies that grant funding may only be awarded for mitigation improvements that result in a mitigation credit, discount, or other rate differential for the building or structure that the improvement is made. To receive a grant, mitigation improvements must be made to all openings, including exterior doors, garage doors, windows, and skylights. (Section 1.)

The maximum total grant award for *all* roof and opening protection-related projects is $175,000 per association. (Section 1.)

Improvements

The bill specifies that, when recommended by a hurricane mitigation inspection report, a grant for an eligible association may be used for the following roof improvements:

- Reinforcing roof-to-wall connections.
- Improving the strength of roof-deck attachments.
- Installing secondary water resistance for the roof.
- Replacing the roof-covering. (Section 1.)

The bill requires improvements to be identified in the final hurricane mitigation inspection in order for an association to receive grant funds. The bill removes the ability of eligible associations to use grants for a previously inspected existing structure on association property or condominium property. (Section 1.)

The bill becomes effective upon becoming a law. (Section 2.)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Fiscal Year 2024-2025 General Appropriations Act (GAA) provided $30 million in nonrecurring general revenue for the My Safe Florida Condominium Pilot Program ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).[1] Presently, $29.6 million remains unspent due to the Program requirements. The proposed House GAA for Fiscal Year 2025-2026, reverts and re-appropriates the unexpended balance of the Program's appropriation, which would be available to fund the Program, if the proposed House GAA becomes law. A request for a formal agency analysis was submitted to DFS on February 14, 2025.

[1] Specific Appropriations 2375A, 2375B, and 2375C of the General Appropriations Act, ch. 2024-231, L.O.F.

PRIVATE SECTOR:

The bill limits which condominium associations may participate in the Program, but provides more flexibility to condominium associations that participate in the Program.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

My Safe Florida Condominium Pilot Program

The Legislature created the My Safe Florida Condominium Pilot Program (Program) within the Department of Financial Services (DFS) in 2024.[2] The Program received a nonrecurring appropriation of $30 million from the General Revenue Fund.[3] The Program provides to condominium associations a program similar to that of the My Safe Florida Home Program for single-family, detached residential properties and townhomes.[4] Implementation of the Program is subject to annual legislative appropriations.[5]

The Program supports eligible condominium associations by providing free inspections and grant funding for wind mitigation improvements, which may have the added benefit of lowering wind insurance premiums. The Program is limited to condominiums[6] located in the "service area," which is the area of the state within 15 miles inward of a coastline.[7]

In its first report on the Program, DFS issued the following findings:

- Tidal Basin was selected to run the Program on August 1, 2024.
- The International Association of Certified Home Inspectors was selected on November 12, 2024, as the inspection company to conduct the inspections.
- Tidal Basin launched the Program's online portal and allowed associations to begin completing applications for inspections, but not grants, on November 14, 2024.
- The online application portal opened on November 14, 2024, and closed on November 19, 2024, due to the sufficiency of applications.
- 174 requests for inspections were received; 165 requests were approved.
- The approval of grant awards depends on, and is waiting for, the completion of inspections.[8]

Condominium Associations and Unit Owners

To apply for an inspection of association or condominium property under the Program, the association must receive approval by a majority vote of the board or a majority vote of the total voting interests of the association.[9]

To apply for a grant which improves one or unit units within a condominium, the association must receive both of the following:

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[2] Chapter 2024-108, L.O.F.
[3] Specific Appropriations 2375A, 2375B, and 2375C of the General Appropriations Act, ch. 2024-231, L.O.F. ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).
[4] *See* s. 215.5586, F.S.
[5] *Id.*
[6] For purposes of the Program, "condominium" is currently defined as that form of ownership of real property created pursuant to the Florida Condominium Act, ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements. Ss. 215.55871(1)(d) and 718.103(12), F.S.
[7] "Coastline" means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606. S. 376.031(4)
[8] Email from Morgan Husbands, Deputy Director of Policy, Department of Financial Services, RE: *My Safe Florida Condominium Pilot Activities Report* (Jan. 30, 2025).
[9] S. 215.55871(2)(a), F.S.

- Approval by a majority vote of the board, or a majority vote of the total voting interests of the association, to participate in a mitigation grant; and
- A unanimous vote of all unit owners within the structure or building that is the subject of the mitigation grant.[10]

Associations may vote to participate in the Program at an annual meeting or a unit owner meeting called for that purpose.[11] The association must provide unit owners with clear disclosure of the Program prior to taking a vote on the issue.[12] The president and treasurer of the board are required to sign the disclosure form indicating a copy of the disclosure form was provided to each unit owner.[13]

Hurricane Mitigation Inspectors

Only a licensed inspector may perform inspections of a condominium property under the Program.[14] The licensed inspector must determine the mitigation measures that are needed, the insurance premium discounts that may be available, and identify which improvements may be taken to mitigate hurricane damage.[15] DFS must contract with wind certification entities to provide the inspections.[16] Eligible wind certification entities must, at a minimum:

- Use inspectors who are licensed or certified as:
  - A building inspector under s. 468.607, F.S.;[17]
  - A general, building, or residential contractor under s. 489.111, F.S.;[18]
  - A professional engineer under s. 471.015, F.S.;[19]
  - A professional architect under s. 481.213, F.S.;[20] or
  - A home inspector under s. 468.8314, F.S.,[21] who has completed at least three hours of hurricane mitigation training approved by the Construction Industry Licensing Board,[22] which must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam;
- Use inspectors who have undergone drug testing and a background screening that includes submission and processing of fingerprints; and
- Provide a quality assurance program, including a reinspection component.[23]

Hurricane Mitigation Inspections

Hurricane mitigation inspections provided to a condominium association, must, at a minimum, include:

- An inspection of the property, and a report that summarizes the results of the inspection and identifies recommended improvements the association may take to mitigate hurricane damage;
- A range of cost estimates regarding the recommended mitigation improvements; and

[10] S. 215.55871(2)(b), F.S.
[11] S. 215.55871(2)(d), F.S.
[12] *Id.*
[13] *Id.*
[14] S. 215.55871(3), F.S.
[15] S. 215.55871(3)(a), F.S.
[16] S. 215.55871(3)(b), F.S.
[17] Section 468.607, F.S., relates to certification of building code administration and inspection personnel.
[18] Section 489.111, F.S., relates to licensure by examination for certain contractors, including, but not limited to, residential contractors, building contractors, air-conditioning contractors, and swimming pool servicing contractors.
[19] Section 471.015, F.S., relates to licensure of engineers.
[20] Section 481.213, F.S., relates to licensure of architects and interior designers.
[21] Section 468.8314, F.S., relates to licensure of home inspectors.
[22] The Construction Industry Licensing Board, housed within the Department of Business and Professional Regulation, is responsible for licensing and regulating the construction industry in Florida. *See* Department of Business and Professional Regulation, *Construction Industry*, https://www2.myfloridalicense.com/construction-industry/ (last visited Mar. 19, 2025). *See also* s. 489.107, F.S.
[23] S. 215.5587(3)(b), F.S.

- Information regarding estimated insurance premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.[24]

An application for an inspection must contain a signed or electronically verified statement, made under penalty of perjury by a board's president, that the association has submitted only a single application for each property that the association operates or maintains.[25] An association may apply for and receive an inspection without also applying for a grant.[26]

Mitigation Grants

Grants must be used by associations to make improvements recommended by an inspection which increases the condominium property's resistance to hurricane damage.[27] An application for a grant must:

- Contain a signed or electronically verified statement made under penalty of perjury by the president of the board that the association has submitted only a single application for each property that the association operates or maintains;
- Include a notarized statement from the president that contains the name and license number of the contractor it intends to use for the mitigation project; and
- Include a notarized statement from the president which commits to DFS that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant.[28]

An association may select its own contractor for the mitigation project as long as the contractor meets all qualification, certification, or licensing requirements under current law.[29] A mitigation project must be performed by a properly licensed contractor who has secured all local permits required for the project.[30] DFS must electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.[31]

All grants must be matched on the basis of $1 provided by the association for two dollars provided by the state.[32] An association may receive grant funds for both roof-related and opening protection-related projects, but the total grant award may not exceed $175,000 per association.[33] The maximum grant contributions are as follows:

- For roof-related projects, $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.
- For opening protection-related[34] projects, $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.[35]

An association awarded a grant must complete the entire mitigation project in order to receive the final grant award, and must agree to make the property available for a final inspection once the mitigation project is completed.[36] The mitigation project must be completed in a manner consistent with the intent of the Program and must meet or exceed applicable Florida Building Code requirements.[37] The association must submit a request to

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[24] S. 215.55871(4)(a), F.S.
[25] S. 215.55871(4)(b), F.S.
[26] S. 215.55871(4)(c), F.S.
[27] S. 215.55871(5), F.S.
[28] S. 215.55871(5)(a), F.S.
[29] S. 215.55871(5)(b), F.S.
[30] *Id.*
[31] *Id.*
[32] S. 215.55871(5)(d)1., F.S.
[33] S. 215.55871(5)(d)4., F.S.
[34] Opening protection includes exterior doors, garage doors, windows, and skylights. S. 215.55871(5)(3)1., F.S.
[35] S. 215.55871(5)(d)2.-3., F.S.
[36] S. 215.55871(5)(c), F.S.
[37] *Id.*

DFS for a final inspection, or request an extension of time, within one year after receiving grant approval; otherwise the application is deemed abandoned and the grant money reverts back to DFS.[38]

When recommended by a hurricane mitigation inspection report, grants may be used for the following improvements:

- Opening protection, including exterior doors, garage doors, windows, and skylights;
- Reinforcing roof-to-wall connections;
- Improving the strength of roof-deck attachments; and
- Secondary water barrier for roof.[39]

If improvements to protect the property which complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

- Comply with or exceed the applicable building code in effect at the time the association applied for the grant; and
- Provide more protection than the improvements that the association previously installed.[40]

The association may not use a mitigation grant to:

- Install the same type of improvements that were previously installed; or
- Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.[41]

Contract Management

DFS is charged with developing a process that ensures the most efficient means to collect and verify eligibility for grant applications, and may direct hurricane mitigation inspectors to collect and verify grant application information or use the internet or other electronic means to collect information and determine eligibility.[42] DFS may contract with third parties for grant management, inspection services, contractor services, information technology, educational outreach, and auditing services.[43] Such contracts are:

- Considered direct costs of the Program and are not subject to administrative cost limits.[44]
- Must be with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and must ensure the highest accountability for use of state funds.[45]

DFS is required to implement a quality assurance and reinspection program that determines whether initial inspections and mitigation improvements are completed in a manner consistent with the intent of the Program.[46] DFS may use a valid random sampling in order to perform the quality assurance portion of the Program.[47]

Reports

By February 1 of each year, DFS must submit a report to the President of the Senate and the Speaker of the House of Representatives on the activities of the Program and the use of state funds.[48] The report must include:

- The number of inspections requested;
- The number of inspections performed;

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[38] *Id.*
[39] S. 215.55871(5)(e), F.S.
[40] S. 215.55871(5)(g)1., F.S.
[41] S. 215.55871(5)(g)2., F.S.
[42] S. 215.55871(5)(h), F.S.
[43] S. 215.55871(6)(a), F.S.
[44] *Id.*
[45] *Id.*
[46] S. 215.55871(6)(b), F.S.
[47] *Id.*
[48] S. 215.55871(7), F.S.

- The number of grant applications received;
- The number of grants approved and the monetary value of each grant;
- The estimated average annual amount of insurance premium discounts each association received and the total estimated annual amount of insurance premium discounts received by all associations participating in the Program; and
- The estimated average annual amount of insurance premium discounts each unit owner received as a result of the improvements to the building or structure.[49]

Milestone Inspections

Residential condominium buildings that are three or four stories or more in height, as determined by the Florida Building Code, are required to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency will provide written notice of the required inspection to the association.[50] This requirement does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.[51]

Structural Integrity Reserve Studies

A reserve study is a budget-planning tool for condominium associations. Generally, a reserve study consists of the following two parts: physical analysis and financial analysis.[52]

Under Florida law, "structural integrity reserve study" (SIRS) means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A SIRS may be performed by any person qualified to perform such study. However, the visual inspection portion of the SIRS must be performed or verified by a:

- Licensed engineer;
- Licensed architect; or
- Person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.[53]

At a minimum, a SIRS must:

- Identify each item of the condominium property being visually inspected;
- State the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected; and
- Provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item.[54]

The SIRS may recommend for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined or with an estimated remaining useful life of greater than 25 years:

- That reserves do not need to be maintained; or

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[49] *Id.*
[50] S. 553.899(3), F.S.
[51] S. 553.899(4), F.S.
[52] Cedar Management Group, *HOA Reserve Study: Why Does Your Community Need It?*, https://cedarmanagementgroup.com/hoa-reserve-study-community/#what (last visited Mar. 5, 2025); Kevin Leonard and Robert Nordlund, Understanding Reserves: A guide to your association's reserve fund & reserve study, 26-29 (1st ed. 2021); Community Associations Institute, *National Reserve Study Standards*, https://www.reservestudy.com/wp-content/uploads/2019/01/NRSS-998-CAI-version-updated-2016.pdf (last visited Mar. 5, 2025).
[53] S. 718.112(2)(g)2., F.S.
[54] S. 718.112(2)(g)3., F.S.

- A deferred maintenance expense amount for such item. [55]

A condominium or cooperative must have a SIRS completed at least every 10 years after the condominium's or cooperative's creation for each building on the condominium or cooperative property that is three stories or higher in height which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

- Roof.
- Structure, including load-bearing walls and other primary structural members and primary structural systems.
- Fireproofing and fire protection systems.
- Plumbing.
- Electrical systems.
- Waterproofing and exterior painting.
- Windows and exterior doors.
- Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to replace or maintain such item negatively affects the items listed above as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.[56]

The SIRS requirements do not apply to:

- Buildings less than three stories in height;
- Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground;
- Any portion or component of a building that has not been submitted to the condominium form of ownership; or
- Any portion or component of a building that is maintained by a party other than the association.[57]

Condominium or cooperative associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a SIRS completed by December 31, 2024, for each building on the condominium or cooperative property that is three stories or higher in height. However, an association that is required to complete a milestone inspection on or before December 31, 2026, may complete the SIRS simultaneously with the milestone inspection. In no event may the SIRS be completed after December 31, 2026.[58]

If a condominium or cooperative association willfully and knowingly fails to complete a SIRS, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners.[59]

Reserves

Every condominium and cooperative association must have a budget that sets forth the proposed expenditure of funds for the maintenance, management, and operation of the association. The budget is adopted for a 12-month period reflecting an association's fiscal year, and it must provide a detailed listing of the estimated revenues and expenses that the association reasonably projects for the coming fiscal year. The annual budget is made up of two parts, the part covering the regular operations of the association and the part covering the cost for capital expenses and deferred maintenance (reserves).[60]

Reserves are funds that are set aside for capital expenses and deferred maintenance. Reserves provide funds for major capital repairs or replacements that are needed intermittently such as replacing a roof. The reserves are designed to ensure that an association will have the funds when the repairs are needed and will not have to do a

[55] *Id.*
[56] S. 718.112(2)(g)1., F.S.
[57] S. 718.112(2)(g)4., F.S.
[58] S. 718.112(2)(g)6., F.S.
[59] S. 718.112(2)(g)8., F.S.
[60] S. 718.112(2)(f), F.S.

large special assessment.[61] The amount of funds that must be placed in reserve is determined by the condominium or cooperative association's most recent SIRS.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/CS/HB 1029	Lopez, V., Hunschofsky	DiCeglie	Approved by Governor. Created the My Safe Florida Condominium Pilot Program.

OTHER RESOURCES:

My Safe Florida Condominium Pilot Program

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	16 Y, 0 N, As CS	3/25/2025	Curtin	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	• Prohibited associations that have failed to comply with the milestone inspection or SIRS requirements from participating in the Program. • Made the replacement of roof coverings eligible for funding; and • Required all improvements to be identified in the final hurricane mitigation inspection in order to receive grant funds.			
Budget Committee	25 Y, 0 N, As CS	4/2/2025	Pridgeon	Perez
THE CHANGES ADOPTED BY THE COMMITTEE:	• Limits participation in the pilot program to structures or buildings on the condominium property that are three or more stories, and must contain at least two single-family dwellings. • Requires grant funding only be awarded for mitigation improvements that will result in a mitigation credit, discount, or other rate differential for the building or structure that the improvements are made. Mitigation improvements must be made to all openings (exterior doors, garage doors, windows, and skylights) to receive a grant.			
Commerce Committee			Hamon	Fletcher

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

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[61] *Id.*

A bill to be entitled

An act relating to the My Safe Florida Condominium Pilot Program; amending s. 215.55871, F.S.; revising the definition of the term "condominium"; limiting participation in the My Safe Florida Condominium Pilot Program to certain structures and buildings on condominium property; prohibiting a condominium association from applying for a hurricane mitigation inspection or a mitigation grant under the pilot program unless certain association property or condominium property is established as a common element and the association has complied with specified requirements; revising the approval requirements to receive a mitigation grant; removing the amount of grant funding for certain projects; revising the improvements for which a mitigation grant may be used; requiring improvements to be identified in the final hurricane mitigation inspection in order for an association to receive grant funds; requiring grant funds to be awarded for a mitigation improvement that will result in a mitigation credit, discount, or other rate differential; requiring mitigation improvements to be made to all openings under certain circumstances; providing an effective date.

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

Section 1. Paragraphs (a) through (d) of subsection (2) of section 215.55871, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, paragraph (d) of subsection (1), present paragraphs (a) and (b) of subsection (2), and paragraphs (a) and (d) through (h) of subsection (5) are amended, and a new paragraph (a) is added to subsection (2) and paragraph (j) is added to subsection (5) of that section, to read:

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

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

(d) "Condominium" has the same meaning as in s. 718.103. For purposes of this section, the term does not include detached units on individual parcels of land.

(2) PARTICIPATION.—

(a) Participation in the pilot program is limited to structures or buildings on the condominium property which are three or more stories in height, provided that each structure or building that is the subject of a mitigation grant contains at least two single-family dwellings.

(b) ~~(a)~~ In order to apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property, an association must receive approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in the pilot program. An association may not apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property unless the windows of the association property or condominium property are established as common elements in the declaration and the association has complied with the inspection requirements in ss. 553.899 and 718.112(2)(g) and (h).

(c) ~~(b)~~ In order to apply for a grant under subsection (5) which improves one or more units within a condominium, an association must receive both of the following:

1. Approval by a majority vote of the board of

administration or a majority vote of the total voting interests of the association to participate in a mitigation inspection.

2. Approval by at least 75 percent ~~A unanimous vote~~ of all unit owners who reside within the structure or building that is the subject of the mitigation grant.

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

(a) An application for a mitigation grant must:

1. Contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has submitted only a single application for each property that the association operates or maintains.

2. Include a notarized statement from the president of the board of administration containing the name and license number of each contractor the association intends to use for the mitigation project.

3. Include a notarized statement from the president of the board of administration which commits to the department that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant under paragraph (2)(c)

~~(2)(b)~~.

(d) Grant projects shall be funded as follows:

1. All grants must be matched on the basis of $1 provided by the association for $2 provided by the state toward the actual cost of the project.

~~2. For roof-related projects, the grant contribution is $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

~~3. For opening protection-related projects, the grant contribution is a maximum of $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

2.~~4.~~ An association may receive grant funds for both roof-related and opening protection-related projects, but the maximum total grant award may not exceed $175,000 per association.

3.~~5.~~ The department may not accept grant applications or maintain a waiting list for grants after the cumulative value of the grants awarded have fully obligated the appropriation, unless otherwise expressly authorized by the Legislature.

(e) When recommended by a hurricane mitigation inspection report, grants for eligible associations may be used for the following improvements:

1. Opening protection improvements, including all of the following:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

2. Roof improvements, including all of the following:

a.~~2.~~ Reinforcing roof-to-wall connections.

b.~~3.~~ Improving the strength of roof-deck attachments.

c.~~4.~~ Installing secondary water resistance for the roof.

d. Replacing the roof covering.

(f) Improvements must be identified in the final hurricane mitigation inspection in order for an association to receive grant funds ~~Grants may be used for a previously inspected existing structure on the property~~.

(g)~~1.~~ If improvements to protect the property that ~~which~~ complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

1.~~a.~~ Comply with or exceed the applicable building code in effect at the time the association applied for the grant.

2.~~b.~~ Provide more hurricane protection than the improvements that the association previously installed.

(h)~~2.~~ The association may not use a mitigation grant to:

1.~~a.~~ Install the same type of improvements that were previously installed; or

2.~~b.~~ Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.

(i)~~(h)~~ The department shall develop a process that ensures the most efficient means to collect and verify inspection and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify inspection and grant application information or use the Internet or other electronic means to collect information and determine eligibility.

(j) Grant funds may only be awarded for a mitigation improvement that will result in a mitigation credit, discount, or other rate differential for the building or structure to which the improvement is made. As a condition of awarding a grant, the department must require mitigation improvements to be made to all openings, including exterior doors, garage doors, windows, and skylights, if doing so is necessary for the building or structure to qualify for a mitigation credit, discount, or other rate differential.

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

CS/HB 411

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 411	**COMPANION BILL:** SB 488 (DiCeglie)
TITLE: Affordable Property Ad Valorem Tax Exemption for Leased Land	**LINKED BILLS:** None
SPONSOR(S): Chaney	**RELATED BILLS:** None

Committee References

Ways & Means	➤	Housing, Agriculture & Tourism	➤	Commerce
17 Y, 0 N, As CS		16 Y, 0 N		

SUMMARY

Effect of the Bill:

The bill expands the existing ad valorem (property tax) exemption for nonprofit charities found in s. 196.1978(1)(b), F.S. The exemption will now apply to nonprofit charities that lease land used for affordable housing from a housing finance authority, and then sublease the property for 99 years for the purpose of providing affordable housing, rather than requiring the nonprofit to own the property directly.

The bill provides emergency rulemaking authority to the Department of Revenue to implement the provisions of the bill.

The bill is effective January 1, 2026, and first applies to the 2026 tax roll.

Fiscal or Economic Impact:

The Revenue Estimating Conference estimated that the bill will have an insignificant negative impact on local government revenue.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Unless otherwise exempted, all property in Florida is subject to ad valorem taxes imposed by local governments in accordance with the Florida Constitution and Florida Statutes. The bill modifies an exemption for charitable use of property for affordable housing (the "nonprofit land lease exemption") in s. 196.1978(1)(b), F.S., which provides an exemption for nonprofit corporations which:

- Are 501(C)(3) charities,
- Own land that they lease to natural persons or families for 99 years to provide affordable housing to persons meeting income limitations set in statute for extremely-low income, very-low-income, low income, or moderate-income persons.

The exemption will now also apply to a nonprofit, 501(c)(3) charity that **leases** land used for affordable housing **from** a housing finance authority, and then subleases such property for 99 years for the purpose of providing affordable housing to persons within the restricted income limitations. (Section 1) Allowing the exemption for a charity that does not own the property outright, but instead leases it from a housing finance authority, may expand the pool of charities that can use this exemption.

The bill provides emergency rulemaking authority to the Department of Revenue to implement the provisions of the bill. (Section 2)

The bill is effective January 1, 2026 (Section 4), and first applies to the 2026 tax roll (Section 3).

RULEMAKING:

The bill provides the Department of Revenue with emergency rulemaking authority to implement the provisions of the bill. (Section 2)

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.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference has estimated that this bill will have no impact on state revenues.

LOCAL GOVERNMENT:

The Revenue Estimating Conference has estimated that this bill will have an insignificant negative impact on local government revenue.[1]

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Ad Valorem Taxation

The Florida Constitution reserves to local governments the authority to levy ad valorem taxes on real and tangible personal property.[2] Ad valorem taxes are levied annually by counties, cities, school districts, and some special districts based on the value of real and tangible personal property as of January 1 of each year.[3] The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes,[4] and provides for specified assessment limitations, property classifications, and exemptions.[5] After the property appraiser considers any assessment limitation or use classification affecting the just value of a parcel of real property, an assessed value is produced. The assessed value is then reduced by any exemptions to produce the taxable value.[6]

Ad Valorem Exemption for Literary, Scientific, Religious, or Charitable Organizations

The Florida Constitution allows the Legislature to exempt from ad valorem taxation portions of property that are used predominantly for educational, literary, scientific, religious, or charitable purposes.[7] The Legislature has implemented these exemptions and set forth criteria to determine whether property is entitled to an exemption.[8]

To determine whether a property's use qualifies for an education, literary, scientific, religious, or charitable exemption, the property appraiser must consider the nature and extent of the qualifying activity compared to other activities or other uses of the property.[9]

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[1] Revenue Estimating Conference workpapers for HB 411 (2025), adopted February 14, 2025, available at https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/_pdf/page27.pdf (last visited Apr. 11, 2025).
[2] Art. VII, ss. 1(a), 9(a), Fla. Const.
[3] S. 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably. S. 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in Art. VII, s. 1(b) of the Florida Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself.
[4] Art. VII, s. 4, Fla. Const.
[5] Art. VII, ss. 3, 4, and 6, Fla. Const.
[6] S. 196.031, F.S.
[7] Art. VII, s. 3(a), Fla. Const.
[8] S. 196.196, F.S.
[9] S. 196.196(1), F.S.

Incidental use of property for an exempt purpose does not qualify the property for an exemption nor does the incidental use of the property for a non-exempt purpose impair an exemption.[10]

Property claimed as exempt which is used for profitmaking purposes is not exempt and is subject to ad valorem taxation; however, the Legislature has allowed certain property to remain exempt even when used for profitmaking purposes when the use of the property does not require a business or occupational license and the revenue derived from the profitmaking activity is used wholly for exempt purposes, and with respect to certain affordable housing provisions.[11]

Nonprofit Land Lease Exemption

In 2023, the Legislature amended s. 196.1978(1), F.S., to create an exemption in new paragraph (1)(b) for land owned entirely by a nonprofit corporation that is a 501(c)(3) charity which is leased for at least 99 years for the purpose of, and is predominantly used for, providing affordable housing for extremely-low-, very-low-, low-, or moderate-income persons or families.[12]

In order to receive this exemption, the improvements on the land being used for affordable housing purposes must encompass more than half the square footage of all improvements on the land.[13] This exemption first applied to the 2024 tax roll and is repealed on December 31, 2059.[14]

Income Limitations for Affordable Housing Purposes

Florida statutes lay out separate income thresholds for different levels of affordable housing.[15] These thresholds are all based on the "adjusted gross income" of a household, which includes all wages, assets, contributions, and gifts earned by or made to a household, adjusted for family size, less deductions allowable under the definition of "adjusted gross income"[16] for federal tax purposes.[17]
The most common categories used for affordable housing are:

- Extremely-low-income:[18] total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state.
- Very-low-income:[19] total annual household income does not exceed 50 percent of the median annual adjusted gross income for households within the greatest of: the state, the metropolitan area where the household resides, or, if not within a metropolitan area, then within the county in which the person or family resides.
- Low income:[20] total annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the greatest of: the state, the metropolitan area where the household resides, or, if not within a metropolitan area, then within the county in which the person or family resides.

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[10] S. 196.196(2), F.S. *See also Underhill v. Edwards*, 400 So.2d 129, 132 (Fla. 5th DCA 1981) (The district court found that trustees of a private not-for profit hospital were not entitled to an exemption on the new wing's first floor, which was used for a private purpose and not for a charitable purpose or other exempt purpose, despite the fact that the portion of the hospital used for a non-exempt purpose represented only a very small percentage of the otherwise exempt property) and *Central Baptist Church of Miami, Florida Incorporated v. Dade County, Florida, et. al.,* 216 So.2d 4, 6 (Fla. 1968) (Florida Supreme Court found that "limited part time rental of a portion of the church lot for commercial parking on weekday business hours is reasonably incidental to the primary use of the church property as a whole for church or religious purposes and is not a sufficiently divergent commercial use that eliminates the exemption as to the commercial parking lot portion of the property.")
[11] *See* s. 196.196(4), F.S. and s. 196.1978(3), F.S., e.g.
[12] Section 8 of chapter 2023-17, L.O.F.
[13] Section 196.1978(1)(b), F.S.
[14] *Id.*
[15] Section 420.0004(3), F.S.
[16] 26 U.S.C. s. 62
[17] Section 420.004(2), F.S.
[18] Section 420.004(9), F.S.
[19] Section 420.004(17), F.S.
[20] Section 420.004(11), F.S.

- Moderate income:[21] total annual household income does not exceed 120 percent of the median annual adjusted gross income for households within the greatest of: the state, the metropolitan area where the household resides, or, if not within a metropolitan area, then within the county in which the person or family resides.

Housing Finance Authorities

The Florida Housing Finance Authority Act (Act)[22] was enacted in 1978 in response to shortages both of affordable housing and capital for investment in such housing.[23] The Act would encourage "investment by private enterprise and (stimulate) construction and rehabilitation of housing through the use of public financing and…low cost loans…"[24] in part by authorizing local governments to issue obligations the interest on which would be exempt from federal income taxation.[25] Counties are authorized to create by ordinance a "Housing Finance Authority" (HFA) to carry out the powers under the Act.[26]

Currently, there are 24 HFAs[27] registered with the Special District Accountability Program[28] in the Department of Commerce. Each HFA is composed of a board of at least 5 members appointed by the governing body of the county to serve 4-year terms.[29] A majority of the members must be knowledgeable in the field of labor, finance, or commerce.[30] In addition to the usual authority of a public body corporate and politic,[31] each HFA is authorized to:

- Acquire and own real and personal property under specific conditions;[32]
- Purchase, commit to purchase, make, or otherwise transact in mortgage loans and accompanying promissory notes for the construction, purchase, reconstruction, or rehabilitation of qualified property; however, sales proceeds must be reinvested in mortgage loans;[33]
- Issue bonds to raise capital for qualified housing and development;[34]
- Lend funds to lending institutions under terms requiring the proceeds be used for making new mortgages for housing developments qualifying under the statute as affordable housing;[35]
- Make loans directly to eligible persons who otherwise cannot borrow from conventional lending services, such loans to be secured by mortgages on qualified property;[36]
- Loan funds to not for profit corporations to develop affordable housing;[37] and
- Own, maintain, operate, control, and capitalize a savings and loan association with the limited purpose to provide low cost loans and related services for eligible persons to obtain affordable housing.[38]

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[21] Section 420.004(12), F.S.
[22] Ch. 78-89, s. 1, Laws of Fla., codified at ch. 159, Part IV, F.S.
[23] Section 159.602(1), F.S.
[24] Section 159.602(2), F.S.
[25] Section 159.602(4), F.S.
[26] Section 159.604(1), F.S.
[27] The following counties have active HFAs: Alachua, Brevard, Broward, Collier, Duval (Jacksonville), Escambia, Clay, Hillsborough, Lee, Leon, Manatee, Marion, Miami-Dade, Nassau, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Johns, St. Lucie, Santa Rosa, Volusia. Florida Commerce, *Customized List of Special Districts,* Available at https://specialdistrictreports.floridajobs.org/OfficialList/CustomList; running a report for "Housing Finance" (last visited Apr. 11, 2025).
[28] Information about the accountability program is available at https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program (last visited Apr. 11, 2025).
[29] Section 159.605(1), F.S.
[30] *Id.*
[31] Including the power to sue and be sued, to enter into contracts and execute instruments necessary to the exercise of its powers, to receive and deposit funds. See s. 159.608, F.S.
[32] Section 159.608(2), F.S., which requires that "no less than 50 percent of the units owned by a housing finance authority shall benefit very-low-income families or low-income families."
[33] Section 159.608(3), F.S.
[34] Section 159.608(4), F.S.
[35] Section 159.608(5), F.S.
[36] Section 159.608(6), F.S.
[37] Section 159.608(10)(a), F.S.
[38] Section 159.608(9), F.S.

It appears at least one HFA in Florida currently supports affordable housing through long term leases to nonprofit entities that sublease affordable housing projects to low income families.[39]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/SB 102	Busatta	Calatayud	Became law July 1, 2023; relevant provision was effective January 1, 2024.

OTHER RESOURCES:

Florida's Affordable Housing Property Tax Exemptions (Florida Housing Finance Corporation Publication)
Affordable Housing Property Exemption – Nonprofit Land Lease (Department of Revenue Publication)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Ways & Means Committee	17 Y, 0 N, As CS		Aldridge	Berg
THE CHANGES ADOPTED BY THE COMMITTEE:	• Added emergency rulemaking authority for the Department of Revenue, • Clarified that changes made by the bill apply to the 2026 tax roll, and • Changed the effective date of the bill from July 1, 2025, to January 1, 2026.			
Housing, Agriculture & Tourism Subcommittee	16 Y, 0 N	3/25/2025	Curtin	Rodriguez
Commerce Committee			Hamon	Rodriguez

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

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[39] See, e.g. Staff Report re: Affordable Housing development by Habitat for Humanity of Pinellas County from February 25, 2025, available at: https://pinellas.legistar.com/ViewReport.ashx?M=R&N=Text&GID=532&ID=6077086&GUID=5FCC7875-5E0A-4E71-AAFD-AB95B7EE565E&Title=Staff+Report (last visited Apr. 11, 2025) and Meeting Minutes of Housing Finance Authority of Pinellas County from June 1, 2022, providing for, *inter alia*, an amendment to a ground lease from the HFA to Habitat for Humanity, available at https://pinellas.gov/wp-content/uploads/2022/12/6.1.22-HFA-Agenda-Minutes.pdf (last visited Apr. 11, 2025).

A bill to be entitled

An act relating to affordable property ad valorem tax exemption for leased land; amending s. 196.1978, F.S.; authorizing certain leased land to qualify for a specified ad valorem tax exemption; authorizing the Department of Revenue to adopt emergency rules; providing applicability; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(1)

(b) Land that is owned entirely , or is leased from a Housing Finance Authority pursuant to part IV of chapter 159, by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, and is leased for a minimum of 99 years for the purpose of, and is predominantly used for, providing housing to natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004 is exempt from ad valorem taxation. For purposes of this paragraph, land is predominantly used for qualifying

purposes if the square footage of the improvements on the land used to provide qualifying housing is greater than 50 percent of the square footage of all improvements on the land. This paragraph first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 2. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing s. 196.1978(1)(b), Florida Statutes, as amended by this act. Notwithstanding any other law, emergency rules adopted pursuant to this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 3. The amendment to s. 196.1978, Florida Statutes, made by this act first applies to the 2026 tax roll.

Section 4. This act shall take effect January 1, 2026.

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 429	**COMPANION BILL:** CS/SB 1820 (Leek)
TITLE: Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers	**LINKED BILLS:** None
SPONSOR(S): Yeager	**RELATED BILLS:** None

Committee References

Industries & Professional Activities	➤	Civil Justice & Claims	➤	Commerce
15 Y, 1 N, As CS		12 Y, 0 N		

SUMMARY

Effect of the Bill:

The bill revises provisions of the Florida Motor Vehicle Dealership Act (Act), which governs the licensure of, and contractual relationship between, motor vehicle dealers and motor vehicle manufacturers, distributors, importers, and their common entities (licensees). Specifically, the bill revises provisions relating to a licensee's use of criteria for measuring a franchised motor vehicle dealer's sales or service performance; prohibits licensees from engaging in certain conduct as retaliation against a motor vehicle dealer for specified acts; and revises provisions governing discontinuations, cancellations, non-renewals, modifications, and replacements of franchise agreements.

Fiscal or Economic Impact:

The bill may have a positive economic impact on franchised motor vehicle dealers in the state.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill revises provisions of the Florida Automobile Dealership Act (Act) related to the licensure of, and contractual agreements between, motor vehicle dealers and motor vehicle manufacturers, distributors, and importers (applicants or licensees).

Measuring Sales or Service Performance

The bill adds a "common entity" to the list of persons prohibited from using criteria to measure the sales or service performance of a franchised motor vehicle dealer which have a material or adverse effect on any motor vehicle dealer and which:

- Are unfair, unreasonable, arbitrary, or inequitable; or
- Do not include all relevant and material local and regional criteria, data, and facts. (Section 1)

Further, under the bill, an applicant, licensee, or common entity thereof may not implement or enforce criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in Florida without, before implementation or enforcement, providing a written description to each such franchised motor vehicle dealer providing, in detail, how the performance measurement criteria were designed, calculated, established and uniformly applied. (Section 1)

Retaliatory Actions

The bill prohibits an applicant, licensee, or common entity thereof from engaging in any action, or implementing any policy, standard, rule, practice, or program, as retaliation against a franchised motor vehicle dealer because the dealer:

- Invoked any right pursuant to the motor vehicle franchise law;

- Asserted that the applicant, licensee, or common entity thereof acted in a manner that violates the motor vehicle franchise law; or
- Testified, assisted, or participated in any manner in an investigation, proceeding, or hearing that may directly affect the applicant, licensee, or common entity thereof. (Section 1)

Discontinuing, Canceling, Nonrenewing, Modifying, or Replacing Franchise Agreements

The bill clarifies the conditions by which a discontinuation, cancellation, or non-renewal of a motor vehicle franchise agreement may be determined to be unfair. Specifically, under the bill, such an action is unfair unless all of the following apply:

- It is clearly permitted by the franchise agreement;
- It is undertaken in good faith;
- It is undertaken for a good cause;
- It is based on the motor vehicle dealer's breach of the franchise agreement which is in fact a material and substantial breach, but not if the action in question applies to all same line-make franchised motor vehicle dealers and is otherwise permitted by law; and
- The grounds relied upon for such an action have not been applied in a uniform and consistent manner by the licensee. (Section 2)

Similarly, the bill clarifies the conditions by which a modification or replacement of a motor vehicle franchise agreement may be determined to be unfair. Specifically, under the bill, such an action is unfair unless all of the following apply:

- It is clearly permitted by the franchise agreement;
- It is undertaken in good faith; and
- It is undertaken for good cause. (Section 2)

Effective Date

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

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have a positive economic impact on franchised motor vehicle dealers in the state as it protects their current business model.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Automobile Dealership Act

The Florida Automobile Dealership Act (Act),[1] governs the licensure of, and contractual relationship (franchise agreements[2]) between, motor vehicle manufacturers,[3] distributors,[4] and importers,[5] and provides substantial

[1] Ch. 70-424, Laws of Fla., codified in ch. 320, F.S.

[2] "Franchise agreement" means a contract, franchise, new motor vehicle franchise, sales and service agreement, or dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make. "Line-make vehicles," in turn, means motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same (such as Ford, General Motors, or Honda). However, motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when they are included in a single franchise agreement, and every motor vehicle dealer in this state authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement. S. 320.60(1) and (14), F.S.

[3] "Motor vehicle manufacturer" means any person, whether a resident or non-resident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. This

protections for motor vehicle dealers.[6] The Division of Motor Vehicles (Division) within the Department of Highway Safety and Motor Vehicles (DHSMV) administers and enforces the Act, which generally specifies:

- Motor vehicle manufacturers, distributors, and importers (applicants or licensees) must be licensed under the Act to engage in business in Florida, and the conditions and situations under which the DHSMV may deny, suspend, or revoke such licenses;
- The requirements for licensees wishing to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures licensees must follow to add a franchised dealership in an area already served by a franchised dealer, the protest process, and the DHSMV's role in such circumstances;
- The damages assessable against a licensee who violates the Act; and
- The DHSMV's authority to adopt rules to implement the Act.[7]

Common Entity

Under the Act, the term "common entity," refers to a person:

- Who is directly or indirectly controlled by, or has more than 30 percent of its equity interest directly or indirectly owned by, a manufacturer, importer, distributor, or licensee, or an affiliate thereof; or
- Who has more than 30 percent of its equity interest directly or indirectly controlled or owned by one or more persons who also directly or indirectly control or own more than 30 percent of the equity interests of a manufacturer, an importer, a distributor, or a licensee, or an affiliate thereof.[8]

Measuring Sales or Service Performance

The Act prohibits applicants or licensees from establishing, implementing, or enforcing criteria for measuring the sales or service performance of any of their franchised motor vehicle dealers in this state which have a material or adverse effect on any motor vehicle dealer and which are unfair, unreasonable, arbitrary, or inequitable, or do not include all relevant and material local and regional criteria, data, and facts.[9] Under the Act, an applicant, licensee, or common entity thereof which enforces against any motor vehicle dealer any sales or service performance measurement criteria must, upon the request of the motor vehicle dealer, describe in a detailed writing to the motor vehicle dealer how the criteria used were designed, calculated, established, and uniformly applied.[10]

Discontinuing, Canceling, Nonrenewing, Modifying, or Replacing Franchise Agreements

Under the Act, an applicant or licensee must give written notice to the motor vehicle dealer and the DHSMV of the licensee's intention to discontinue, cancel, or fail to renew a franchise agreement, or of the licensee's intention to modify a franchise or replace a franchise with a succeeding franchise, which modification or replacement will adversely alter a motor vehicle dealer's rights or obligations under an existing franchise agreement or will substantially impair the motor vehicle dealer's sales, service obligations, or investment, at least 90 days before the effective date of any such action.[11] The Act then authorizes a motor vehicle dealer who receives such a notice of intent to discontinue, cancel, not renew, modify, or replace a franchise agreement to, within the 90-day notice

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term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products. S. 320.60(9), F.S.

[4] "Distributor" means a person, resident or nonresident, who, in whole or in part, sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives. S. 320.60(5), F.S.

[5] "Importers" means a person who imports vehicles from a foreign country into the United States or into Florida for the purpose of sale or lease. S. 320.60(7), F.S.

[6] "Motor vehicle dealer" means any person, firm, company, corporation, or entity who holds a license under s. 32.27, F.S., as a "franchised motor vehicle dealer" and, for commission, money, or other things of value, repairs or services motor vehicles pursuant to a franchise agreement; sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles; or is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation. Further, any person who repairs or services three or more motor vehicles; buys, sells, or deals in three or more motor vehicles in any 12-month period; or offers or displays for sale three or more motor vehicles is presumed to be a motor vehicle dealer, with exceptions. S. 32.60(11), F.S.

[7] S. 320.011, F.S.; ss. 320.60-320.70, F.S.

[8] S. 320.60(2)(a), F.S.

[9] S. 320.64(42)(a), F.S.

[10] *Id.*

[11] S. 320.641(1), F.S.

period, file a petition or complaint for a determination of whether such action is unfair or prohibited and gives the applicant or licensee the burden of proof as to whether any such action is fair and not prohibited.[12]
Under the act, a modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause, while a discontinuation, cancellation, or non-renewal is unfair if it is not:

- Clearly permitted by the franchise agreement;
- Undertaken in good faith;
- Undertaken for good cause;
- Based on a material and substantial breach of the franchise agreement; or
- Based on grounds applied uniformly.[13]

Further, the Act guarantees a new motor vehicle dealer at least 180 days to correct an alleged failure of the motor vehicle dealer's sales or service performance obligations under the applicable franchise agreement before an applicant or licensee may send a notice of discontinuation, cancellation, or nonrenewal.[14]

Complaints and Conduct of Inquiry

The act requires the DHSMV to conduct an inquiry of a licensee relating to any written complaint alleging a violation of any provision of ss. 320.61-320.70, F.S., made by any of the following entities:

- A motor vehicle dealer with a current franchise agreement issued by the licensee; or
- A motor vehicle dealer association with at least one member with a current franchise agreement issued by the licensee.[15]

Such an inquiry must be commenced within 30 days after receipt of the written complaint, and the DHSMV may allow the subject licensee no more than 60 days after the inquiry's commencement to provide a written response. Within 30 days after the written response deadline, the DHSMV must provide a written response to the complainant stating whether the DHSMV intends to act against the licensee and, if so, what action it intends to take. If, as a result of the inquiry, the DHSMV determines that a licensee has violated any provision of ss. 320.61-320.70, F.S., the DHSMV must take appropriate action against the licensee, which may include:

- License suspension or revocation;
- Denial of a license renewal action;
- Assessment, imposition, levy, and collection of an appropriate civil fine; or
- Instituting a civil action for issuance of an injunction pursuant to s. 320.695, F.S.

Injunctions

Under the Act, the DHSMV, or any motor vehicle dealer in the name of the DHSMV and the state and for the use and benefit of the motor vehicle dealer, may generally apply to any circuit court of the state for a temporary or permanent injunction[16] restraining any person from doing the following:[17]

- Acting as a licensee under the Act without being properly licensed;
- Violating or continuing to violate the Act; or
- Failing or refusing to comply with the requirements of s. 320.695, F.S., or any rule or regulation adopted thereunder.

The Act requires that such injunctions be issued without bond, and specifies that a single violation of the Act is sufficient to authorize the issuance of an injunction.[18] However, this statutory remedy is not applicable to any

[12] *Id.*
[13] S. 320.641(3), F.S.
[14] *Id.*
[15] S. 320.67, F.S.
[16] An "injunction" is a court order requiring a person to do or cease doing a specific action. Legal Information Institute, *Injunction*, https://www.law.cornell.edu/wex/injunction (last visited Apr. 3, 2025).
[17] S. 320.695, F.S.
[18] *Id.*

motor vehicle dealer after final determination by the DHSMV to discontinue, cancel, not renew, modify, or replace a franchise agreement.[19]

Administrative Hearings and Adjudications

A motor vehicle dealer, or a person with entitlements to or in a motor vehicle dealer, who is directly and adversely affected by the actions or conduct of an applicant or licensee, which actions or conduct allegedly violate the Act, may seek a declaration and adjudication of its rights by filing with the DHSMV either a:[20]

- Request for an administrative hearing under ch. 120, F.S.; or
- Written objection or notice of protest as prescribed by the Act.

If a written objection or notice of protest is filed with the DHSMV, a hearing must occur no sooner than 180 days, or later than 240 days, from the date of the filing of the first written objection or notice of protest, unless the time is extended by the administrative law judge for good cause shown.[21]

Motor Vehicle Dealer Association Standing

On May 3, 2022, the First District Court of Appeal affirmed a decision by the DHSMV that the Florida Automobile Dealers Association (FADA) lacked standing to challenge a licensee's alleged violations of the Act.[22] Specifically, the court held that, even though FADA's members are motor vehicle dealers, FADA lacked standing because:

- It is not itself a motor vehicle dealer or other statutorily-authorized person or entity that may bring such a challenge; and
- Was not directly and negatively impacted by the licensee's actions or conduct.[23]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/CS/HB 637	Shoaf	Avila	Became law on July 1, 2023.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	15 Y, 1 N, As CS	3/12/2025	Anstead	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	• Revised provisions in the bill relating to sales and service performance measurements. • Removed a provision from the bill giving standing to motor vehicle dealer associations to bring specified lawsuits against licensees. • Clarified provisions in current law regarding discontinuations, cancellations, non-renewals, modifications, and replacement of franchise agreements.			
Civil Justice & Claims Subcommittee	12 Y, 0 N	4/3/2025	Jones	Mawn
Commerce Committee			Hamon	Thompson

[19] *Id.*
[20] S. 320.699(1), F.S.
[21] S. 320.699(2), F.S.
[22] *Fla. Auto. Dealers Ass'n v. Hyundai Motor Am. Corp.*, 337 So. 3d 893, 894 (Fla. 1st DCA 2022), *reh'g denied* (May 3, 2022).
[23] *Id.*

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

A bill to be entitled

An act relating to motor vehicle manufacturers and franchised motor vehicle dealers; amending s. 320.64, F.S.; prohibiting an applicant or licensee, or common entity thereof, from implementing sales or service performance measurement criteria without providing motor vehicle dealers with the basis for any sales or service performance measurement; prohibiting an applicant or licensee, or common entity thereof, from engaging in certain retaliatory or discriminatory conduct; amending s. 320.641, F.S.; revising conditions under which a discontinuation, cancellation, or nonrenewal of a franchise agreement is considered unfair; providing an effective date.

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

Section 1. Subsection (42) of section 320.64, Florida Statutes, is amended, and subsection (43) is added to that section, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof

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

that the section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(42)(a) The applicant or licensee, or common entity thereof, has established, implemented, or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state which have a material or adverse effect on any motor vehicle dealer and which:

1. Are unfair, unreasonable, arbitrary, or inequitable; or

2. Do not include all relevant and material local and regional criteria, data, and facts. Relevant and material criteria, data, or facts include, but are not limited to, those of motor vehicle dealerships of comparable size in comparable markets. If such performance measurement criteria are based, in whole or in part, on a survey, such survey must be based on a statistically significant and valid random sample.

(b) The ~~An~~ applicant or~~,~~ licensee, or common entity~~, or an affiliate~~ thereof, has implemented or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state without, before implementation or enforcement, providing a written description

to each such franchised ~~which enforces against any motor vehicle dealer any such performance measurement criteria shall, upon the request of the motor vehicle dealer, describe in writing to the~~ motor vehicle dealer in this state providing, in detail, how the performance measurement criteria were designed, calculated, established, and uniformly applied.

(43) The applicant or licensee, or common entity thereof, has engaged in an action, or implemented a policy, standard, rule, practice, or program, as retaliation against a franchised motor vehicle dealer because the dealer invoked any right pursuant to ss. 320.60-320.70; asserted that the applicant or licensee, or common entity thereof, acted in a manner that violates any provision of ss. 320.60-320.70; or testified, assisted, or participated in any manner in an investigation, a proceeding, or a hearing that may directly affect the applicant or licensee, or common entity thereof.

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or may adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. Subsection (3) of section 320.641, Florida Statutes, is amended to read:

320.641 Discontinuations, cancellations, nonrenewals, modifications, and replacement of franchise agreements.—

(3) Any motor vehicle dealer who receives a notice of intent to discontinue, cancel, not renew, modify, or replace may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer.

(a) A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair unless all of the following apply:

1. ~~if~~ It is ~~not~~ clearly permitted by the franchise agreement;

2. It is ~~not~~ undertaken in good faith;

3. It is ~~not~~ undertaken for good cause;

4. It ~~or~~ is based on the motor vehicle dealer's ~~an alleged~~ breach of the franchise agreement which is ~~not~~ in fact a material and substantial breach, but not if the discontinuation, cancellation, or nonrenewal applies to all same line-make franchised motor vehicle dealers and is otherwise permitted by ss. 320.60-320.70; and

5. ~~or, if~~ The grounds relied upon for discontinuation ~~termination~~, cancellation, or nonrenewal have ~~not~~ been applied

in a uniform and consistent manner by the licensee.

(b) If the notice of discontinuation, cancellation, or nonrenewal relates to an alleged failure of the new motor vehicle dealer's sales or service performance obligations under the franchise agreement, the new motor vehicle dealer must first be provided with at least 180 days to correct the alleged failure before a licensee may send the notice of discontinuation, cancellation, or nonrenewal.

(c) A modification or replacement is unfair unless all of the following apply:

1. ~~if~~ It is ~~not~~ clearly permitted by the franchise agreement;

2. It is ~~not~~ undertaken in good faith; and

3. It ~~or~~ is ~~not~~ undertaken for good cause.

(d) The applicant or licensee shall have the burden of proof that any such discontinuation, cancellation, nonrenewal, modification, or replacement ~~action~~ is fair and not prohibited.

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

COMMERCE COMMITTEE

CS/HB 429 by Rep. Yeager
Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers

AMENDMENT SUMMARY
April 15, 2025

Amendment 1, by Rep. Yeager (strike-all):

- Retains the main provisions of the bill, and conforms to the Senate language, which clarified the provisions governing discontinuations, cancellations, nonrenewals, modifications, and replacement of franchise agreements.

Amendment 2 to Amendment 1, by Rep. Duggan (line 96):

- Effective July 1, 2026:
    - Prohibits new motor vehicles manufactured or sold in this state from:
        - Implementing intelligent speed governance, assistance, or adaption systems or technology that automatically:
            - Prohibit speeding,
            - Disable functionality of any motor vehicle based speeding, and
            - Provide a warning regarding certain speeds.
    - Requires such systems or technology to allow an owner, operator, or driver to enable and disable such functions.

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: Commerce Committee
Representative Yeager offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (42) of section 320.64, Florida Statutes, is amended, and subsection (43) is added to that section, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant shall be liable for claims and remedies provided in ss. 320.695

and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(42)(a) The applicant or licensee, or a common entity thereof, has established, implemented, or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state which have a material or adverse effect on any motor vehicle dealer and which:

1. Are unfair, unreasonable, arbitrary, or inequitable; or

2. Do not include all relevant and material local and regional criteria, data, and facts. Relevant and material criteria, data, or facts include, but are not limited to, those of motor vehicle dealerships of comparable size in comparable markets. If such performance measurement criteria are based, in whole or in part, on a survey, such survey must be based on a statistically significant and valid random sample.

(b) The ~~An~~ applicant or~~,~~ licensee, or a common entity thereof, has implemented or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state without first making available and readily accessible, before such implementation or enforcement, a written description to each such franchised~~, or an affiliate thereof, which enforces against any motor vehicle dealer any such performance measurement criteria shall, upon the request of~~

~~the motor vehicle dealer, describe in writing to the~~ motor vehicle dealer in this state which describes, in detail, how the performance measurement criteria were designed, calculated, established, and uniformly applied.

(43) The applicant or licensee, or a common entity thereof, has engaged in an action, or implemented a policy, standard, rule, practice, or program, taken as retaliation against a motor vehicle dealer because the dealer invoked a statutory right created by ss. 320.60-320.70, asserted that the applicant, licensee, or common entity has acted in a manner that violates a provision of ss. 320.60-320.70, or has testified, assisted, or participated in any manner in an investigation, a proceeding, or a hearing that may directly affect the applicant, licensee, or common entity.

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or may adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. Subsection (3) of section 320.641, Florida Statutes, is amended to read:

320.641 Discontinuations, cancellations, nonrenewals, modifications, and replacement of franchise agreements.—

(3) Any motor vehicle dealer who receives a notice of intent to discontinue, cancel, not renew, modify, or replace may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment must ~~shall~~ continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is not based on a material and substantial ~~an alleged~~ breach of the franchise agreement by the motor vehicle dealer ~~which is not in fact a material and substantial breach~~; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. If the notice of discontinuation, cancellation, or nonrenewal relates to an alleged failure of the new motor vehicle dealer's sales or service performance obligations under the franchise agreement, the new motor vehicle dealer must first be provided with at least 180 days to correct the alleged failure before a licensee may send the notice of discontinuation, cancellation, or nonrenewal. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not

undertaken in good faith; or is not undertaken for good cause. The applicant or licensee has ~~shall have~~ the burden of proof that such discontinuation, cancellation, nonrenewal, modification, or replacement ~~action~~ is fair and not prohibited.

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

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

Remove everything before the enacting clause and insert:
An act relating to motor vehicle manufacturers and franchised motor vehicle dealers; amending s. 320.64, F.S.; prohibiting an applicant or a licensee, or a common entity thereof, from establishing, implementing, or enforcing certain criteria for measuring the sales or service performance of its franchised motor vehicle dealers unless certain conditions are met; prohibiting an applicant or a licensee, or a common entity thereof, from engaging in an action that is taken as retaliation against a motor vehicle dealer under certain circumstances; amending s. 320.641, F.S.; revising the circumstances in which a discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement is deemed unfair; providing an effective date.

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: Commerce Committee

Representative Duggan offered the following:

Amendment to Amendment (497703) by Representative Yeager (with title amendment)

Remove line 96 of the amendment and insert:

Section 3. Effective July 1, 2026, section 320.702, Florida Statutes, is created to read:

320.702 Motor vehicle manufacturer requirements and prohibitions.—

(1) New motor vehicles manufactured or sold in this state may not implement intelligent speed governance, assistance, or adaption systems or technology that automatically:

(a) Prohibit an owner, operator, or driver from exceeding a certain speed limit.

(b) Disable functionality of any motor vehicle based on exceeding a certain speed limit.

(c) Warn the owner, operator, or driver that they are maintaining a speed above the speed limit.

Such systems or technology must allow an owner, operator, or driver to enable and disable such functions.

(2) The Department of Highway Safety and Motor Vehicles may fine any licensee or motor vehicle dealer for violations of this section in a sum not to exceed $1,000, and such fine may be levied for each violation.

Section 4. Except as otherwise provided, this act shall take effect July 1, 2025.

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

Remove line 115 of the amendment and insert:
is deemed unfair; creating s. 320.702, F.S.; effective July 1, 2026, prohibiting certain motor vehicles from implementing certain systems or technology automatically; requiring such systems to be enabled and disabled by the owner, operator, or driver; providing a civil fine for violations; providing an effective date.

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 543	**COMPANION BILL:** CS/SB 940 (McClain)
TITLE: Third-party Reservation Platforms	**LINKED BILLS:** None
SPONSOR(S): Oliver	**RELATED BILLS:** None

Committee References

Industries & Professional Activities
17 Y, 0 N, As CS

➤

Commerce

SUMMARY

Effect of the Bill:

The bill prohibits third-party restaurant reservation platforms in the state. The bill defines a "third-party reservation platform" as any website, mobile application, or internet service that offers reservations at public food service establishments without a contractual relationship with the establishment. The bill provides an exception for certain third-party reservation platforms that arrange for reservations at food service establishments in certain conditions at no cost to the customer. The bill prohibits these platforms from listing, advertising, promoting, or selling reservations for on-premises service at public food service establishments. The bill authorizes the Department of Business and Professional Regulation (DBPR), Division of Hotels and Restaurants (Division) to impose civil penalties of up to $1,000 per violation, that may accrue daily.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state funds.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill prohibits third-party reservation platforms, as follows:

- Names the act, the “Restaurant Reservation Anti-Piracy Act.” (Section 1)
- Defines "third-party reservation platform" as a website, mobile application, or other Internet service that satisfies all of the following:
  - Offers or arranges for a reservation at a public food service establishment for on-premises service.
  - Is owned and operated by a person other than the owner of the public food service establishment.
  - Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.
- Clarifies that a third-party reservation platform does not include a contractual designee of an individual customer which arranges for a personal and nontransferrable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee:
  - Shares the individual customer's contact information with the food service establishment;
  - Allows the food service establishment to confirm the reservation with the individual customer; and
  - Honors requests from the food service establishment to opt out of future reservations created by the designee. (Section 2)
- Prohibits a reservation at a public food service establishment from being listed, advertised, promoted, facilited, sold, or otherwise enabled through a third-party reservation platform.
- Authorizes the Division to impose a civil penalty to $1,000 for each violation, and specifies that violations accrue on a daily basis. (Section 2)

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Indeterminate. The bill may have an indeterminate fiscal impact on state funds. The bill authorizes the Division to impose civil penalties, which accrue on a daily basis. It is unknown how many violations will occur.

PRIVATE SECTOR:

Indeterminate. The bill may have a positive economic impact on restaurant owners and service workers to the extent that it reduces the number of empty tables that are associated with unauthorized third-party restaurant reservations.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Division of Hotels and Restaurants

The Division[1] is responsible[2] for administering and enforcing laws relating to the licensing, inspection, and regulation of public food service establishments for the purpose of protecting the public health, safety and welfare.[3]

Public Food Service Establishments

A "public food service establishment" is defined as any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.[4]

There are several exclusions from the definition of the term, including:[5]

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty, or temporarily to serve events such as fairs, carnivals, and athletic contests;
- Any eating place maintained and operated by a church or religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve events such as fairs, carnivals, or athletic contests;
- Any eating place located on an airplane, train, bus, or watercraft that is a common carrier;
- Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families;
- Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services;
- Any vending machine that dispenses any food or beverage other than potentially hazardous food;
- Any place of business serving only ice, beverages, popcorn, and prepackaged items; and
- Any research and development test kitchen limited to use by employees and not open to the general public.

The regulation of public food service establishments is preempted to the state.[6]

Third-Party Reservation Platforms

[1] Florida Department of Business & Professional Regulation, *Division of Hotels and Restaurants*, https://www2.myfloridalicense.com/hotels-restaurants/ (last visited March 8, 2025).
[2] *See* s. 509.032, F.S.
[3] S. 509.032(1), F.S.
[4] S. 509.013(5)(a), F.S.
[5] S. 509.013(5)(b), F.S.
[6] S. 509.032(7), F.S.

Third-party reservation platforms are not currently regulated by the State of Florida. According to reports, scalping reservations has historically been an issue within the restaurant industry; however, recently, third-party websites and bots[7] have made the problem much worse. In many cases, the reservations do not sell and thus, become a no-show, which means the table stays empty, the restaurant loses money, and the service workers lose out on their tips. In addition, such reservations can be made with fake names, which can cause confusion for the businesses.[8]

New York State

Recently, the State of New York passed a bill that prohibits third-party restaurant reservation services from arranging unauthorized restaurant reservations with food service establishments. The law, which became effective February 17, 2025, prohibited listing or selling reservations on a website or mobile application by persons who do not have a written agreement with the restaurant to include its reservations, and established civil penalties of up to $1,000 per violation per day.[9]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	17 Y, 0 N, As CS	3/12/2025	Anstead	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarified the definition of "third-party reservation platform." • Provided an exception from the prohibition for certain third-party reservation platforms. • Clarified the prohibition and violation provisions.			
Commerce Committee			Hamon	Thompson

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

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[7] Cambridge Online Dictionary defines a "bot" as "a computer program that works automatically, especially one that searches for and finds information on the internet: Criminals create networks of bots that roam the internet infecting PCs with malware."

[8] Gothamist, *New York law aims to kill 'black market' for restaurant reservations*, https://gothamist.com/news/new-york-law-aims-to-kill-black-market-for-restaurant-reservations (last visited March 8, 2025).

[9] NY Assembly Bill A10215A (2024).

A bill to be entitled

An act relating to third-party reservation platforms; providing a short title; creating s. 509.105, F.S.; defining the term "third-party reservation platform"; prohibiting a reservation at a public food service establishment from being listed, advertised, promoted, or sold through a third-party reservation platform; providing an exception; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose a civil penalty not to exceed a specified amount for a violation of this act or of a division rule; providing that such violations shall accrue on a daily basis for certain establishments; providing an effective date.

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

Section 1. This act may be cited to as the "Restaurant Reservation Anti-Piracy Act."

Section 2. Section 509.105, Florida Statutes, is created to read:

509.105 Third-party reservation platforms prohibited.—

(1) As used in this section, the term "third-party reservation platform" means a website, mobile application, or other Internet service that satisfies all of the following:

(a) Offers or arranges for a reservation at a public food service establishment for on-premises service.

(b) Is owned and operated by a person other than the owner of the public food service establishment.

(c) Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.

(2) A third-party reservation platform does not include a contractual designee of an individual customer which arranges for a personal and nontransferrable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer's contact information with the food service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

(3) A reservation at a public food service establishment may not be listed, advertised, promoted, facilitated, sold, or otherwise enabled through a third-party reservation platform.

(4) The division may impose a civil penalty on a third-party reservation platform in an amount not to exceed $1,000 for each violation of this section or of a division rule. Violations under this subsection shall accrue on a daily basis for each day

and each reservation for each food service establishment in which there has been a violation of this section or rules of the division.

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

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 #: CS/CS/HB 551	**COMPANION BILL:** CS/CS/SB 1078 (McClain)
TITLE: Fire Prevention	**LINKED BILLS:** None
SPONSOR(S): Borrero	**RELATED BILLS:** None

Committee References

Industries & Professional Activities 17 Y, 0 N, As CS	➤ Intergovernmental Affairs 17 Y, 0 N, As CS	➤ Commerce

SUMMARY

Effect of the Bill:

The bill expands the types of fire alarm system projects eligible for the simplified building permit process. The bill requires local governments to:

- issue simplified building permits within a certain period;
- perform an inspection within a certain period of receiving a request;
- establish a simplified permitting process by a certain date; and
- refund permit fees when they fail to meet statutory deadlines.

The bill repeals the requirement for local governments to perform at least one inspection for simplified building permit projects. The bill allows contractors to start work immediately after submitting a completed simplified building permit application, and requires them to submit requested information within a certain time-period.

The bill states that a county or municipality may only enforce an ordinance providing for a local amendment to the Florida Fire Prevention Code if the ordinance was transmitted before the date the permit was submitted.

The bill amends the items required to be in an inspection report for a fire hydrant or fire protection system.

Fiscal or Economic Impact:

The bill may have a positive fiscal impact on contractors who use the simplified permitting process by allowing them to start work immediately after submitting a completed application. It is unknown if the bill will have an economic impact on local governments.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Simplified Permitting Processes

The bill redefines "fire alarm system project" to include replacing an existing fire alarm panel with the same make and model, which will make such projects eligible for the simplified building permit process. (Section 1)

The bill defines the term "alteration" which was previously undefined. The bill defines "alteration" as to "add, install, relocate, replace, or remove." (Section 1)

The bill provides that a local enforcement agency must issue a building permit for an eligible fire alarm or fire sprinkler project within two (2) business days of the completed application being submitted. A contractor may begin work immediately after submitting the completed application. (Section 1)

The bill repeals the requirement that a local enforcement agency must perform at least one inspection of the fire alarm system or fire sprinkler system project. However, if an inspection is requested from a local enforcement agency, it must perform an inspection within three (3) business days. (Section 1)

The bill provides that if a local enforcement agency needs additional documentation for recording purposes, the contractor must provide the requested documentation within four (4) business days after the local enforcement agency's inspection or 4 days after the request, whichever is later. However, a local enforcement agency may not require a contractor to provide additional documents or plans reviews that are outside the scope of the permitted work needed on the permit application. (Section 1)

The bill requires local governments to **refund** their building permit fees by 10 percent for each business day that they fail to meet the deadline to issue a permit or perform an inspection for a simplified permitting process fire alarm system or fire sprinkler project unless:

- The parties agree in writing to a reasonable extension;
- The delay is caused by the permit applicant; or
- The delay is attributable to a force majeure or other extraordinary circumstance.

Each 10 percent refund is based on the original amount of the permit fee. (Section 1)

The bill requires local enforcement agencies to establish a simplified permitting process by October 1, 2025. (Section 1)

Local Amendments to the Florida Fire Prevention Code

The bill provides that a county or municipality may only enforce an ordinance providing for a local amendment to the Florida Fire Prevention Code if the ordinance was transmitted to the Florida Building Commission and the State Fire Marshal as of the date that the permit was submitted. (Section 2)

Fire Hydrant and Fire Protection System Inspections

The bill provides that the uniform summary inspection report must list the total number of deficiencies discovered, separated into critical and noncritical categories, with a brief description of impairment deficiencies found during the inspection instead of a brief summary of each deficiency or impairment. (Section 3)

The bill provides that contractor's detailed inspector report shall also be provided, but is not required to follow the uniform summary inspection report format. (Section 3)

The bill also removes the requirement that the procedure to submit summary inspection reports to a local authority may require a contractor to submit information contained in their detailed inspection report. (Section 3)

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Simplified Permitting Process

Standard Building Permit Process

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[1] Every local government

[1] S. 553.72, F.S.

must enforce the Florida Building Code and issue building permits.[2] A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[3]

Current law requires local governments to review alarm, electrical, plumbing, and mechanical building permit applications within a specific time-period of receiving the applications.[4] When a local government receives an application for one of these types of building permits, it must approve, approve with conditions, or deny a building permit application following receipt of a completed and sufficient application unless the applicant waives such limitation in writing:[5]

- Within 30 business days if the structure is less than 7,500 square feet.
- Within 60 business days if the structure is more than 7,500 square feet.

If a local government fails to meet one of the deadlines, it must reduce the building permit fee by ten (10) percent for each business day that it fails to meet the deadline, unless:[6]

- the parties agree to an extension of time;
- the delay is caused by the applicant; or
- the delay is attributable to a force majeure or other extraordinary circumstances.

Each ten (10) percent reduction is based on the original amount of the building permit fee.[7]

Simplified Building Permit Process

Section 553.7932, F.S., provides an expedited permitting process for certain fire alarm system projects and fire sprinkler projects. The process removes the time required to review plans prior to starting work.

The law prohibits a local enforcement agency from requiring a contractor to submit building plans or specifications in order to obtain a permit for a fire alarm system or fire sprinkler project, but a local enforcement agency is still authorized to require a contractor to submit a completed application and a payment for such permit.[8]

For the purpose of the simplified permitting process, a "fire alarm system project" is defined as a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.[9]A "fire sprinkler system project" is defined as a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building.[10]

The term "alteration" is not defined.[11]

A local enforcement agency must require at least one inspection of a fire alarm system or fire sprinkler project to ensure the work complies with the applicable codes and standards. If a project fails an inspection, the contractor must take corrective action as necessary to pass inspection.[12]

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[2] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[3] S. 468.603(2), F.S; S. 202 of the Eighth edition of the Florida Building Code (Building).
[4] S. 553.792(1), F.S.
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] S. 553.7932(2), F.S.
[9] S. 553.7932(1), F.S.
[10] *Id.*
[11] *See* s. 553.7932, F.S.
[12] S. 553.7932(4), F.S.

The contractor must keep a copy of the plans and specifications at the worksite, and make them available to the inspector at each inspection.[13]

The simplified permitting process does not require local enforcement agencies to issue a permit within a certain time period.

Fire Alarm Panel

A "fire alarm panel" or "control unit" serves as the brain of a fire alarm system. It monitors all the inputs, i.e. smoke or heat detection, into the system and controls all of the outputs, i.e. alarms.[14]

Local Amendments to the Florida Fire Prevention Code

Florida Fire Prevention Code

Chapter 633, F.S., is Florida's fire prevention and control law, and it designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety.[15]

Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and fire safety inspectors.

The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.[16]

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Code as the minimum fire prevention code. These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements, but may not enact fire safety ordinances that conflict with ch. 633, F.S., or any other state law.[17]

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and rules within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.[18]

Each county, municipality, and special district with fire safety enforcement responsibilities is also required to employ or contract with a fire safety inspector who is certified by the State Fire Marshal to conduct all fire safety inspections required by law.[19]

Local Amendments to the Florida Fire Prevention Code

Counties, municipalities, and special districts may adopt more stringent safety standards by:[20]

- Holding a public meeting that has been advertised in a newspaper of general circulation at least 10 days before the hearing;
- Deciding after the meeting that there is a need to strengthen the Fire Code.

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[13] S. 553.7932(5), F.S.
[14] Shawn Mahoney, *A Guide to Fire Alarm Basics*, NFPA, (March 3, 2021) https://www.nfpa.org/news-blogs-and-articles/blogs/2021/03/03/a-guide-to-fire-alarm-basics (last visited March 7, 2024).
[15] S. 633.104, F.S.
[16] S. 633.202, F.S.
[17] Ss. 633.108, 633.208, and 633.214, F.S.
[18] S. 633.118, F.S.
[19] S. 633.216(1), F.S.
[20] Ss. 633.202, and 633.208, F.S.

    - The determination must be based upon a review of the local conditions by the local governing body, which demonstrates that local conditions require the more stringent standards.
- Providing a procedure allowing substantially affected parties to challenge the validity of such standards.
    - A challenging party is entitled to a hearing within 45 days and has the burden of proof.
- Sending the amendment to the State Fire Marshal and the Florida Building Commission within 30 days of adopting the amendment.

Fire Hydrant and Fire Protection System Inspections

The State Fire Marshal has the right to inspect any fire hydrants or fire protection systems in order to determine that such system meets the standards set forth by the state. Inspections may also be conducted by independent contractors.[21]

Any person who wishes to inspect fire hydrants or fire protection systems must have a fire protection system's contractor license issued by the State Fire Marshal.[22]

If a fire protection system contractor inspects a fire hydrant or a fire protection system, the contractor must use a uniform summary inspection report adopted by the State Fire Marshall. A contractor must provide a copy of the summary inspection report to the local authority and the building owner or hydrant owner. An inspector also completes a detailed report in addition to the uniform summary inspection report.[23]

The uniform summary inspection report must include the:[24]

- Address where the fire protection system or hydrant is located;
- Company and person conducting the inspection and their license number;
- Date of the inspection; and
- Fire protection system or hydrant inspection status, **including a brief summary of all the deficiencies discovered during the inspection including**:
    - Deficiency.
    - Critical deficiency.
    - Noncritical deficiency; or
    - Impairment.

The State Fire Marshal must adopt rules for contractors to submit uniform summary inspection reports to local governments. The procedures must allow a contractor to attach additional documents with the uniform summary inspection report, including a physical copy of the contractor's detailed inspection report. However, a submission procedure **may not** require a contractor to submit information contained within the detailed inspection report **unless the information is required to be included in the uniform summary inspection report**.[25]

[21] S. 633.312, F.S.
[22] Ss. 633.312 and 633.318, F.S.
[23] S. 633.312(3), F.S.
[24] S. 633.312(3)(b), F.S.
[25] *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	17 Y, 0 N, As CS	3/12/2025	Anstead	Brackett
THE CHANGES ADOPTED BY THE COMMITTEE:	• Expanded the time-period that local governments have to perform an inspection from within 24 hours after receiving a request to within three (3) business days of receiving a request. • Provided that contractors must provide additional documentation for fire alarm system and fire sprinkler projects within four (4) days of receiving a request from the local government or (4) days after the inspection, whichever is later. • Provided that a local government must refund 10 percent of a building permit fee for missing a required deadline instead of reducing the fee by 10 percent. • Provided that a local government only has to refund 10 percent of a fee if they fail to issue a building permit or perform an inspection for certain fire alarm system and fire sprinkler projects within the required timeframe. • Provided that a local amendment to the Fire Code is null and void if it is not adopted in accordance with current law instead of immediately rescinded. • Removed the bill's provision subjecting a local fire marshal's license to discipline if they enforce a rescinded local amendment to the Fire Code. • Provided that a municipality may only enforce a local amendment to the Fire Code if it has been sent to the Florida Building Commission and the State Fire Marshal as of the date the contractor submitted the bid for a permit.			
Intergovernmental Affairs Subcommittee	17 Y, 0 N, As CS	4/9/2025	Darden	Burgess
THE CHANGES ADOPTED BY THE COMMITTEE:	• Provided that a county or municipality may only enforce an ordinance providing for a local amendment to the Florida Fire Prevention Code if that ordinance was transmitted to the Florida Building Commission and the State Fire Marshal as of the date that the permit was submitted. • Required the uniform summary inspection report to list the total number of deficiencies discovered, separated into critical and noncritical categories, with a brief description of impairment deficiencies.			
Commerce Committee			Hamon	Brackett

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

A bill to be entitled

An act relating to fire prevention; amending s. 553.7932, F.S.; defining the term "alteration"; revising the definition of the term "fire alarm system project"; requiring a local enforcement agency to issue a permit for a fire alarm system project or fire sprinkler system project within a specified time period; authorizing work to commence immediately; requiring the local enforcement agency to provide an inspection within a specified timeframe; requiring that certain plans and specifications be available for an onsite plans review during an inspection; requiring a contractor to provide additional documents, if necessary, within a specified timeframe; prohibiting a local enforcement agency from requiring additional plans reviews or documentation outside the scope of the permitted work; requiring that permit fees be refunded by a certain percentage if a local government fails to meet certain deadlines; providing exceptions; requiring local enforcement agencies to establish a simplified permitting process by a specified date; amending s. 633.202, F.S.; providing that a county or municipality may only enforce an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal as of a certain date; amending s.

633.312, F.S.; requiring a uniform summary inspection report to include specified information; removing the requirement for a brief summary of deficiencies; requiring a contractor's detailed inspection report to be provided with a uniform summary inspection report; removing an exception from submitting certain information within a detailed inspection report; providing an effective date.

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

Section 1. Paragraphs (a) through (d) of subsection (1) of section 553.7932, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, present paragraph (c) of subsection (1), subsections (3) and (4), and paragraphs (a) and (b) of subsection (5) are amended, and a new paragraph (a) is added to subsection (1) and subsections (6) and (7) are added to that section, to read:

553.7932 Simplified permitting processes.—

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

(a) "Alteration" means to add, install, relocate, replace, or remove.

(d) ~~(c)~~ "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices; ~~, or~~ the installation or replacement of

a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building; or the replacement of an existing fire alarm panel using the same make and model as the existing panel.

(3) A local enforcement agency must issue a permit for a fire alarm system project or fire sprinkler system project in person or electronically within 2 business days after submission of a completed application. A contractor may commence work authorized by the permit immediately after submission of a completed application.

(4) The ~~a~~ local enforcement agency must provide an inspection within 3 business days after such inspection is requested, ~~require at least one inspection of a fire alarm system project or fire sprinkler system project~~ to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

(5)(a) For a fire alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector for an onsite plans review at each inspection. If the local enforcement agency determines that it needs additional documents for recording purposes, the

contractor must provide such documentation in paper or electronic form to the local enforcement agency within 4 business days after the inspection or 4 days after the documentation is requested, whichever is later. The local enforcement agency may not require additional plans reviews or documentation of areas or devices outside the scope of permitted work, as needed on permit applications.

(b) For a fire sprinkler system project ~~to alter an existing fire protection system~~, a contractor must keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection. If the local enforcement agency determines that it needs additional documents for recording purposes, the contractor must provide such documentation in paper or electronic form to the local enforcement agency within 4 business days after the inspection or 4 days after the documentation is requested, whichever is later. The local enforcement agency may not require additional plans, reviews, or documentation of areas or devices outside the scope of permitted work, as needed on permit applications.

(6) A local government that fails to meet a deadline under subsection (3) or subsection (4) must refund the permit fee by 10 percent for each business day after such failure, unless the local government and contractor agree in writing to a reasonable extension of time, the delay is caused by the applicant, or the

delay is attributable to a force majeure or other extraordinary circumstances. Each 10-percent refund shall be based on the original amount of the permit fee.

(7) By October 1, 2025, a local enforcement agency must establish a simplified permitting process that complies with this section.

Section 2. Subsection (9) of section 633.202, Florida Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(9)(a) The State Fire Marshal shall make rules that implement this section and ss. 633.104 and 633.208 for the purpose of accomplishing the objectives set forth in those sections.

(b) A county or municipality may only enforce an ordinance providing for a local amendment to the Florida Fire Prevention Code if such ordinance was transmitted to the Florida Building Commission and the State Fire Marshal pursuant to subsection (8) as of the date that the permit was submitted.

Section 3. Paragraph (b) of subsection (3) of section 633.312, Florida Statutes, is amended to read:

633.312 Inspection of fire control systems, fire hydrants, and fire protection systems.—

(3)

(b) The State Fire Marshal shall adopt rules to implement a uniform summary inspection report and submission procedures to

be used by all third-party vendors and local authorities having jurisdiction. For purposes of this section, a uniform summary inspection report must record the address at which ~~where~~ the fire protection system or hydrant is located, the company and person conducting the inspection and their license number, the date of the inspection, and the fire protection system or hydrant inspection status, including the total number of deficiencies found, separated into critical and noncritical categories, and a brief description of impairment deficiencies ~~a brief summary of each deficiency, critical deficiency, noncritical deficiency, or impairment found~~. A contractor's detailed inspection report must also be provided, but is not required to follow the uniform summary inspection report format. The State Fire Marshal shall establish by rule a submission procedure for each means provided under paragraph (a) by which a local authority having jurisdiction may accept uniform summary inspection reports. Each of the submission procedures must allow a contractor to attach additional documents with the submission of a uniform summary inspection report, including a physical copy of the contractor's detailed inspection report. A submission procedure may not require a contractor to submit information contained within the detailed inspection report ~~unless the information is required to be included in the uniform summary inspection report~~.

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

CS/CS/HB 651

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/CS/HB 651 **TITLE:** Department of Agriculture and Consumer Services **SPONSOR(S):** Tuck, Alvarez, D.	**COMPANION BILL:** CS/CS/CS/SB 700 (Truenow) **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism 14 Y, 3 N, As CS	➤ Criminal Justice 14 Y, 4 N, As CS	➤ Agriculture & Natural Resources Budget 11 Y, 4 N	➤ Commerce

SUMMARY

Effect of the Bill:

The bill addresses numerous, distinct matters related to agriculture and matters under the jurisdiction of the Department of Agriculture and Consumer Services.

Fiscal or Economic Impact:

The bill has an indeterminate positive fiscal impact on the Department of Agriculture and Consumer Services. The impact on local governments and the private sector is indeterminate.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses numerous, distinct matters related to agriculture and other matters under the jurisdiction of the Department of Agriculture and Consumer Services (DACS), as discussed below.

Selected Exempt Service for DACS Captains and Majors

The bill exempts personnel who are assigned primary duties as captains or majors serving in the Office of Agricultural Law Enforcement from the Career Service category of the civil service system for state employees. Instead, such personnel will serve in the Select Exempt Service (SES) category. (Section 1.)

Former Agricultural Lands Owned by Electric Utilities

The bill provides DACS the right of first refusal to acquire former agricultural lands that are owned or acquired by an electric utility as defined in s. 361.11(2), F.S., prior to those lands being offered for sale by the utility to a private entity. For lands acquired by an electric utility that have been classified as agricultural at any time in the 5 years before acquisition by the utility, the bill requires the utility to offer such lands for fee simple acquisition by DACS before offering the lands for sale to a private entity. Similarly, for lands owned by an electric utility that were classified as agricultural at any time in the 5 years before acquisition by the utility, the bill requires the utility to offer such lands for fee simple acquisition by DACS before offering the lands for sale to a private entity. The bill does not specify the purposes for which the state may acquire such lands and does not establish criteria for such acquisitions. This bill makes these provisions retroactive to January 1, 2009. (Section 6.)

The bill provides that DACS may surplus lands that it has acquired under these provisions if it determines, in consultation with the Department of Environmental Protection, that such lands are suitable for bona fide

agricultural production.[1] The bill requires DACS to retain a rural-lands-protection easement under s. 570.71, F.S., for such lands that it has surplused. The bill provides that all proceeds from these surplused lands must be deposited into the Incidental Trust Fund within DACS to create conservation easements through less than fee simple acquisitions made pursuant to ss. 570.71 and 570.715, F.S. The bill requires DACS to provide an annual report of these surplused lands, beginning January 1, 2026. These provisions are retroactive to January 1, 2009. (Section 4.)

Use of Unmanned Aircraft (Drones)

The bill expands the prohibited uses of unmanned aircraft, or drones, to prohibit specific uses on agricultural lands, private property, state wildlife management lands, and sport shooting and training ranges. (Section 5.)

Agricultural Lands

The bill prohibits a person from knowingly or willfully doing any of the following on lands classified as agricultural lands under s. 193.461, F.S.:

- Operating a drone.
- Allowing a drone to make contact with any person or object on the premises of or within the boundaries of such lands.
- Allowing a drone to come close enough to such lands to interfere with or cause a disturbance to agricultural production.

The bill provides that a violation of any of these prohibitions is punishable as a second degree misdemeanor.[2] Under the bill, a second or subsequent violation is punishable as a first degree misdemeanor.[3]

The bill provides exceptions to the prohibition for actions of:

- The property owner of the agricultural lands.
- A person acting with prior written consent of the property owner of the agricultural lands.
- A person or entity acting in compliance with Florida law related to search and seizure using a drone.[4] (Section 5.)

Private Property, State Hunting Lands, and Sport Shooting and Training Ranges

The bill also prohibits a person from knowingly or willfully allowing a drone to make contact with private property,[5] state wildlife management lands, a sport shooting and training range,[6] or any person or object on the premises of or within the property with the intent to harass. A violation of the prohibition is punishable as a second degree misdemeanor and a second or subsequent violation is punishable as a first degree misdemeanor. Further, a person who violates this prohibition and records video of the property, including any persons or objects on the premises of or within the property, commits a first degree misdemeanor, and a second or subsequent violation is a third degree felony.[7]

The bill provides the same exceptions to the prohibition as listed above with regard to agricultural lands. (Section 5.)

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[1] The bill excludes lands designated as state forest, state park, or wildlife management area.
[2] A second degree misdemeanor is punishable by up to 60 days in jail and a $500 fine. Ss. 775.082 and 775.083, F.S.
[3] A first degree misdemeanor is punishable by up to one year in jail and a $1,000 fine. Ss. 775.082 and 775.083, F.S.
[4] S. 934.50, F.S.
[5] The bill defines "private property" as "any residential or commercial property" and provides a definition for each of those terms.
[6] For purposes of the bill, a "sport shooting or training range" means any area that has been designed, or operated for the use of, firearms, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, BB guns, airguns, or similar devices, or any other type of sport or training shooting.
[7] A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

Exceptions for Certain Surveillance Uses

The bill removes an exception to Florida's general prohibition on the use of drones to conduct surveillance on private property and persons legally on such property. The bill removes the exception for persons and entities engaged in a state-licensed business or profession, or their agents, employees, and contractors, to use a drone to perform reasonable tasks within the scope of practice or activities permitted under the state-issued license. (Section 79.)

Florida Aquaculture Foundation

The bill creates the Florida Aquaculture Foundation as a direct support organization within DACS. The purpose of the foundation is to conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state and to identify and pursue methods to provide statewide resources and materials for these programs.

The bill authorizes DACS to appoint an advisory committee adjunct to the foundation pursuant to s. 570.232, F.S.[8] (Section 63.)

Emergency Recovery Loans to Agriculture and Aquaculture Producers

The bill expands the existing Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program to include loans to agriculture or aquaculture producers that have experienced damage or destruction from emergencies declared by the Commissioner of Agriculture.[9] Accordingly, the bill renames the program as the Agriculture and Aquaculture Producers Emergency Recovery Loan Program. (Sections 3 and 64.)

The bill also:

- Expands authorized uses of program loans to include restocking aquaculture.
- Permits DACS to renew loan applications after a determination from DACS and an active declared emergency.
- Permits DACS to defer or waive loan payments if, at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

Emergency Recovery Grants for Timber Landowners

The bill creates the Silviculture Emergency Recovery Program, which empowers DACS to administer grants to assist timber landowners whose timber land is damaged as a result of an emergency declared by the Governor[10] or the Commissioner of Agriculture.[11] Only timber land located on lands classified as agricultural lands are eligible to participate in the program. Grants provided to eligible timber owners may only be used for:

- Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly damaged or completely undamaged.
- Site preparation and tree replanting.
- Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

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[8] S. 570.232, F.S., authorizes the Commissioner of Agriculture to appoint any advisory committee to assist DACS with its duties and responsibilities. An advisory committee may exist for no more than 3 years, but may be reestablished as necessary.
[9] Pursuant to s. 570.07(21), F.S., DACS may declare an emergency when one exists in any matter related to agriculture, adopt rules that are in effect during the term of the emergency, and issue food safety information related to the emergency.
[10] S. 252.36, F.S., specifies the Governor's authority to declare a state of emergency. An emergency is defined as "any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property." S. 252.34, F.S.
[11] S. 570.07(21), F.S.

The bill requires DACS to coordinate with state agencies and other entities to ensure that timber landowners have access to the maximum financial assistance available following a declared emergency. This coordination must attempt to ensure no duplication of financial assistance between the emergency recovery program grants and other federal or state funding sources, where such duplication would render an approved applicant ineligible for other financial assistance. (Section 65.)

Florida Wine

The bill recognizes wine products made from fruits other than grapes by changing the name of the Viticulture Advisory Council to the Florida Wine Advisory Council (Section 69), changing the name of the State Viticulture Plan to the State Wine Plan (Section 70), changing the name of the Viticulture Trust Fund to the Wine Trust Fund (Sections 59 and 72), and making conforming changes to reflect these changes. The bill also reflects a change to the name of the Florida Grape Growers' Association to the Florida Wine and Grape Growers Association.

The bill also provides that a winery that fails to annually recertify with DACS and pay required licensing fees for participation in the Florida Farm Winery Program is subject to the removal of the program's logos, emblems, and directional signs previously installed by the Department of Transportation. (Section 71.)

Citrus Regulation

The bill repeals provisions established in 2006 to minimize the spread of citrus disease. In particular, the bill repeals provisions that:

- Prohibit persons from propagating citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by DACS and that is not at least one mile from commercial citrus groves.
- Require DACS to establish regulated areas of up to a one mile radius around the perimeter of certain commercial citrus groves, in which the planting of citrus is prohibited.
- Require DACS to require removal of infected or infested citrus, non-approved planted citrus, and citrus that has sprouted by natural means.
- Establishes a process by which DACS may issue an immediate final order and notify property owners of any required removal. (Section 66.)

Mosquito Control

The bill makes the following changes to Florida's laws governing mosquito control programs:

- Defines a "program" as any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality (Section 8), and replaces references to "mosquito control districts" and "districts" throughout chapter 388, F.S., with "mosquito control programs" and "programs." (Multiple sections.)
- Recognizes the participation of municipalities in mosquito control programs. (Section 8 and multiple sections thereafter.)
- Increases to $75,000 the annual cap on non-matching state funds available to a municipality, county, or mosquito control special district for a new program to control mosquitos and other arthropods.[12] (Section 13.)
- Clarifies references to "work plan" and "plan" by replacing such references with the term "integrated arthropod management plan."[13] (Section 14 and multiple sections thereafter.)
- Removes the requirement that state funds be paid quarterly. (Section 17.)

[12] Arthropods are defined in s. 388.011, F.S., as "insects of public health or nuisance importance, including all mosquitoes, midges, sand flies, dog flies, yellow flies, and house flies."

[13] S. 388.011(6), F.S., defines "integrated arthropod control" as the implementation of arthropod control measures, including, but not limited to, the use of pesticides and biological control agents and source reduction, to control arthropods without an unreasonable adverse effect on the environment.

- Requires that a record and inventory of certain property that was purchased with state funds for arthropod control use and is owned by a mosquito control program must be maintained in accordance with rules established by Florida's Chief Financial Officer under s. 274.02, F.S. (Section 20.)
- Requires that any serviceable equipment that was purchased with state funds for arthropod control use but is no longer needed must be offered to any or all other programs engaged in arthropod control at a price established by the board of commissioners owning the equipment. (Section 21.)
- Requires that the proceeds from the sale of any real or tangible personal property owned by a mosquito control program and purchased using state funds must be deposited in the program's state fund account. (Section 21.)
- Requires each mosquito control program receiving state aid to submit to DACS a monthly expenditure report for the preceding month and requires each program participating under ch. 388, F.S., to provide reports of activities and accomplishments. (Section 22.)
- Extends DACS' enforcement authority to authorize issuance of written warnings, imposition of fines, and denial of program participation for specified violations and authorizes probation in lieu of a fine if DACS finds that a fine would be detrimental to the public. (Section 25.)
- Adds a representative from the Center of Medical, Agricultural, and Veterinary Entomology to the Florida Coordinating Council on Mosquito Control, increases the number of mosquito control directors to serve on the council from two to four, and permits members of the council to serve until a successor is appointed. (Section 29.)

Basin Management Action Plans

The bill grants DACS rulemaking authority to establish an enrollment by rule process for best management practices (BMPs) that agricultural pollutant sources and agricultural producers may use instead of certain other DACS' BMPs. Accordingly, DACS is authorized to identify BMPs for landowners of parcels that meet the following requirements:

- The parcel is not greater than 25 acres in size.
- The parcel is designated as agricultural land use by the county in which it is located, or the parcel is granted agricultural tax classification by the county property appraiser.
- The water use on the parcel does not exceed 100,000 gallons per day on average, unless the entire use is from using recycled water from wet detention treatment ponds or reuse water.
- The agricultural activity on the parcel does not include a vegetable crop, agronomic crop, nursey, or dairy operation.
- The parcel is not abutted by an impaired water body.
- The parcel is not part of a larger operation that is enrolled in other DACS BMPs or conducts water quality monitoring prescribed by DACS or a water management district. (Section 30.)

Under the bill, DACS must also specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The bill authorizes DACS to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule. (Section 30.)

The bill requires DACS to annually perform onsite inspections of 20 percent of all enrollments that meet the qualifications described above within basin management action plan areas, to ensure that practices are being properly implemented. The inspection must include a collection and review of certain BMP documentation from the previous two years. (Section 30.)

The bill also requires all agricultural producers enrolled by rule in a BMP to annually submit to DACS all nutrient records, including nitrogen and phosphorus fertilizer application records for the previous calendar year, as DACS may require by rule. The bill requires DACS to collect and retain those nutrient records pursuant to certain other requirements. (Section 30.)

Water Quality Additives

The bill defines the term "water quality additive" to mean any chemical or additive which is used in a public water system for the purpose of removing contaminants or increasing water quality. The term does not, however, include additives used for health-related purposes. (Section 31.)

The bill prohibits the use of any additives in a public water system which do not meet the definition of a water quality additive, as defined above, or the use of any additives included primarily for health-related purposes. (Section 32.)

Pest Control and Pesticide Licensing and Certification

The bill authorizes DACS to offer examinations for various pest control and pesticide applicator certifications both in person and remotely through a third-party vendor and authorizes the third-party vendor to impose a convenience fee for this service. The bill eliminates provisions that specify the frequency with which these examinations must be offered. (Sections 33, 34, 35, 36, 37, 39.)

The bill authorizes DACS to take disciplinary action against a pest control or pesticide licensee or certificate holder if the licensee or certificate holder is subject to civil penalties issued by final order under the Federal Insecticide, Fungicide, and Rodenticide Act or a criminal conviction under that act. (Sections 38, 40.)

Florida Solicitation of Contributions Act

Registration Statement

The bill requires a charitable organization or sponsor, unless exempted, to file certain attestation statements with its initial registration statement when registering under the Solicitation of Contributions Act. The bill requires each attestation to be submitted on a form prescribed by DACS and signed by an authorized official of the charitable organization. In the attestation statements, the authorized official must certify and attest that:

- The charitable organization, if engaged in activities that would require registration under ch. 106, F.S., is properly registered with the Department of State.
- The charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State under ch. 106, F.S. (Section 42.)

Under the bill, a charitable organization or sponsor, whose registration is denied or revoked for submitting a false attestation, is subject to certain penalties.[14] (Section 45.)

The bill authorizes DACS to investigate and refer a charitable organization or sponsor that has registered or attempted to register under the Florida Solicitation of Contributions Act to the Florida Elections Commission for investigation of violations pursuant to chs. 104 and 106, F.S. (Sections 42 and 44.)

Honest Services Registry

The bill requires DACS to create the Honest Services Registry (Registry) to provide the residents of Florida with the information necessary to make an informed decision when deciding which charitable organizations to support. To be included on the Registry, the bill requires a charitable organization to, at a minimum, submit to DACS an attestation, on a form prescribed by DACS and verified according to s. 92.525, F.S., attesting to all of the following:

- That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern; and

[14] The penalties that DACS may impose include issuing a notice of noncompliance; issuing a cease and desist order; refusing to register or cancelling or suspending a registration; placing the registrant on probation for a period of time, subject to certain conditions as DACS may specify; cancelling an exemption; imposing an administrative fine not to exceed $5,000 for each act or omission that constitutes a violation (if the violating entity is a 501(c)(3) organization, the administrative fine may not exceed $500 per violation for failure to register or file for an exemption); and imposing an administrative fine not to exceed $10,000 for a violation that involves fraud or deception. S. 496.419(5), F.S.

- That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern. (Section 46.)

The bill requires DACS to publish the Registry on its website, and grants DACS rulemaking authority to implement these provisions. (Section 46.)

The bill makes it unlawful for any person, in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion, to solicit or accept contributions or anything of value from a foreign source of concern. (Section 43.)

For purposes of the Honest Services Registry, as well as the Solicitations of Contributions Act, the bill defines "foreign country of concern" as the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.[15] The bill defines "foreign source of concern" as any of the following:

- The government or any official of the government of a foreign country of concern;
- A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
- A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;
- Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;
- An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or
- An entity in which a person, entity, or collection of persons or entities described above has a controlling interest.[16] (Section 41.)

Florida Food Safety Act

The bill amends the definition of "cottage food product" under the Florida Food Safety Act (FFS Act) to mean food that is ***not time or temperature controlled for safety***, and that is not a potentially hazardous food as defined by DACS rule which is sold by a cottage food operation in accordance with Florida's laws governing such operations. (Section 47.)

The bill clarifies that a food permit from DACS is required of any person ***or business*** that operates a food establishment, except certain persons ***or businesses*** that operate minor food outlets and sell commercially prepackaged, not potentially hazardous, ***not age restricted***, and not time or temperature controlled for safety, provided the shelf space for those items do not exceed 12 linear feet and no other food is sold by the person ***or business***. (Section 48.)

The bill also:

- Makes a food permit issued to a new food establishment valid for 1 calendar year after the date of issuance, not just food permits issued on or after September 1, 2023.
- Authorizes DACS to establish a single permit renewal date for multiple food establishments owned by the same entity.
- Eliminates the FFS Act's provision that authorizes the owner of 100 or more permitted food establishment locations to elect to set the expiration of food permits for such establishments as December 31 of each calendar year. (Section 48.)

[15] *See* s. 286.101(1)(b), F.S.

[16] Controlling interest means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest. (Section 41.)

For purposes of enforcing the FFS Act, the bill requires carriers engaged in interstate commerce and persons receiving food in interstate commerce to retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity, and consignee thereof. (Section 49.)

The bill also authorizes DACS to enter into a written agreement with the owner of a food processing equipment, food processing area, or food storage area to facilitate the destruction of any article found or suspected by DACS to be in violation of the FFS Act. (Section 50.)

Mushroom Spores and Mycelium

The bill prohibits a person from transporting or offering to transport, importing into this state, selling or offering for sale, furnishing, or giving away spores or mycelium capable of producing mushrooms or other material that which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. A violation of the prohibition is a first degree misdemeanor. (Section 51.)

Plant-Based Products Labeled as "Milk," "Meat," "Poultry," or "Eggs"

The bill requires DACS to adopt rules to enforce the U.S. Food and Drug Administration's (FDA) standard of identity for milk, as adopted in Florida law, to prohibit the sale of plant-based products labeled as milk in Florida. This section in the bill is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products labeled as milk by any 11 of the following 14 states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. (Section 52.)

Similarly, the bill requires DACS to adopt rules to enforce the FDA's standard of identity for meat, poultry, poultry products, eggs, and egg products to prohibit the sale of plant-based products labeled as meat, poultry, poultry products, eggs or egg products in Florida. This section in the bill is also effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products labeled as meat, poultry, poultry products, eggs, or egg products by any 11 of the 14 states listed in the group above. (Section 52.)

The bill requires DACS to notify the Division of Law Revision upon the enactment into law by any 11 of the 14 states in the group above of the mandatory labeling requirements. DACS is authorized to adopt rules to implement these provisions. The bill provides that these provisions may not be construed to limit DACS' authority to enforce its other laws and regulations. (Section 52.)

For purposes of the above provisions, the bill provides that:

- "Egg" and "egg product" have the same meaning as in 21 U.S.C. § 1033 and the Egg Products Inspection Act.[17]
- "Meat" has the same meaning as in 9 C.F.R. § 301.2 and the Federal Meat Inspection Act.[18]
- "Milk" has the same meaning as in 21 C.F.R. § 31.110 and the Grade "A" pasteurized milk ordinance.[19]
- "Poultry" and "Poultry Product" have the same meanings as in 9 C.F.R. § 381.1 and the Poultry Products Inspection Act.[20] (Section 52.)

Consumer Unit Pricing Act

The bill repeals Florida's Consumer Unit Pricing Act. (Section 53.)

Veterinary Pathologists

[17] 21 U.S.C. § 1031, *et seq.*
[18] 21 U.S.C. § 601 *et seq.*
[19] *See* U.S. Food and Drug Administration, Grade "A" Pasteurized Milk Ordinance: 2023 Revision (Feb. 2025), https://www.fda.gov/media/180975/download?attachment (last visited Mar. 16, 2025).
[20] 21 U.S.C. § 451 *et seq.*

The bill grants DACS the power and duty to foster and encourage the development and retention of veterinary pathologists. The bill authorizes DACS to reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with DACS to retain employment for a specified time. DACS is granted rulemaking authority in the bill to administer these provisions. (Section 60.)

The bill also grants DACS the power and duty, subject to appropriations, to:

- Extend state and national Future Farmers of American (FFA) opportunities to any public school student enrolled in agricultural education, at little or no cost; and
- Support statewide FFA programming that helps those students develop their potential for premier leadership, personal growth, and career success. (Section 60.)

Contracts Procured by Other State Agencies

The bill authorizes DACS, notwithstanding certain provisions[21] in Florida law, to use contracts procured by another agency. For purposes of this authorization, the term "agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of Florida's government; the term, however, does not include the university and college boards of trustees or the state universities and colleges.[22] (Section 60.)

Bulk Renewal of Licenses

The bill authorizes DACS to:

- Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.
- Create a process that will allow licensees, upon request, to align the expiration date of licenses within a statutory program.
- Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month. (Section 62.)

Under the bill, DACS must prorate any licensing fee for which the term of the license was reduced for the purposes of alignment. The bill authorizes DACS to adopt rules to implement these provisions. (Section 62.)

Boll Weevil Eradication

The bill repeals the Florida Boll Weevil Eradication Law. (Section 67.)

Retail Fuel Transfer Switch Modernization Grant Program

The bill creates a grant program within DACS to provide funds to retail fuel facilities for installing or modernizing transfer switches that allow for use of backup power generation to ensure continuous fueling operations during a power outage. The program is named the Florida Retail Fuel Transfer Switch Modernization Grant Program and is subject to funding by the Legislature. (Section 56.)

The bill provides that grant funds may be used for installation and equipment costs. Retail fuel facilities in fiscally constrained counties[23] are eligible for up to $10,000 to cover costs for transfer switch purchase and installation. Retail fuel facilities in all other counties are eligible for up to $5,000 to cover these costs. Prior to being awarded

[21] The provisions include ss. 287.042 and 287.057, F.S.
[22] S. 287.012(1), F.S.
[23] A fiscally constrained county, as defined in s. 218.67, F.S., is a "county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than $5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1."

funding, a retail fuel facility must provide DACS with documentation on transfer switch installation and required generator sizing. Facilities that are awarded grants must comply with requirements in Florida law for maintaining alternate generated power capacity and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment.

The following retail fuel facilities are not eligible for grant funding under this program:

- Marinas and facilities with fewer than 4 fueling positions.
- Newly constructed or substantially renovated retail fuel facilities, as described in s. 526.143(2), F.S.

Registration of Petroleum Transportation

The bill requires DACS to create an annual registration program for owners and operators of vehicles used to transport petroleum products. The bill requires DACS to adopt registration requirements by rule. The registration must be free for all participants.

The bill authorizes DACS to require registrants to provide updates on the status of infrastructure, inventory, and delivery information during a state of emergency declared by the Governor. (Section 55.)

Packaging Information

The bill requires that each package that is one of a lot containing random weights of the same commodity must bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by DACS rule. (Section 57.)

The bill also makes technical changes to an existing law related to advertising packages for sale. (Section 58.)

Regulation of Antifreeze

The bill expands DACS' jurisdiction over the registration, labelling, and inspection of antifreeze by modifying the definition of antifreeze to include coolants used to cool components of any motor vehicles, including electric vehicles. (Section 54.)

Accordingly, each brand of a substance or preparation distributed in the state for use in cooling any component of a motor vehicle, regardless of vehicle technology, must be registered with DACS and is subject to DACS' authority to inspect such products and verify their proper labelling. In addition to traditional antifreeze/engine coolant products, the revised definition in the bill appears to include EV battery coolants. However, it may also be interpreted to include transmission fluids and brake fluids, as such products aid in preventing overheating of motor vehicle components.[24]

Electric Vehicle Charging Station Regulation

The regulation of electric vehicle charging stations is preempted to the state pursuant to s. 366.94, F.S., and such regulation is under DACS jurisdiction. The bill clarifies the definition of "electric vehicle charging station" to be the area in the immediate vicinity of electric vehicle supply equipment, other supporting equipment, and associated parking spaces. The bill allows DACS to adopt additional rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations. (Section 7.)

[24] *See, e.g.*, Mister Transmission, *The Essential Guide To Cooling Transmission Fluid: Keeping Your Car Healthy*, (Mar. 22, 2024), https://www.mistertransmission.com/the-essential-guide-to-cooling-transmission-fluid-keeping-your-car-healthy/#:~:text=Transmission%20fluid%20does%20more%20than,smooth%20operation%20of%20your%20vehicle (last visited Mar. 16, 2025); Romeoville Toyota, *Stop Right There: Understanding the Importance of Brake Fluid*, (Feb. 12, 2021), https://www.romeovilletoyota.com/stop-right-there-understanding-the-importance-of-brake-fluid/ (last visited Mar. 16, 2025).

The bill creates the following requirements and enforcement authority:

- Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards in rule and state law.
- Before a charger is placed into service for use by the public, the charger must be registered with DACS on a DACS form.
- DACS has the authority to inspect electric vehicle charging stations, conduct investigations, and enforce laws and rules by imposing one or more of the following penalties against a person by:
  - Issuing of a warning letter.
  - Imposing an administrative fine in the Class II category pursuant to s. 570.971, F.S. for each violation.
- If DACS determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, DACS may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.
- DACS may bring a legal action to enjoin a violation (prevent a violation) in the circuit court. The court may immediately issue the temporary or permanent injunction upon demonstration of certain evidence by DACS. (Section 7.)

Licenses for Certain Shows

The bill eliminates the reference to "minstrel" shows in current Florida law. (Section 73.)

Florida Farmer Financial Protection Act

The bill creates the Florida Farmer Financial Protection Act (FFFP Act), which prohibits a financial institution from denying or restricting services to an agriculture producer where the denial or restriction is based, in whole or in part, on an ESG factor. (Section 74.)

A financial institution, including any affiliate or subsidiary thereof, is subject to the FFFP Act if the institution:

- Is authorized to do business in Florida;
- Has total assets of more than $100 million; and
- Offers financial services, which is defined in the bill as any product or service that is of a financial nature and offered by a financial institution. (Section 74.)

Under the bill, if a financial institution has made ***any*** ESG commitment related to agriculture, there is an inference that the financial institution has violated the FFFP Act. A financial institution may overcome that inference, however, by demonstrating that its denial or restriction of financial services was based solely on documented risk analysis, and not on an ESG factor. (Section 74.)

For purposes of the FFFP Act, the bill creates definitions for the following terms:

- "Agriculture producer" means a person or company that is:
  - Authorized to do business in Florida, and
  - Engaged in the production of goods derived from plants or animals, which includes, but is not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.
- "Denies or restricts" means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.
- "ESG factor" means:
  - Any factor or consideration that is collateral to (or not reasonably likely to affect or impact) financial risk, and
  - Includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery. (Section 74.)

The bill authorizes the Attorney General, in consultation with the Office of Financial Regulation, to enforce the FFFP Act. Further, any violation of the FFFP Act constitutes an unfair trade practice under the Florida Deceptive and Unfair Trade Practices Act. Under the bill, the Attorney General is authorized to investigate and seek remedies as provided in general law. (Section 74.)

The bill also provides that actions for damages may be sought by an aggrieved party, which creates a private right of action for a violation of the FFFP Act. (Section 74.)

Concealed Weapons and Preemption of Firearm Regulations

The bill requires DACS to, upon notification by a law enforcement agency, court, clerk's office, or the Florida Department of Law Enforcement (FDLE), ***temporarily*** suspend a concealed weapons or concealed firearms license (CWL) or the processing of an application for a CWL if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a CWL until final disposition of the case. (Section 76.)

The bill also requires DACS to notify a CWL holder whose license was suspended, or a CWL applicant for whom DACS suspended the processing of an application for a CWL, of his or her right to a hearing pursuant to ch. 120, F.S. The bill requires a hearing conducted regarding the temporary suspension to be for the limited purpose of determining whether the CWL licensee or applicant has been arrested or charged with a disqualifying crime or issued an injunction or court order. If the criminal case or injunction results in a non-disqualifying disposition, DACS must issue an order lifting the suspension upon the CWL licensee's or applicant's submission to DACS of a certified copy of the final resolution. If the criminal case results in a disqualifying disposition, the suspension remains in effect and DACS must proceed with denial or revocation proceedings pursuant to ch. 120, F.S. (Section 76.)

The bill provides the above provisions do not limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state; finds that it is a matter of public policy and public safety to ensure that potentially disqualifying information about a CWL licensee or applicant is investigated and processed in a timely manner by DACS; and charges DACS with making an eligibility determination and issuing a license in the particular time frames prescribed by the bill. (Section 76.)

Under the bill, if a criminal history screening identifies criminal history information related to a crime that may disqualify a CWL applicant, but the information does not contain a final disposition of the crime or lacks sufficient information to make an eligibility determination, the 90-day extension under current law may be extended for an additional 90 days after the receipt of the information. DACS may make a request for information to the jurisdiction where the criminal history information originated, but ***must*** issue a CWL if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 90 days, ***if the CWL applicant is otherwise eligible***. (Section 76.)

Fuel Theft

The bill makes it a *third degree* felony to willfully, knowingly, and without authorization:

- Possess or use any form of a payment instrument that can be used, alone or in conjunction with another device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or chip encoded with account information;
- With the intent to defraud the fuel retailer, authorized payment instrument account holder, or the banking institution that issued the payment instrument financial account. (Section 77.)

The bill also makes it a *second degree* felony[25] to willfully, knowingly, and without authorization physically tamper with, manipulate, remove, replace, or interrupt any mechanical or electronic component located on the external portion of a retail fuel dispenser. (Section 77.)

[25] A second degree felony is punishable by up to 15 years imprisonment and a $10,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

Mail Theft

The bill provides that the following acts constitute mail theft:

- Removing mail[26] from a mail depository[27] or taking mail from a mail carrier of a postal service[28] with the intent to commit a theft in violation of s. 812.014, F.S..
- Obtaining custody of mail by fraud or deception with the intent to commit a theft in violation of s. 812.014, F.S.
- Selling, receiving, possessing, transferring, buying, or concealing mail obtained by either of the two methods described above, while knowing or having reason to know the mail was obtained illegally. (Section 78.)

The bill also provides that the following acts constitute theft of, or unauthorized reproduction of, a mail depository key or lock:

- Theft or obtaining by false pretense, any key or lock adopted by a postal service for a mail depository or other authorized receptacle for the deposit or delivery of mail.
- Knowingly and unlawfully making, forging, or counterfeiting any key described above or possessing any such key or lock adopted by a postal service, with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed. (Section 78.)

Under the bill, a first violation of the above provisions constitutes a first degree misdemeanor. A second or subsequent violation constitutes a third degree felony. (Section 78.)

Facilities for Agricultural Education

The bill prohibits a local government from adopting any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animals or equipment. (Section 80.)

The bill also provides that lands used for agricultural education or for Future Farmers of America or 4-H activities shall be considered agricultural lands. (Section 80.)

The bill reenacts several provisions of existing law to incorporate the amendments made by the bill. (Sections 81–91)

Unless otherwise provided, the bill has an effective date of July 1, 2025. (Section 92.)

RULEMAKING:

The bill authorizes DACS to adopt rules related to electric vehicle charging stations. (Section 7.)

The bill authorizes DACS to adopt rules to implement the Florida Retail Fuel Transfer Switch Modernization Grant Program created by the bill, including rules that establish an application process, deadlines, and required supporting documentation. (Section 56.)

The bill grants DACS rulemaking authority to establish an enrollment by rule process for best management practices (BMPs) that agricultural pollutant sources and agricultural producers may use instead of certain other DACS' BMPs. (Section 30.)

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[26] "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.
[27] "Mail depository" means a mail box, letter box, mail route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service.
[28] "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

Under the bill, the attestation statements required under the Florida Solicitations of Contributions Act and Honest Services Registry must be submitted on a form prescribed by DACS. The bill also grants DACS general rulemaking authority to implement the provisions in the bill relating to the Florida Solicitations of Contributions Act and Honest Services Registry. (Sections 42 and 46.)

The bill authorizes DACS to adopt rules to administer the bill's requirement that DACS foster and encourage the employment and retention of qualified veterinary pathologists in the state. (Section 60.)

The bill authorizes DACS to adopt rules for bulk licensing renewal processes. (Section 62.)

The bill authorizes DACS to adopt rules, including emergency rules, to implement a silviculture emergency recovery program. The bill provides that emergency rules adopted under this authority are effective for six months and may be renewed during the process of adopting permanent rules addressing the same subject. (Section 65.)

The bill requires DACS to adopt rules establishing registration requirements for the annual petroleum registration program created by the bill. (Section 55.)

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.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The provisions in this bill pose an indeterminate positive fiscal impact to DACS.[29] Benefit costs for the reclassification of certain DACS personnel will have an indeterminate fiscal impact on the department.

The bill creates new misdemeanors for illegal activities relating to drones on agricultural land, the distribution of certain mushroom spores, and mail theft. The bill also creates felonies for possession of any form of payment used to defraud fuel retailers or tamper with components of retail fuel dispensers. This may have an indeterminate impact on the Florida Department of Law Enforcement and the Florida Department of Corrections.

Overall, the bill may have an indeterminate negative impact on state government expenditures due to the cost of implementing new and expanded regulatory programs and grant programs.

LOCAL GOVERNMENT:

The bill may have an indeterminate, potentially negative impact on local government revenues by providing that all lands used for agricultural education or for Future Farmers of America or 4-H activities must be considered agricultural lands, which may be subject to lower ad valorem tax rates.

PRIVATE SECTOR:

Food distributors may incur costs associated with the proper labeling of plant-based products that currently have the words "meat," "milk," "poultry," "poultry product," "egg," or "egg product" in their labels.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Classification of Agricultural Lands

[29] Email from Thomas Poucher, Deputy Commissioner of Office and Policy and Budget, Department of Agriculture and Consumer Services, RE: HB 651 – Fiscal Impact, (March 28, 2025).

A property appraiser classifies all lands as either agricultural or nonagricultural. Agricultural lands are those used primarily for bona fide agricultural purposes[30] such as horticulture, viticulture, forestry, and farming.[31] Only the area of the land used for agricultural purposes benefits from the agricultural classification.

A property appraiser must reclassify lands as nonagricultural if the lands are diverted from an agricultural to a nonagricultural use or are no longer used for agricultural purposes. There are certain protections for agricultural classifications when land is temporarily not being used for agriculture due to a natural disaster or in compliance with certain state agriculture programs.[32]

Agricultural lands are taxed at a value based solely on their agricultural use,[33] which requires a property appraiser to use a different analysis to value the land than that used to determine the just value of land.[34] Lands classified as agricultural also enjoy certain benefits and protections, such as a preemption on local government restrictions of farming on those lands[35] and limits on nuisance complaints related to farming activities.[36]

State Acquisition of Property and Property Rights

In property law, a fee simple acquisition is an outright purchase of land. A "less than fee simple" acquisition refers to the purchase of limited property rights, often for purposes of conserving and protecting resources on the property at less cost than purchasing the land outright.[37]

As an example of less than fee simple acquisitions, DACS, through the Rural and Family Lands Protection Program, is authorized to acquire permanent agricultural land conservation easements.[38] Under this program, DACS, on behalf of the Board of Trustees of the Internal Improvement Trust Fund (Board), is authorized to allocate funds to acquire perpetual, less than fee simple interests in land and enter into agricultural protection agreements and resource conservation agreements.[39] These arrangements compensate property owners for restrictions on the future development of their land in perpetuity while allowing them to continue agricultural activities.[40] Property owners may apply to DACS to be included in the program's approved acquisition list.[41] To qualify for acquisition under the program, the agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet certain public purposes.[42] The program is voluntary; upon written request from a property owner, DACS must remove the owner's property from any lists or maps developed to implement the program.[43]

In general, the Board is responsible for determining which state-owned lands are surplus and should be disposed of.[44]

Prohibited Uses of Unmanned Aircraft

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[30] "Bona fide agricultural purposes" means good faith commercial agricultural use of the land. S. 193.461(3)(b), F.S.
[31] S. 193.461(5), F.S.
[32] S. 193.461(7), F.S.
[33] Art. VII, s. 4(a), Fla. Const.
[34] S. 193.461(6)(c), F.S.
[35] S. 163.3162, F.S.
[36] *See* s. 823.14, F.S.
[37] The Florida Senate, Committee on Environmental Preservation and Conservation, Issue Brief 2011-217, *Florida Forever's Land Acquisition Using Less-Than-Fee Methods*, October 2010, https://www.flsenate.gov/UserContent/Session/2011/Publications/InterimReports/pdf/2011-217ep.pdf (last visited March 6, 2025).
[38] Department of Agriculture and Consumer Services (DACS), Rural and Family Lands Protection Program, https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program (last visited March 6, 2025).
[39] S. 570.71, F.S.
[40] *Id. See also* DACS, *supra* note 10.
[41] DACS, *supra* note 10.
[42] S. 570.71, F.S.
[43] *Id.*
[44] S. 253.0341(1), F.S.

Under Florida law, a person may not knowingly or willfully operate a drone over specified critical infrastructure facilities,[45] allow a drone to contact these facilities or persons or objects on the premises, or allow a drone to come within a distance close enough to interfere with operation of these facilities or cause a disturbance. Similarly, a person may not knowingly or willfully operate a drone over a public or private school or make contact with a school or persons or objects on the premises. First time violations of these prohibitions are second degree misdemeanors, while subsequent violations are first degree misdemeanors, though these charges are upgraded if the drone operator also records video of a school or persons or objects on the school's premises.[46]

For purposes of these prohibitions, a drone is defined as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.[47]

Exceptions to these prohibitions are provided for owners or operators of critical infrastructure facilities, persons acting with prior written consent, law enforcement acting in compliance with Florida law related to search and seizure using a drone, and governmental entities.[48]

Further, Florida law generally prohibits the use of drones to record images with the intent to conduct surveillance of privately owned real property or persons legally on such property, absent written consent of the person or property owner.[49] The law provides several exceptions for specific uses, including the use of a drone to perform "reasonable tasks" within the scope or practice or activities permitted under a state-issued license by a person or an entity engaged in a business or profession licensed by the state, or by the person or entity's agent, employee, or contractor. This exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.[50] Other exceptions are made for certain activities by law enforcement, government entities conducting disaster assessments, property appraisers, utilities, aerial mapping, cargo delivery, communications service providers, and state government employees in the performance of specified duties.[51]

Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program

Following the devastation of Hurricane Idalia in 2023, the Florida legislature passed CS/HB 1-C to provide relief to those affected by the hurricane.[52] Among other things, the law established the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program within DACS to make loans to agriculture and aquaculture producers who experience damage or destruction from a declared natural disaster. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.[53]

Under the program, DACS is authorized to make low-interest or interest-free loans of up to $500,000 to eligible applicants. An approved applicant may receive no more than one loan per declared disaster, two loans per year, and five loans within any 3-year period. The term of each loan is 10 years.[54] To be eligible, an applicant must:

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[45] For purposes of this law, "critical infrastructure facilities" are defined in s. 330.41(2)(a), F.S.
[46] S. 330.41, F.S.
[47] S. 330.41(b), F.S., cross-referencing the definition provided in s. 934.50(2)(a), F.S.
[48] S. 330.41, F.S.
[49] S. 934.50(3)(b), F.S.
[50] S. 934.50(4)(i), F.S.
[51] S. 934.50(4), F.S.
[52] Ch. 2023-349, Laws of Fla., codified at s. 570.822, F.S.
[53] *Id.*
[54] *Id.*

- Own or lease a bona fide farm operation that is located in a county that experienced a declared natural disaster and that was damaged or destroyed as a result of the declared natural disaster; and
- Maintain complete and acceptable farm records, pursuant to criteria published by DACS, and present them as proof of production levels and bona fide farm operations.[55]

The loan program expires on July 1, 2043, unless reviewed and saved from repeal by the Legislature.[56]

In the same bill, the Legislature appropriated $37.5 million in nonrecurring funds to administer a cost-sharing grant program to assist timber landowners in specified counties whose timber land was damaged as a result of Hurricane Idalia. Grants made to eligible timber landowners must be for up to 75 percent of the costs for site preparation and tree replanting on lands classified as agricultural lands under s. 193.461, Florida Statutes. The maximum grant award is $250,000. Site preparation work may include downed tree removal by a variety of methods, including mechanical harvesting or prescribed burns authorized by the Florida Forest Service.[57]

Viticulture

"Wine" is defined in Florida law as all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added.[58] "Viticulture" refers only to the production and utilization of grapes.[59]

Florida law creates a Viticulture Advisory Council (Council) within DACS. The primary responsibility of the Council is to provide annually industry recommendations for viticultural research, promotion, and education to the Commissioner of Agriculture.[60] The Commissioner, in consultation with the Council, develop and coordinate the implementation of the State Viticulture Plan, which identifies problems in the viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for orderly growth of the industry.[61]

DACS also administers the Florida Farm Winery Program, under which a winery may qualify as a tourist attraction if it is registered with and certified by DACS as a Florida Farm Winery. Upon request of a certified Florida Farm Winery, the Department of Transportation must acquire and place Florida Farm Winery logo, emblem, and directional signs on the rights-of-way of interstate highways and primary and secondary roads, with the costs for placing each sign paid by the winery.[62]

Citrus Regulation

In 2006, the Legislature replaced DACS' citrus canker eradication program with a comprehensive citrus health plan aimed at minimizing the impact of exotic citrus pests and diseases.[63] As a result of these changes, Florida law prohibits any person from propagating for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by DACS and that is not at least one mile from commercial citrus groves.

The law requires DACS to establish regulated areas around the perimeter of commercial citrus groves established after April 1, 2006, not to exceed a one mile radius, in which planting of citrus is prohibited. For groves established before April 1, 2006, planting within a one mile radius must be approved by DACS. In regulated areas, DACS must require removal of infected or infested citrus, non-approved planted citrus, and citrus that has sprouted by natural

[55] "Bona fide farm operations" are defined in s. 570.822(1)(a), F.S.
[56] S. 570.822(10), F.S.
[57] Ch. 2023-349, s. 24, Laws of Fla.
[58] S. 564.01, F.S.
[59] S. 599.001, F.S.
[60] S. 599.002, F.S.
[61] S. 599.003, F.S.
[62] S. 599.004, F.S.
[63] Ch. 2006-45, Laws of Fla.

means. The law establishes a process by which DACS may issue an immediate final order and notify property owners of any required removal.[64]

Mosquito Control

By the mid-1920s, mosquito control programs were beginning to form in the state to locally control mosquitoes and protect public health in their regions. Today, Florida has over 60 state-approved mosquito control programs.[65] Mosquito control programs work to suppress populations of mosquitoes by implementing "integrated mosquito management." This process involves crucial methods for mosquito abatement, including population surveillance, source reduction, and various types of treatments for immature and adult mosquitoes. As licensed pesticide applicators, mosquito control programs are regulated by DACS.[66]

Florida's Water Resources

All groundwater and surface water in Florida is a public resource.[67] It is this state's policy to promote the conservation and proper utilization of surface and groundwater;[68] "promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems;"[69] and "to protect, maintain, and improve the quality [of the waters of the state] for public water supplies, for the propagation of wildlife and fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses and to provide that no wastes be discharged into any waters of the state without first being given the degree of treatment necessary to protect the beneficial uses of such water."[70]

Total Maximum Daily Load

If Florida's Department of Environmental Protection (DEP) determines that any waters are impaired,[71] the waterbody or segment must be placed on the verified list of impaired waters (Verified List) and a total maximum daily load (TMDL) must be calculated.[72] A TMDL is the science-backed maximum amount of a pollutant that a waterbody or segment may take in and still maintain water quality standards.[73] DEP is the lead agency that coordinates the development and implementation of TMDLs.[74]

The Florida Watershed Restoration Act[75] guides the development and implementation of TMDLs.[76] TMDLs must include reasonable and equitable pollutant load allocations between or among point sources (e.g., pipes and culverts discharging from a permitted facility, such as a domestic wastewater treatment facility) and nonpoint sources (e.g., agriculture, septic tanks, golf courses) that will alone, or in conjunction with other management and

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[64] S. 581.1843, F.S.
[65] Department of Agriculture and Consumer Services, Florida Mosquito Control, available at https://www.fdacs.gov/Business-Services/Mosquito-Control/Mosquitoes-General-Information (last visited Mar.14, 2025).
[66] *See* ch. 388, F.S.
[67] Ch. 373, F.S.
[68] S. 373.016(3)(b), F.S.
[69] S. 373.016(3)(d), F.S.
[70] Ss. 373.016(3)(h) and 403.021(2), F.S.
[71] A body of water is considered impaired if its contaminated by pollutants. California Office of Environmental Health Hazard, *Impaired Water Bodies*, https://oehha.ca.gov/calenviroscreen/indicator/impaired-water-bodies#:~:text=When%20water%20is%20contaminated%20by,or%20near%20the%20water%20body. (last visited Mar. 15, 2025).
[72] S. 403.067(1), F.S.; Department of Environmental Protection, *Verified List Waterbody* Ids (WBIDs), https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about (last visited Mar. 15, 2025); and s. 403.067(4), F.S.
[73] S. 403.031(20), F.S.
[74] S. 403.061, F.S. The Department of Environmental Protection (DEP) has the power and duty to control and prohibit the pollution of air and water in accordance with the law and rules adopted and promulgated by it. Florida law allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, and certain other parties. S. 403.061(22), F.S.
[75] Ch. 99-223, Laws of Fla.
[76] S. 403.067, F.S.

restoration activities, reduce pollutants and achieve water quality standards.[77] As of December 2023, 459 TMDLs had been established for impaired waters in Florida.[78]

Basin Management Action Plans

Once a TMDL is adopted,[79] DEP may develop and implement a basin management action plan (BMAP), which is a restoration plan for the watersheds and basins connected to the impaired waterbody[80] that is included on DEP's Verified List. BMAPs are one of the primary mechanisms DEP utilizes to achieve TMDLs, and a BMAP addresses the pollutant causing the impairment.[81]

Each new or revised BMAP must include:

- The appropriate management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of best management practices adopted by rule;
- For the applicable 5-year milestone, a list of projects that will achieve the pollutant load reductions needed to meet the TMDL or established load allocations with a planning-level cost estimate and estimated date of completion for each listed project;
- The source and amount of financial assistance to be made available by DEP, a water management district, or other entity for each listed project, if applicable; and
- A planning-level estimate of each listed project's expected load reduction, if applicable.[82]

BMAPs must include 5-year milestones for implementation and water quality improvement, as well as a water quality monitoring component to evaluate whether reasonable progress is being achieved over time.[83] An assessment of progress must be conducted every 5 years, and revisions to the BMAP must be made as appropriate.[84]

Best Management Practices

A best management practice (BMP) is a means, practice or combination of practices determined by the coordinating agencies, that is based on research, field testing and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges.[85] BMPs for agricultural discharges must reflect a balance between water quality improvements and agricultural productivity.[86]

Categories of practices include:

- Nutrient management to determine nutrient needs and sources and manage nutrient applications to minimize impacts to water resources.
- Irrigation management to address the method and scheduling of irrigation to reduce water and nutrient losses to the environment.

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[77] S. 403.067(6)(b), F.S.
[78] Office of Economic & Demographic Research, *Annual Assessment of Florida's Water Resources: Quality*, p. 5 (2024 Edition), http://edr.state.fl.us/Content/natural-resources/2023_AnnualAssessmentWaterResources_Chapter4.pdf (last visited Mar. 15, 2025).
[79] S. 403.067(6)(c), F.S.
[80] S. 403.067(7)(a)1., F.S.
[81] Department of Environmental Protection: Division of Environmental Assessment and Restoration, *Guidance on Developing Restoration Plans as Alternatives to TMDLs – Assessment Category 4b and 4e Plans*, p. 2 (June 2015) https://floridadep.gov/sites/default/files/4b4ePlansGuidance.pdf (last visited Mar. 15, 2025).
[82] S. 403.067(7)(a)4., F.S.
[83] S. 403.067(7)(a)6., F.S.
[84] *Id.*
[85] S. 403.4595(2)(a), F.S.
[86] *Id.*

- Water resource protection using buffers, setbacks and swales to reduce or prevent the transport of sediments and nutrients from production areas to water bodies.[87]

DACS' Office of Agricultural Water Policy (Office) develops and adopts BMPs by rule for different types of agricultural commodities.[88] Through the implementation of applicable BMPs adopted by DACS, agricultural producers in Florida reduce their impacts to water quality.[89] At least every 2 years, DACS must perform onsite inspections of each agricultural producer that enrolls in a BMP to ensure that such practice is being properly implemented.[90] Such verification must include a collection and review of the BMP documentation from the previous 2 years required by rule, including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained.[91]

Safe Drinking Water Act

The federal Safe Drinking Water Act[92] (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply.[93] The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources, such as rivers, lakes, reservoirs, springs, and ground water wells.[94] However, the SDWA does not regulate private wells which serve fewer than 25 individuals. The SDWA authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water.[95]

Originally, the EPA primarily enforced compliance with the SDWA, but now the EPA primarily oversees the state programs approved to take its place.[96] The SWDA requires all states to adopt all new and revised regulations under the SWDA.[97] Florida's codification of the SWDA can be found in ch. 403, F.S. In Florida, DEP is the primary agency for enforcing compliance with the SDWA.[98] However, the Florida Department of Health oversees SDWA programs in six Florida counties, which include Hillsborough, Miami-Dade, Palm Beach, Polk, Sarasota, and Volusia.[99]

Water Treatment

Water utilities often use a series of water treatment steps to remove harmful germs and chemicals and meet safety standards, which ensures the tap water in a community is safe to drink.[100] Different utilities will use different treatment steps depending on the initial quality of the water being treated.[101] Typically, the water treatment steps

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[87] Department of Agriculture and Consumer Services, *Agricultural Best Management Practices*, https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices (last visited Mar. 14, 2025).
[88] *Id.*
[89] *Id.*
[90] S. 403.607(7)(d)3., F.S.
[91] *Id.*
[92] 42 U.S.C. § 300f et seq.
[93] U.S. Environmental Protection Agency, *Overview of the Safe Drinking Water Act* (Jan. 2025), https://www.epa.gov/sdwa/overview-safe-drinking-water-act (last visited Mar. 14, 2025).
[94] 42 U.S.C. § 300f(4)(C). *See also* U.S. Environmental Protection Agency, *Overview of the Safe Drinking Water Act* (Jan. 2025), https://www.epa.gov/sdwa/overview-safe-drinking-water-act (last visited Mar. 14, 2025).
[95] U.S. Environmental Protection Agency, *Overview of the Safe Drinking Water Act* (Jan. 2025), https://www.epa.gov/sdwa/overview-safe-drinking-water-act (last visited Mar. 14, 2025).
[96] Olexa, Michael T., Borisova, Caracciolo, *2021 Handbook of Florida Water Regulation: Safe Drinking Water Act* (June 21, 2021), p. University of Florida Institute of Food and Agricultural Sciences: Publication #FE587, https://edis.ifas.ufl.edu/publication/FE587 (last visited Mar. 14, 2025).
[97] *Id.*
[98] *Id.*
[99] *Id.*
[100] U.S. Centers for Disease Control and Prevention, *Drinking Water: How Water Treatment Works*, https://www.cdc.gov/drinking-water/about/how-water-treatment-works.html (last visited Mar. 14, 2025).
[101] *Id.*

are, in this order, coagulation, flocculation, sedimentation, filtration, and disinfection.[102] Water treatment plants commonly adjust water pH after the disinfection step.[103] Adjusting the pH improves taste, reduces corrosion (breakdown) of pipes, and helps chemical disinfectants continue killing germs as the water travels through pipes.[104]

Fluoride in Drinking Water

In addition to adjusting water pH, water treatment plans also add fluoride to the water after the disinfection step in the water treatment process.[105] Almost all water contains some naturally occurring fluoride, but usually at levels too low to prevent cavities.[106] The recommended fluoride concentration in drinking water, also called the optimal level, is 0.7 milligrams of fluoride per liter of water.[107] Tooth decay is one of the most common health problems affecting children today.[108] Studies show that widespread community water fluoridation can help prevent cavities and save money, both for families and the health care system.[109] In fact, drinking fluoridated water reduces cavities by about 25% in children and adults.[110]

Pest Control and Pesticide Licensing and Certification

For structural pest control (pest control provided to homes or other structures), Florida law requires that each pest control business location must:

- Be licensed by DACS;
- Carry the required insurance coverage ($250,000 per person and $500,000 per occurrence for bodily injury and $250,000 per occurrence and $500,000 in the aggregate for property damage, or a combined single limit coverage of $500,000 in the aggregate); and
- Employ full-time a Florida-certified operator in charge of the pest control operations of the business location. This operator must be certified in the categories in which the business operates, which may include one or more of the following:
    - General Household Pest and Rodent Control.
    - Termite and Other Wood-Destroying Organisms Control.
    - Lawn and Ornamental Pest Control.
    - Fumigation.[111]

A certified operator is an individual who has passed an examination administered by DACS in any of four certification categories listed above. A person can be certified in one or more of these categories.

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[102] For more information on the different steps in the water treatment process, *see* U.S. Centers for Disease Control and Prevention, *Drinking Water: How Water Treatment Works*, https://www.cdc.gov/drinking-water/about/how-water-treatment-works.html (last visited Mar. 14, 2025).
[103] *Id.*
[104] *Id.*
[105] U.S. Centers for Disease Control and Prevention, *About Community Water Fluoridation*, https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works (last visited Mar. 14, 2025).
[106] *Id.*
[107] *Id.*
[108] Medical News Today, *Why do we have fluoride in our water?* (Feb. 21 2018), https://www.medicalnewstoday.com/articles/154164#uses (last visited Mar. 14, 2025)
[109] U.S. Centers for Disease Control and Prevention, *About Community Water Fluoridation*, https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works (last visited Mar. 14, 2025).
[110] U.S. Centers for Disease Control and Prevention, *Community Water Fluoridation Fast Facts*, https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works (last visited Mar. 14, 2025).
[111] DACS, Pest Control Licensing and Certification, https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification (last visited Mar. 15, 2025).

A company's pest control operations are the responsibility of the certified operator in charge and the business operations are limited to the category (or categories) of certification possessed by the operator (or operators) in charge at the business location.[112]

DACS also administers four Limited Certification Categories:

- Commercial Landscape Maintenance applicators.
- Governmental or Private applicators.
- Commercial Urban Fertilizer applicators.
- Commercial Wildlife Management.[113]

None of these certifications allows the operation of a commercial pest control business.

DACS also administers the Florida Pesticide Law[114] (FPL) for purposes of regulating the distribution, sale, and use of pesticides in the state. Among other things, the FPL requires that each brand of pesticide distributed or sold in the state must be registered with DACS.[115] The FPL also requires DACS to issue certified applicator licenses for public, private, commercial, and specially designated classes of restricted-use pesticide[116] applicators, subject to examination by DACS.[117] DACS is authorized to impose specified penalties for violations of the FPL.[118]

Solicitations of Contributions Act

Organizations intending to solicit donations in Florida are required to register with DACS pursuant to the Solicitation of Contributions Act (SCA).[119] The SCA contains basic registration, financial disclosure, and notification requirements for charitable organizations[120] and sponsors,[121] fundraising consultants, and solicitors.

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[112] DACS, Pest Control FAQ, https://www.fdacs.gov/Business-Services/Pest-Control/Pest-Control-FAQ (last visited Mar. 15, 2025).
[113] DACS, *supra* note 41.
[114] Part I, ch. 487, F.S.
[115] S. 487.031, F.S.
[116] As defined for purposes of the Florida Pesticide Law, "restricted-use pesticide" means a pesticide which, when applied in accordance with its directions for use, warnings, and cautions and for uses for which it is registered or for one or more such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, or injury to the applicator or other persons, and which has been classified as a restricted-use pesticide by the department or the administrator of the United States Environmental Protection Agency."
[117] S. 487.0435, F.S., and s. 487.044, F.S.
[118] S. 487.175, F.S.
[119] S. 496.401, F.S.
[120] Charitable organization means a person who is or holds herself or himself out to be established for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary purpose, or a person who in any manner employs a charitable appeal as the basis for any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. The term includes a chapter, branch, area office, or similar affiliate soliciting contributions within the state for a charitable organization that has its principal place of business outside the state. S. 496.404(1), F.S.
[121] A sponsor is a group or person who is, or holds itself out to be, soliciting contributions by the use of a name that implies that the group or person is in any way affiliated with, or organized for the benefit of, emergency service employees or law enforcement officers and the group or person is not a charitable organization. The term includes a chapter, branch, or affiliate that has its principal place of business outside the state if the chapter, branch, or affiliate solicits or holds itself out to be soliciting contributions in the state. S. 496.404(25), F.S.

Charitable organizations must submit an initial registration statement to DACS and include a financial report, a statement of the purpose of the charity, how donations will be used, names of individuals in charge of solicitation activities, and proof of federal tax-exempt status. The charity must also identify any professional solicitors and fundraising consultants the charity will use, along with the terms of the arrangements for compensation to be paid to the consultant and solicitor.[122]

The registration must include a statement related to the charity's activities in other states, including whether the charity is authorized to operate in another state; whether the charity's registration has been denied, suspended, or revoked in another state; and whether the charity or any person associated with the charity has been subject to any adverse administrative actions or criminal convictions in any state.[123]

A charitable organization or sponsor that is required to register or renew registration must file an annual financial statement for the immediately preceding year with DACS. The statement must include:

- A balance sheet;
- A statement of support, revenue and expenses;
- Names and addresses of any charities, professional fundraising consultants, professional solicitors, and commercial co-ventures used and the amounts received from each of them; and
- A statement of functional expenses that must include program service costs, management and general costs, and fundraising costs.[124]

Anyone who willfully violates the SCA commits a third-degree felony[125] and, for any subsequent violation, a second-degree felony.[126] Additionally, DACS may enter an order imposing a range of administrative penalties, including imposing an administrative fine up to $5,000 for each act or omission as well as a fine up to $10,000 for any violation that involves fraud or deception.[127]

Florida Food Safety Act

The Florida Food Safety Act[128] (FFS Act) is intended to "safeguard the public health and promote the public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food."[129] DACS administers and enforces compliance with the FFS Act "in order to prevent fraud, harm, adulteration, misbranding, or false advertising in the preparation, manufacture, storage, or sale of articles of food."[130] DACS is also charged with enforcing compliance with the FFS Act as it relates to "the production, manufacture, transportation, storage, and sale of food, as well as articles entering into, and intended for use as ingredients in the preparation of, food."[131]

The FFS Act regulates the state's cottage food[132] industry, and provides that the regulation of cottage food operations[133] is preempted to the state.[134] Under the FFS Act, a cottage food operation is exempt from the FFS Act's permitting requirements if the cottage food operation complies with the FFS Act and has annual gross sales of

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[122] S. 496.405(2), F.S.
[123] *Id.*
[124] S. 496.407(1), F.S.
[125] A third-degree felony is punishable by up to 5 years imprisonment and a $5,000 fine. Ss. 775.082, F.S. and 775.083, F.S.
[126] A second-degree felony is punishable by up to 15 years imprisonment and a $10,000 fine. Ss. 775.082 and 775.083, F.S.
[127] S. 496.419, F.S.
[128] Ch. 500, F.S.
[129] S. 500.02(1), F.S.
[130] S. 500.032(1), F.S.
[131] *Id.*
[132] Cottage food is food that is not a potentially hazardous food, as defined by DACS rule, which is sold by a cottage food operation. S. 500.03(1)(j), F.S.
[133] A cottage food operation means a natural person or entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity and sells such products in accordance with s. 500.80, F.S. S. 500.03(1)(i), F.S.
[134] S. 500.80(6), F.S.

cottage food products that do not exceed $250,000.[135] In Florida, a cottage food operation may only sell cottage food products which are packaged with a label affixed that contains the following information:

- The name and address of the cottage food operation.
- The name of the cottage food product.
- The ingredients of the cottage food product, in descending order of predominance by weight.
- The net weight or net volume of the cottage food product.
- Allergen information as specified by federal labeling requirements.
- If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.
- The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: "Made in a cottage food operation that is not subject to Florida's food safety regulations."[136]

Under the FFS Act, a food permit issued by DACS is required of any person who operates a food establishment in the state, unless an exemption applies.[137] In fact, a food permit must be applied for and received before any operation may begin at a food establishment.[138] An application for a permit from DACS must be accompanied by a fee in an amount determined by DACS rule.[139] A food permit issued to a new food establishment on or after September 1, 2023, is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that date.[140] Effective January 1, 2024, a food permit issued before September 1, 2023, expires on the month and day the initial permit was issued to the food establishment and must be renewed annually on or before that date thereafter.[141]

For purposes of enforcing the FFS Act, current law requires carriers engaged in interstate commerce and persons receiving food in interstate commerce, upon request by a DACS officer or employee, to permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.[142]

Under the FFS Act, when DACS or its duly authorized agent finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of the FFS Act or any rule adopted thereunder so as to be dangerous, unwholesome, mislabeled, fraudulent, or unsanitary, a DACS agent may issue and enforce a stop-sale, stop-use, removal, or hold order.[143] The order must give notice that the article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed, and must warn all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by DACS or the court.[144] A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission.[145]

Legal Status of Psilocybin in Florida

[135] S. 500.80(1)(a), F.S.
[136] S. 500.80(3), F.S.
[137] S. 500.12(1)(a), F.S.
[138] S. 500.12(1)(b), F.S.
[139] *Id.*
[140] S. 500.12(1)(b)1., F.S.
[141] S. 500.12(1)(b)2., F.S.
[142] S. 500.166, F.S.
[143] S. 500.172(1), F.S.
[144] *Id.*
[145] *Id.*

Psilocybin, also known as "magic mushrooms," are naturally occurring and consumed for their hallucinogenic effects.[146] Under Florida law, psilocybin and psilocyn[147] is currently classified as a Schedule I substance.[148] Possession of psilocybin in Florida is a third-degree felony. Certain mushroom spores and mycelium, which is a type of fungi, can be propagated and grown into mushrooms that have psilocybin properties. But the spores do not contain any psilocybin properties themselves and therefore could be considered legal under current law.[149]

Plant-Based Products Labeled as "Milk," "Meat," or "Poultry"

There has been an increase in availability in the marketplace and consumption of plant-based milk alternatives:

- In 2010, one-fifth of U.S. households purchased or consumed plant-based milk alternatives.
- By 2016, one-third of U.S. households purchased plant-based milk alternatives, totaling $1.5 billion in sales that year.
- From 2017 to 2019, sales of plant-based milk alternatives increased nearly 15 percent reaching $2 billion.
- In 2020, retail sales continued to increase, rising to approximately $2.4 billion.[150]

Under federal law, the terms below are defined as follows:

- "Milk" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultra pasteurized, and shall contain not less than 81/4 percent milk solids not fat and not less than 31/4 percent milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized.[151]
- "Meat" means the part of the muscle of any cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, diaphragm, heart, or esophagus, with or without the accompanying and overlying fat, and the portions of bone (in bone-in product such as T-bone or porterhouse steak), skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and that are not separated from it in the process of dressing.[152]
- "Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs, also termed young pigeons from one to about thirty days of age), whether live or dead.[153]
- "Poultry product" means:
    - Any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, except those exempted from the definition of a poultry product in 9 U.S.C. § 381.15. (Additionally, unless an exception under 9 U.S.C. § 381.1(b)(42) applies, this term is limited to articles capable of use as human food.)
    - If referring to a "poultry food product," any product capable of use as human food which is made in part from any poultry carcass or part thereof, except those exempted from the definition of a poultry product in 9 U.S.C. § 381.15.[154]
- "Egg" means the shell egg of a domesticated chicken, turkey, duck, goose, or guinea.[155]
- "Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the U.S. Secretary of Agriculture (Secretary), considered by consumers as products of the egg

[146] Alcohol and Drug Foundation, *Psilocybin* (Mar. 7, 2025), https://adf.org.au/drug-facts/psilocybin/ (last visited Mar. 15, 2025).
[147] When psilocybin is taken, it's converted in the body to psilocin, which is a chemical with psychoactive properties. Alcohol and Drug Foundation, *Psilocybin* (Mar. 7, 2025), https://adf.org.au/drug-facts/psilocybin/ (last visited Mar. 15, 2025).
[148] S. 893.03(1)33., 34, F.S.
[149] Freeman, S., and Chandler, N. *How Magic Mushrooms Work*, https://science.howstuffworks.com/magic-mushroom.htm (last visited Mar. 15, 2025).
[150] U.S. Food and Drug Administration, *Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry* (Feb. 2023), p. 4, https://www.fda.gov/media/165420/download (last visited Mar. 15, 2025).
[151] 21 C.F.R. § 31.110
[152] 9 C.F.R. § 301.2
[153] 9 C.F.R. § 381.1(b).
[154] *Id.*
[155] 21 U.S.C. § 1033(g).

food industry, and which may be exempted by the Secretary under such conditions as he or she may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.[156]

Consumer Unit Pricing Act

The purposes of Florida's Consumer Unit Pricing Act (CUP Act) include:

- Protecting the interests of consumers and encourage constructive and useful competition in the sale of consumer commodities.
- Encouraging, to the extent that it will facilitate the consumer's choice of consumer commodities, the development and use of a method of unit pricing for consumer commodities.
- Prohibiting the use of unit pricing of consumer commodities when it would tend to mislead or deceive consumers.[157]

DACS has the authority, duty and responsibility of administering and enforcing the CUP Act.[158] Under the CUP Act, the price of all consumer commodities offered for sale or sold by a seller shall be expressed as the price per approved unit of quantity.[159] The CUP Act requires a seller to conspicuously and clearly display the price per package or unit and the unit price in close proximity to the display of the commodity in such manner as may be established by DACS rule.[160] Any person who offers for sale, or sells, any consumer commodity in violation of the CUP Act is guilty of a second-degree misdemeanor.[161]

Veterinary Pathology

Veterinary pathologists work in animal disease surveillance, prevention, diagnosis and treatment.[162] They investigate disease (in both humans and animals), conduct research, and develop medicines. They play a key role in the development of safe and effective medicines, agrochemicals and chemicals, and contribute to animal conservation and protection.[163]

Veterinary pathologists work in academic and government research institutions, public and private diagnostic labs (including those at zoos), government regulatory agencies (such as the U.S. Food and Drug Administration, U.S. Department of Agriculture, U.S. Centers for Disease Control and Prevention, and U.S. Environmental Protection Agency), industry (pharmaceutical and biotech companies, chemical companies, contract research organizations), and in the military (U.S. Army Veterinary Corps and Joint Pathology Center).[164]

Procurement of Contracts by State Agencies

The Department of Management Services (DMS) has the power and duty to canvass all sources of supply and contract for the purchase, lease, or acquisition of all commodities and contractual services required by state agencies[165] under ch. 287, F.S.[166] DMS may remove from its vendor list any source of supply which fails to fulfill any

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[156] 21 U.S.C. § 1033(f).
[157] S. 501.135(2)(a)-(c), F.S.
[158] S. 501.135(4), F.S.
[159] S. 501.135(5)(a), F.S.
[160] S. 501.135(6), F.S.
[161] S. 501.135(7), F.S.
[162] The Royal College of Pathologists, *Become a Veterinary Pathologist*, https://www.rcpath.org/discover-pathology/careers-in-pathology/become-a-veterinary-pathologist.html (last visited Mar. 16, 2025).
[163] *Id.*
[164] American College of Veterinary Pathologists, *What is Veterinary Pathology?* https://www.acvp.org/page/What_is_Vet_Path (last visited Mar. 16, 2025).
[165] Agency means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government; the term, however, does not include the university and college boards of trustees or the state universities and colleges. S. 287.102(1), F.S.
[166] Chapter 287, F.S., relates to the procurement of commodities and contractual services for state agencies. S. 287.001, F.S. *See also* s. 287.042(1)(a), F.S.

of its duties specified in a contract with the state, and may reinstate any such source of supply when DMS is satisfied that further instances of default will not occur.[167] DMS also has the power and duty to:

- Establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by state agencies in acquiring commodities and contractual services.[168]
- Govern the purchase by any agency of any commodity or contractual service and to establish standards and specifications for any commodity.[169]
- Require that every agency furnish information relative to its commodity and contractual services purchases and methods of purchasing commodities and contractual services to DMS when so requested.[170]
- Prepare statistical data concerning the method of procurement, terms, usage, and disposition of commodities and contractual services by agencies.[171]

Boll Weevil Eradication

In the late 1800s, a small beetle native to Central or South America entered the United States near Brownsville, Texas and spread rapidly across the country's cotton growing regions. By the 1920s, Anthonomus grandis, the boll weevil, was causing more economic damage than any agricultural pest in U.S. history.[172] For much of the 20th century, the boll weevil caused tens of millions of dollars in damage to cotton producers, reduced land values, and greatly disrupted local economies.[173] The ubiquitous boll weevil adapted to several efforts by man to control it, including the use of arsenic and DDT as pesticides, and worked its way into American culture through folk music[174] and an Alabama monument.[175]

In the late 1970s, the National Boll Weevil Eradication Program was launched by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service along the Virginia-North Carolina border. The program later expanded into other Southeastern states then westward.[176] In 1987, the Florida Legislature passed the Florida Boll Weevil Eradication Law, empowering DACS to lead the state's efforts to contain the pests and protect cotton crops.[177]

It worked. Through a combination of strategies, including pheromone traps in the spring, hand picking infected cotton buds during the growing season, plowing under the cotton stalks after harvest, and low levels of pesticides in the fall, boll weevils have been eradicated in all states except Texas. Cotton can now be grown in many areas with little or no need for pesticides, and the National Boll Weevil Eradication Program is considered one of the greatest success stories of American agriculture.[178]

Backup Power Requirements for Motor Fuel Retail Outlets

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[167] S. 287.042(1)(b), F.S.
[168] S. 287.042(3), F.S.
[169] Except for the purchase of insurance, DMS may delegate to agencies the authority for the procurement of and contracting for commodities or contractual services. S. 287.042(6)(a)-(b), F.S.
[170] S. 287.042(9), F.S.
[171] All agencies must furnish such information to DMS' Office of Supplier Diversity (Office) and to DMS, as DMS or the Office may call for, but no less frequently than annually, on such forms or in such manner as DMS may prescribe. S. 287.042(10), F.S.
[172] Stephanie Hall, *The Life and Times of Boll Weevil*, Library of Congress Blogs, Folklife Today (Dec. 11, 2013), https://blogs.loc.gov/folklife/2013/12/the-life-and-times-of-boll-weevil/ (last visited Mar. 14, 2025).
[173] USDA Animal and Plant Health Inspection Service, *Cotton Pests*, https://www.aphis.usda.gov/plant-pests-diseases/cotton-pests (last visited Mar. 13, 2025).
[174] Buster "Bus" Ezell's 1941 classic, *The Boll Weevil*, starts: "The first time I saw Boll Weevil, He was sitting on a cotton square. The next time I saw Boll Weevil, He had his whole family there." The full recording can be found on the Library of Congress website at https://www.loc.gov/item/ftvbib000046/?loclr=blogflt (last visited Mar. 14, 2025). *See also* note 43.
[175] In December 1919, the City of Enterprise, Alabama, in response to the successful conversion of agricultural production in the area from cotton to peanuts and other crops, raised a monument to the boll weevil and holds an annual Boll Weevil Fall Festival. Hall, *supra* note 36.
[176] National Cotton Council of America, *History of the Eradication Program*, https://www.cotton.org/tech/pest/bollweevil/eradication2.cfm (last visited Mar. 13, 2025)..
[177] Ch. 87-55, Laws of Fla., codified at Part I of Chapter 593, F.S.
[178] National Cotton Council of America, *supra* note 40; Hall, *supra* note 36.

Certain motor fuel retail outlets[179] in Florida that are located within one-half mile of an interstate highway or a state or federally designated evacuation route must be prewired with an appropriate transfer switch and be capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternate generated power source.[180] This requirement applies to each motor fuel retail outlet:

- Located in a county having a population of 300,000 or more and which has 16 or more fueling positions.
- Located in a county having a population of 100,000 or more, but fewer than 300,000, and which has 12 or more fueling positions.
- Located in a county having a population of fewer than 100,000 and which has eight or more fueling positions.[181]

Each retail outlet subject to these requirements must keep documentation of these installations on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.[182]

Further, each newly constructed or substantially renovated[183] motor fuel retail outlet for which a certificate of occupancy is issued on or after July 1, 2006, must be prewired with an appropriate transfer switch and capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternate generated power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet.

Packaging Information

DACS' Bureau of Standards is responsible for establishing standards of weight, measure, or count and reasonable standards of fill[184] for any commodity in package form, as necessary.[185] Any package that is one of a lot containing random weights of the same commodity and bearing the total selling price of the package must bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.[186] Further, when a packaged commodity is advertised in any manner with the retail price stated, there must be closely and conspicuously associated with the retail price a declaration of quantity as required by law or rule to appear on the package.[187]

Regulation of Antifreeze

Under current law, DACS administers the Antifreeze Act of 1978. This Act requires that each brand of antifreeze distributed in the state must be registered with DACS before distribution. If DACS finds, upon analysis and inspection, that the antifreeze meets minimum standards established by DACS, is not adulterated, and meets its labeling claims, DACS must issue a certificate of registration authorizing distribution of the antifreeze in the state for a period of either 12 or 24 months.

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[179] A "motor fuel retail outlet" is a facility where motor fuel is offered for sale at retail to the motoring public. S. 526.303(14), F.S. "Motor fuel" means any petroleum product, including any special fuel, which is used for the propulsion of motor vehicles. S. 526.303(5), F.S.
[180] S. 526.143(3), F.S.
[181] *Id.*
[182] *Id.*
[183] The term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. S. 526.143(2), F.S.
[184] A "standard of fill" refers to the amount of liquid in a container rather than the size or capacity of the container itself.
[185] S. 531.41(4), F.S.
[186] S. 531.48, F.S.
[187] S. 531.49, F.S.

As defined for purpose of DACS' regulation, "antifreeze" means any substance or preparation, that is sold, distributed, or intended for use as the cooling liquid in the cooling system of internal combustion engines of motor vehicles to preventing freezing or to raise the boiling point of water for the prevention of engine overheating.[188]

Regulation of Electric Vehicle Charging Stations

Regulation of electric vehicle charging stations is preempted to the state. Local governments are prohibited from enacting or enforcing an ordinance or regulation related to these charging stations. The law requires DACS to adopt rules to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.[189]

Minstrel Shows

Florida has an antiquated law that requires each person who operates any traveling show, exhibition, amusement enterprise, carnival, ***minstrel***, rodeo, or other show or amusement, within the grounds of any annual public fair to pay license taxes provided by law.[190]

Dual Oversight over Financial Institutions

To accept deposits, an institution must have a federal or state charter. Banks are chartered and regulated as national banks under the authority of the Office of the Comptroller of the Currency within the U.S. Department of the Treasury or as state banks under the authority of a state regulator.[191]

Due to federal preemption, a state's regulatory authority over federally chartered institutions is limited. Once a financial institution obtains a charter, the regulator's primary task is to ensure solvency. The regulator accomplishes this by conducting financial exams of its licensed entities. Financial institutions also need approval from their regulator to make changes in their upper management, merge with another company, pay dividends to shareholders, engage in material transactions with subsidiaries and affiliates, or make significant changes to their business operations.[192]

Banks chartered in Florida must become a member of the Federal Reserve or obtain insurance from the Federal Deposit Insurance Corporation.[193] Credit Unions chartered in Florida must insure their accounts by becoming a member of the National Credit Union Administration.[194] Thus, state-chartered banks and credit unions are subject to a dual-regulatory system.

Financial Institutions Codes

Florida's Financial Institutions Codes (Codes) are codified under Title XXXVIII of the Florida Statutes. A primary purpose of the Codes is to provide for and promote the safe and sound conduct of the financial services industry in Florida.[195] The Codes apply to all state-authorized and state-chartered financial institutions and to the enforcement of all laws relating to state-authorized and state-chartered financial institutions.[196] The Codes define the term "financial institution" as a state or federal savings or thrift association, bank, savings bank, trust company,

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[188] S. 501.912, F.S.
[189] S. 366.94, F.S.
[190] S. 616.12(1), F.S.
[191] Congressional Research Service, *Introduction to Financial Services: Banking*, January 5, 2023, https://crsreports.congress.gov/product/pdf/IF/IF10035 (last visited Mar. 12, 2025).
[192] For a detailed discussion of the regulatory framework, see, Congressional Research Service, *Who Regulates Whom? An Overview of the U.S. Financial Regulatory Framework*, March 10, 2020, https://crsreports.congress.gov/product/pdf/R/R44918/7 (last visited Mar. 12, 2025). Also see ss. 655.037, 655.0385, 655.0386, 655.03855, and 655.412, F.S.
[193] Ss. s. 658.22, F.S. and 658.38, F.S.
[194] Ss. s. 657.005, F.S. and 657.008, F.S.
[195] S. 655.001(2), F.S.
[196] S. 655.001(1), F.S.

international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, and certain other corporations.[197]

Office of Financial Regulation

The Office of Financial Regulation (OFR) is the regulatory authority for Florida's financial services industry.[198] OFR reports to the Financial Services Commission (Commission) which is made up of the Governor and the members of the Florida Cabinet: the Chief Financial Officer, Attorney General, and Agriculture Commissioner.[199] OFR enforces and administers the Codes; is responsible for supervising banks, credit unions, savings associations, and international bank agencies; and licenses and regulates non-depository finance companies and the securities industry.[200]

OFR must examine the condition of each state-chartered financial institution at least every 18 months, and may conduct more frequent examinations as needed, based on risks associated with a licensee, like prior examination results or significant operational changes.[201] When a state-chartered financial institution also has a federal regulator, OFR may accept an examination performed by the federal regulator or the regulators may conduct a joint examination.[202]

Unsafe and Unsound Practices

The Codes require financial institutions to make determinations about the provision or denial of services based on an analysis of risk factors unique to each current or prospective customer or member.[203] Financial institutions are prohibited from engaging in an unsafe and unsound practice, which means a financial institution may not deny, cancel, suspend, or terminate its services to a person, or to otherwise discriminate against a person in making available such services, on the basis of:[204]

- The person's political opinions, speech, or affiliations;
- Except as otherwise provided, the person's religious beliefs, religious exercise, or religious affiliations;
- Any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person's business sector; or
- The use of any rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including, but not limited to, certain environmental, social, and governance factors.[205]

Engaging in an unsafe or unsound practice is a violation of the Codes and subjects the violator to sanctions and penalties provided in the Codes.[206] Such acts also constitute a violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), which codifies laws relating to the protection of consumers from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair practices in commerce.[207] A financial institution that engages in an unsafe or unsound practice is also subject to sanctions and penalties provided in FDUTPA.[208]

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[197] S. 655.005(1)(i), F.S.
[198] Florida Office of Financial Regulation, *About Our Agency*, https://flofr.gov/sitePages/AboutOFR.htm (last visited Mar. 12, 2025).
[199] *Id.*
[200] Florida Department of Financial Services, *Financial Services Commission*, https://www.myfloridacfo.com/about/about-dfs/commission (last visited Mar. 12, 2025). *See also*, s. 655.012, F.S.
[201] S. 655.045(1), F.S.
[202] S. 655.045(1)(a), F.S.
[203] S. 655.0323(1), F.S.
[204] S. 655.0323(2), F.S.
[205] *See* s. 655.0323(2)(d)1.-8., F.S., for a list of such factors.
[206] S. 655.0323(4), F.S.
[207] S. 501.202(2), F.S.
[208] S. 655.0323(7), F.S.

If a customer or member of a financial institution suspects that the institution has engaged in an unsafe or unsound practice, the aggrieved customer or member may submit a complaint to OFR within 30 days of the act that gave rise to the suspicion.[209] OFR must then investigate the financial institution to determine whether a violation occurred.[210] If OFR determines that a violation occurred, and unless otherwise prohibited by law, OFR must notify the customer or member, the financial institution, and the Department of Financial Services of the violation.[211]

Firearm Licensing

DACS is statutorily authorized to issue concealed weapon and concealed firearm licenses to qualifying applicants.[212] For purposes of the concealed carry licensure law, "concealed weapons or concealed firearms" means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.[213]

To obtain a concealed weapon or concealed firearm license, a person must complete, under oath, an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapons and firearms and is knowledgeable about the provisions in ch. 790, F.S.;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.[214]

The following requirements must also be met for DACS to issue a firearm license to an applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;[215]
- Is 21 years of age or older;[216]
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;[217]
- Desires a legal means to carry a concealed weapon or concealed firearm for lawful self- defense;

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[209] S. 655.0323(4), F.S.
[210] S. 655.0323(5), F.S.
[211] S. 655.0323(5)(e), F.S.
[212] S. 790.06(1), F.S.
[213] *Id.*
[214] S. 790.06(4)-(5) F.S.
[215] Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.
[216] Pursuant to s. 790.062, F.S., the department must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.
[217] It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section 790.06(2), F.S.

- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of a sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.[218]

DACS must, within 90 days after receipt of the required information for a firearm license application, issue the license; deny the application; or, in the event DACS receives criminal history information about the applicant with no final disposition on a crime which may disqualify the applicant, the 90-day timeframe may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights.[219] As the law is currently written, DACS could suspend the processing of a firearm application for an indefinite period of time under these circumstances.

DACS must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.[220]
- Upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement (FDLE) and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.[221]
- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.[222]

Fuel Theft

DACS regularly inspects petroleum distribution systems and retail gas stations to ensure fuel dispensers are working properly.[223] A fuel pulser is a plastic device connected to the fuel pump dispenser meter, which is within the fuel pump.[224] The pulser converts the mechanical movement of the fuel meter and then sends electrical pulses to control the dispenser's electronic display.[225] The pulsers can be replaced by an altered pulser that interrupts the electrical signal, which enables the ability to obtain large amounts of gas for a small percentage of the cost.[226] Florida law does not specifically address crimes committed with fuel pulsers.[227]

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[218] S. 790.06(2), F.S.
[219] S. 790.06(6)(c), F.S.
[220] S. 790.06(2), F.S.
[221] *Id.*
[222] *Id.*
[223] Florida Department of Agriculture and Consumer Services, *Petroleum Inspection*, https://www.fdacs.gov/Business-Services/Petroleum-Inspection (last visited March 14, 2025).
[224] Florida Department of Agriculture and Consumer Services, Agency Analysis of 2023 Senate Bill 1150, p. 3 (Mar. 8, 2023).
[225] *Id.*
[226] *Id.*
[227] Florida Department of Agriculture and Consumer Services, Agency Analysis of 2023 Senate Bill 1150, p. 3, 4 (Mar. 8, 2023).

Mail Theft

Mail theft is a federal crime that involves the unauthorized taking or destruction of mail belonging to another, which can include any mail, packages, or letters left in or near mailboxes for pickup or delivery.[228] The offense of stealing mail carries severe penalties under federal law, including fines and imprisonment for up to five years, or both, for each offense.[229] The penalties can also increase if the theft occurs under certain circumstances, such as stealing mail containing financial instruments or theft of mail committed during a natural disaster.[230]

In Florida, mail and package theft are typically classified as petit theft or grand theft, depending on the value of the stolen items. Section 812.014, F.S., defines theft offenses and generally categorizes the offense level based on the value of the property stolen. Whether a theft is a misdemeanor or a felony may also depend on the offender's prior history of theft convictions or the type of property stolen. The offense levels for theft crimes based on property value thresholds and general property types are classified as follows:

	Property Value	Offense Level
Grand Theft	≥ $100,000	First Degree Felony
	≥ $20,000, but < $100,000	Second Degree Felony
	≥ $10,000, but < $20,000	Third Degree Felony
	≥ $5,000, but < $10,000	Third Degree Felony
	≥ $750, but < $5,000	Third Degree Felony
	≥ $40, but < $750 if taken from a dwelling or unenclosed curtilage of a dwelling	*Third Degree Felony*
Petit Theft	≥ $100, but < $750	First Degree Misdemeanor
	< $100	Second Degree Misdemeanor

[228] 18 U.S.C. § 1701-1710. *See also*, Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/ (last visited Mar. 14, 2025).
[229] 18 U.S.C. § 1708. *See also*, Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/ (last visited Mar. 14, 2025).
[230] Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/ (last visited Mar. 14, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	14 Y, 3 N, As CS	3/18/2025	Curtin	Keating
THE CHANGES ADOPTED BY THE COMMITTEE:	• Prohibited a local government from adopting an ordinance that inhibits the construction of housing for legally verified agricultural workers on certain land, and required property owners of such lands to maintain certain records. • Eliminated an exemption for federal, state, and other government entities under the Unmanned Aircraft Systems Act. • Allowed DACS to surplus certain lands that are determined to be suitable for bona fide agricultural production, and made these provisions retroactive to January 1, 2009. • Required certain lands owned or acquired by an electric utility to be offered to DACS for fee simple acquisition before the lands are offered to anyone else, and made these provisions retroactive to January 1, 2009. • Granted DACS rulemaking authority to enforce the FDA's standard of identity for, and prohibited the sale of plant-based products mislabeled as, milk, meat, poultry, poultry products, eggs, and egg products. • Allowed DACS to use contracts procured by other state agencies, notwithstanding DMS' authority to oversee the procurement of contracts by state agencies. • Created the Florida Aquaculture Foundation within DACS xo create programs to assist, promote, and further aquaculture and aquaculture producers in the state, and authorized DACS to appoint an advisory committee adjunct to the Foundation. • Eliminated the exemption for persons or entities licensed by the state to use a drone if the use of a drone is only to perform reasonable tasks within the scope of activities permitted under the person or entity's license. • Eliminated the provision that conditioned the assessment of civil fines and attorney fees and costs on an entity on a finding that the entity received notice, at least 30 days before a suit was filed, that its ordinance or regulation impinged on the state's authority to regulate activities related to the use of firearms and ammunition in the state.			
Criminal Justice Subcommittee	14 Y, 4 N, As CS	3/26/2025	Hall	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:	• Made technical changes to Sections 51, 77, and 78 of the bill to clarify language and conform these sections with existing statutes. • Removed several sections that reenacted existing statutes to incorporate an amendment to s. 193.461, F.S., which is no longer amended by the bill.			
Agriculture & Natural Resources Budget Subcommittee	11 Y, 4 N	3/31/2025	Topp	Thomas
Commerce Committee			Hamon	Fletcher

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

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from the Career Service System; amending s. 163.3162, F.S.; providing definitions; prohibiting governmental entities from adopting or enforcing any legislation that inhibits the construction or installation of housing for legally verified agricultural workers on agricultural land operated as a bona fide farm; requiring that the construction or installation of such housing units on agricultural lands satisfies certain criteria; requiring that local ordinances comply with certain regulations; authorizing governmental entities to adopt local land use regulations that are less restrictive; requiring property owners to maintain certain records for a specified timeframe; requiring that use of a housing site be discontinued and authorizing the removal of a such site under certain circumstances; specifying applicability of permit allocation systems in certain areas of critical state concern; authorizing the continued use of housing sites constructed before the effective date of the act if certain conditions are met; requiring the department to adopt certain rules;

providing for enforcement; requiring the department to submit certain information to the State Board of Immigration Enforcement on a certain schedule; amending s. 201.25, F.S.; conforming a provision to changes made by the act; amending s. 253.0341, F.S.; authorizing the department to surplus certain lands determined to be suitable for bona fide agricultural production; requiring the department to consult with the Department of Environmental Protection before making such determination; requiring the Department of Agriculture and Consumer Services to retain a rural-lands-protection easement for all surplused lands and deposit all proceeds into a specified trust fund; requiring the department to provide a report of lands surplused to the board of trustees; providing that certain lands are ineligible to be surplused; providing for retroactive applicability; amending s. 330.41, F.S.; providing definitions; prohibiting a person from knowingly or willfully performing certain actions on lands classified as agricultural or on private property, state wildlife management lands, or a sport shooting and training range; providing criminal penalties; providing applicability; creating s. 366.20, F.S.; requiring that certain lands acquired or owned by an electric utility be offered for fee

simple acquisition by the department before the land may be offered for sale or transferred to a private individual or entity; providing retroactive applicability; amending s. 366.94, F.S.; defining the term "electric vehicle charging station"; authorizing the department to adopt rules; requiring local governmental entities to issue permits for electric vehicle charging stations based on specified standards and provisions of law; requiring that an electric vehicle charger be registered with the department before being placed into service for use by the public; providing the department with certain authority relating to electric vehicle charging stations; providing a penalty; authorizing the department to issue an immediate final order to an electric vehicle charging station under certain circumstances; providing that the department may bring an action to enjoin a violation of specified provisions or rules; requiring the court to issue a temporary or permanent injunction under certain circumstances; amending s. 388.011, F.S.; revising the definition of the terms "board of commissioners" and "district"; defining the term "program"; amending s. 388.021, F.S.; making a technical change; amending s. 388.181, F.S.; authorizing programs to perform

specified actions; amending s. 388.201, F.S.; requiring that the tentative work plan budget covering the proposed operations and requirements for arthropod control measures show the estimated amount to be raised by county, municipality, or district taxes; requiring that county commissioners' or a similar governing body's mosquito control budget be made and adopted pursuant to specified provisions and requiring that summary figures be incorporated into the county budgets as prescribed by the department; amending s. 388.241, F.S.; providing that certain rights, powers, and duties be vested in the board of county commissioners or similar governing body of a county, city, or town; amending s. 388.261, F.S.; increasing the amount of state funds, supplies, services, or equipment for a certain number of years for any new program for the control of mosquitos and other arthropods which serves an area not previously served by a county, municipality, or district; amending s. 388.271, F.S.; requiring each program participating in arthropod control activities to file a tentative integrated arthropod management plan with the department by a specified date; conforming provisions to changes made by the act; amending s. 388.281, F.S.; requiring that all funds, supplies, and services

released to programs be used in accordance with the integrated arthropod management plan and certified budget; requiring that such integrated arthropod management plan and certified budget be approved by both the department and the board of county commissioners and an appropriate representative; conforming provisions to changes made by the act; amending s. 388.291, F.S.; providing that a program may perform certain source reduction measures in any area providing that the department has approved the operating or construction plan as outlined in the integrated arthropod management plan; conforming provisions to changes made by the act; amending s. 388.301, F.S.; revising the schedule by which state funds for the control of mosquitos and other arthropods may be paid; amending ss. 388.311 and 388.321, F.S.; conforming provisions to changes made by the act; amending s. 388.322, F.S.; requiring the department to maintain a record and inventory of certain property purchased with state funds for arthropod control use; amending s. 388.323, F.S.; providing that certain equipment no longer needed by a program be first offered for sale to other programs engaged in arthropod control at a specified price; requiring that all proceeds from the sale of certain

property owned by a program and purchased using state funds be deposited in the program's state fund account; amending s. 388.341, F.S.; requiring a program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by the department; amending ss. 388.351 and 388.361, F.S.; conforming provisions to changes made by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending ss. 388.381, 388.391, and 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for inspection requirements for certain agricultural producers; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified landowners; requiring the department to perform onsite inspections annually of a certain percentage of all enrollments that meet specified qualifications within a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a

best management practice to submit nutrient records annually to the department; requiring the department to collect and retain such records; amending s. 403.852, F.S.; defining the term "water quality additive"; amending s. 403.859, F.S.; providing that the use of certain additives in a water system which do not meet the definition of water quality additive or certain other additives is prohibited and violates specified provisions; amending s. 482.111, F.S.; revising requirements for the renewal of a pest control operator's certificate; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.141, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking pest control operator certification; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.155, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking limited certification for a governmental pesticide applicator or a private applicator; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make

such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.156, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking a limited certification for commercial landscape maintenance; authorizing a third-party vendor to collect and retain a convenience fee; removing provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.157, F.S.; revising requirements for issuance of a limited certification for commercial wildlife management personnel; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make an examination readily accessible and available to all applicants on a specified schedule; amending s. 482.161, F.S.; authorizing the department to take specified disciplinary action upon the issuance of a final order imposing civil penalties or a criminal conviction pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 487.044, F.S.; requiring the department to provide in-person and remote testing through a third-party vendor for

the examination of an individual seeking a limited certification for pesticide application; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 487.175, F.S.; providing that the department may suspend, revoke, or deny licensure of a pesticide applicator upon issuance of a final order to a licensee which imposes civil penalties or a criminal conviction under the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 496.404, F.S.; defining the terms "controlling interest," "foreign country of concern," and "foreign source of concern"; amending s. 496.405, F.S.; revising which documents a charitable organization or sponsor must file before engaging in specified activities; requiring that any changes to such documents be reported to the department on a specified form in a specified timeframe; revising the requirements of the charitable organization's initial registration statement; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of the charitable organization or sponsor; amending s. 496.415, F.S.; prohibiting specified persons from soliciting or accepting anything of value from a foreign source of concern; amending s. 496.417, F.S.; authorizing the department to investigate or refer to

the Florida Elections Commission certain violations of a charitable organization or sponsor; amending s. 496.419, F.S.; providing penalties for a charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation; creating s. 496.431, F.S.; requiring the department to create the Honest Service Registry to provide residents with information relating to charitable organizations; requiring a charitable organization included in the Honest Services Registry to submit an attestation statement to the department; requiring the department to publish the Honest Services Registry on the department's website; requiring the department to adopt rules; amending s. 500.03, F.S.; revising the definition of the term "cottage food product"; amending s. 500.12, F.S.; providing that the department requires a food permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.;

authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away certain spores or mycelium; providing penalties; creating s. 500.93, F.S.; providing definitions; requiring the department to adopt rules to enforce the Food and Drug Administration's standard of identity for milk, meat, poultry, and eggs to prohibit the sale of plant-based products mislabeled as milk, meat, poultry, or eggs; providing contingent effective dates; requiring the department to adopt rules; providing construction; repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of the term "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants;

authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the Florida Retail Fuel Transfer Switch Modernization Grant Program within the department; requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs relating to installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department, in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 564.06, F.S.; conforming a provision to changes made

by the act; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists; providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain agreement with the department; requiring the department to adopt certain rules; requiring the department to extend certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; requiring the department to use contracts procured by agencies; defining the term "agency"; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the department to change the expiration date for current licenses for a certain purpose; requiring the department to prorate the licensing fee for certain licenses; requiring the department to adopt rules; amending s. 570.694, F.S.; creating the Florida Aquaculture Foundation as a

direct support organization within the department; providing the purpose of the foundation; providing governance for the foundation; authorizing the department to appoint an advisory committee adjunct to the foundation; amending s. 570.822, F.S.; revising the definition of the terms "declared natural disaster" and "program"; providing that loan funds from the department may be used to restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; creating s. 570.823, F.S.; providing definitions; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency; providing construction; authorizing the department to adopt rules; providing construction; amending s. 581.1843, F.S.; removing provisions that exclude certain citrus nurseries from

certain requirements and that regulate areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department's authority to designate eradication zones, prohibit planting of cotton, and require participation in eradication program; regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the

department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys received, respectively; amending s. 595.404, F.S.; revising the department's powers and duties regarding school nutrition programs; amending s. 599.002, F.S.; renaming the Viticulture Advisory Council as the Florida Wine Advisory Council; revising the membership of the Florida Wine Advisory Council; amending s. 599.003, F.S.; renaming the State Viticulture Plan as the State Wine Plan; amending s. 599.004, F.S.; providing that wineries that fail to recertify annually or pay a specified licensing fee are subject to certain actions and costs; amending s. 599.012, F.S.; conforming provisions to changes made by the act; amending s. 616.12, F.S.; removing provisions requiring a person who operates a minstrel show in connection with any certain public fairs to pay specified license taxes; removing a provision that exempts such person from paying specified taxes; creating s. 687.16, F.S.; providing a short title; providing definitions; prohibiting a financial institution from discriminating in the provision of financial services to an agricultural producer based on an ESG factor; providing an inference with regard

to a certain violation; providing that the financial institution may overcome the inference by making certain demonstrations regarding its denial or restriction of financial services to an agricultural producer; authorizing the Attorney General to enforce specified provisions; providing that a violation of specified provisions constitutes an unfair and deceptive trade practice; authorizing the Attorney General to investigate and seek remedies for such unfair trade practices; authorizing an aggrieved party to seek an action for damages; amending s. 741.0305, F.S.; conforming a cross-reference; amending s. 790.06, F.S.; revising the circumstances under which the department may temporarily suspend a person's license to carry a concealed weapon or concealed firearm or the processing of an application for such license; requiring the department to notify certain licensees or applicants of his or her right to a hearing; requiring that the hearing regarding such suspension of license be for a limited purpose; requiring the department to issue an order lifting the suspension of an applicant's license upon a certain disposition of the criminal case; requiring that the suspension remain in effect upon a certain disposition of the criminal case; providing construction;

providing legislative findings; revising the duties of the department after the date of receipt of a completed application for a license to carry a concealed weapon or concealed firearm; requiring that a license issued under this section be temporarily suspended or revoked if the license was issued in error or if the licensee commits certain actions; amending s. 812.0151, F.S.; revising the elements of third degree and second degree felony retail fuel theft; creating s. 812.136, F.S.; providing definitions; providing elements for the crime of mail theft; providing elements of theft of or unauthorized reproduction of a mail depository key or lock; providing criminal penalties; amending s. 934.50, F.S.; removing certain exceptions from the prohibited uses of drones; creating s. 1013.373, F.S.; prohibiting a local government from adopting any measure to limit the activities of public educational facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to incorporate the amendment made to s. 110.205, F.S., in

a reference thereto; reenacting ss. 189.062(1)(a) and 388.261(7), F.S., relating to special procedures for inactive districts and state aid to counties and districts for arthropod control, respectively, to incorporate the amendment made to s. 388.271, F.S., in references thereto; reenacting ss. 482.072(3)(b) and 482.163, F.S., relating to pest control customer contact centers and responsibility for pest control activities of employee, respectively, to incorporate the amendment made to s. 482.161, F.S., in references thereto; reenacting s. 487.156, F.S., relating to governmental agencies, to incorporate the amendment made to s. 487.044, F.S., in a reference thereto; reenacting ss. 496.4055(2) and 496.406(2) and (4), F.S., relating to charitable organization or sponsor board duties and exemption from registration, respectively, to incorporate the amendment made to s. 496.405, F.S., in references thereto; reenacting s. 500.80(1)(a), F.S., relating to cottage food operations, to incorporate the amendment made to s. 500.12, F.S., in a reference thereto; reenacting s. 500.121(6), F.S., relating to disciplinary procedures, to incorporate the amendment made to s. 500.172, F.S., in a reference thereto; reenacting s. 790.061, F.S., relating to judges and justices, to incorporate the

amendment made to s. 790.06, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in The Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in The Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in The Department of Transportation which are

assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in The Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in The Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in The Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Paragraphs (a) through (d) of subsection (2) of section 163.3162, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, new paragraphs (a), (f), and (g) are added to that subsection, and subsections (5),

(6), and (7) are added to that section, to read:

163.3162 Agricultural Lands and Practices.—

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

(a) "Department" means the Department of Agriculture and Consumer Services.

(f) "Housing site" means the totality of development supporting authorized housing, including buildings; mobile homes; barracks; dormitories used as living quarters; parking areas; common areas such as athletic fields or playgrounds; storage structures; and other related structures.

(g) "Legally verified agricultural worker" means a person who:

1. Is lawfully present in the United States;

2. Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;

3. Has been verified through the process provided in s. 448.095(2) and is authorized to work at the time of employment;

4. Is seasonally or annually employed in a bona fide agricultural production;

5. Remains lawfully present and authorized to work throughout the duration of that employment; and

6. Is not an unauthorized alien as defined in s. 448.095(1).

(5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

(a) A governmental entity may not adopt or enforce any

legislation, regulation, or ordinance to inhibit the construction or installation of housing for legally verified agricultural workers on land classified as agricultural land pursuant to s. 193.461 which is operated as a bona fide farm except as provided in this subsection.

(b) Construction or installation of housing units for legally verified agricultural workers on parcels of land classified as agricultural land under s. 193.461 must satisfy all of the following criteria:

1. The dwelling units must meet federal, state, and local building standards, including standards of the Department of Health adopted pursuant to ss. 381.008-381.00897 and federal standards for H-2A visa housing. If written notice of intent is required to be submitted to the Department of Health pursuant to s. 381.0083, the appropriate governmental entity with jurisdiction over the agricultural lands may also require submittal of a copy of the written notice.

2. The housing site must be maintained in a neat, orderly, and safe manner.

3. All structures containing dwelling units must be located a minimum of 10 feet apart.

4. The square footage of the housing site's climate-controlled facilities may not exceed 1.5 percent of the property's area or 35,000 square feet, whichever is less.

5. A housing site must provide front, side, and rear yard

setbacks of at least 50 feet. However, an internal project driveway may be located in the required yard space if the yard is adjacent to a public roadway or to property that is under common ownership with the housing site.

6. A housing site may not be located less than 100 feet from a property line adjacent to property zoned for residential use. If the housing site is located less than 250 feet from any property line, screening must be provided between the housing site and any residentially developed adjacent parcels that are under different ownership. The screening may be designed in any of the following ways:

a. Evergreen plants that, at the time of planting, are at least 6 feet in height and provide an overall screening opacity of 75 percent;

b. A masonry wall at least 6 feet in height and finished on all sides with brick, stone, or painted or pigmented stucco;

c. A solid wood or PVC fence at least 6 feet in height with the finished side of the fence facing out;

d. A row of evergreen shade trees that, at the time of planting, are at least 10 feet in height, a minimum of 2-inch caliper, and spaced no more than 20 feet apart; or

e. A berm made with a combination of the materials listed in sub-subparagraphs a.-d., which is at least 6 feet in height and provides an overall screening capacity of 75 percent at the time of installation.

7. All access drives that serve the housing site must be made of packed shell, gravel, or a similar material that will provide a relatively dust-free surface.

(c) Any local ordinance adopted pursuant to this subsection must comply with all state and federal regulations for migrant farmworker housing, as applicable, including rules adopted by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. A governmental entity may adopt local government land use regulations that are less restrictive than this subsection, but which still meet regulations established by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. An ordinance adopted pursuant to this paragraph may not conflict with the definition and requirements of a legally verified agricultural worker.

(d) Beginning July 1, 2025, a property owner must maintain records of all approved permits, including successor permits, for migrant labor camps or residential migrant housing as required under s. 381.0081. A property owner must maintain such records for at least 3 years and make the records available for inspection within 14 days after receipt of a request for records by a governmental entity.

(e) A housing site may not continue to be used and may be

required to be removed under the following circumstances:

1. If, for any reason, a housing site is not being used for legally verified agricultural workers for longer than 365 days, any structure used as living quarters must be removed from the housing site within 180 days after receipt of written notification from the county unless the property owner can demonstrate that use of the site for housing legally verified agricultural workers will occur within 90 days after the written notification.

2. If the property on which the housing site is located ceases to be classified as agricultural land pursuant to s. 193.461.

3. If the permit authorized by the Department of Health for the housing site is revoked, all structures must be removed from the housing site within 180 days after receipt of written notification from the county unless the permit is reinstated by the Department of Health.

4. If a housing site is found to be occupied by any person who does not meet the definition of a legally verified agricultural worker, or is otherwise unlawfully present in the United States. A property owner who violates this subparagraph is subject to a Class I fine pursuant to s. 570.971, not to exceed $1,000, for the first violation, and a Class II fine, not to exceed $5,000, for any subsequent violations. The fines shall be collected by the clerk of the court of the county in which

the violation occurred.

(f) Notwithstanding this subsection, the construction or installation of housing for legally verified agricultural workers in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the permit allocation systems of the Florida Keys Area of Critical State Concern and City of Key West Area of Critical State Concern, respectively.

(g) A housing site that was constructed and in use before July 1, 2024, may continue to be used, and the property owner may not be required by a governmental entity to make changes to meet the requirements of this subsection, unless the housing site will be enlarged, remodeled, renovated, or rehabilitated. The property owner of a housing site authorized under this paragraph must provide regular maintenance and repair, including compliance with health and safety regulations and maintenance standards, for such housing site to ensure the health, safety, and habitability of the housing site.

(6) DATA COLLECTION.—The department shall adopt rules providing for:

(a) A method for government entities to submit reports of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to s. 193.461, as provided in this section.

(b) A method for persons to submit complaints for review

and investigation by the department.

Government entities shall provide this information quarterly to the department in a format and timeframe prescribed by rule.

(7) ENFORCEMENT.—

(a) In addition to the enforcement methods of employment verification outlined in s. 448.095, the department shall enforce the requirements of subsection (5). Enforcement includes completing routine inspections based on a random sample of data collected by government entities and submitted to the department, the investigation and review of complaints, and the enforcement of violations.

(b) The department shall submit the information collected to the State Board of Immigration Enforcement on a quarterly basis, except that the first quarter shall begin 60 days after the first quarterly data report under subsection (6) by a government entity is received and reviewed by the department.

Section 3. Subsection (3) of section 201.25, Florida Statutes, is amended to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(3) Any loan made by the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program pursuant to s. 570.822.

Section 4. Subsection (19) is added to section 253.0341,

Florida Statutes, to read:

253.0341 Surplus of state-owned lands.—

(19) Notwithstanding any other law or rule, the Department of Agriculture and Consumer Services may surplus lands acquired pursuant to s. 366.20 which are determined to be suitable for bona fide agricultural production, as defined in s. 193.461. The Department of Agriculture and Consumer Services shall consult with the Department of Environmental Protection in the process of making such determination. In the event that lands acquired pursuant to s. 366.20, which are determined to be suitable for bona fide agricultural production are surplused, the Department of Agriculture and Consumer Services must retain a rural-lands-protection easements pursuant to s. 570.71(3), and all proceeds must be deposited into the Incidental Trust Fund within the Department of Agriculture and Consumer Services for less than fee simple land acquisition pursuant to ss. 570.71 and 570.715. By January 1, 2026, and each January 1 thereafter, the Department of Agriculture and Consumer Services shall provide a report of lands surplused pursuant to this subsection to the board.

(a) Any lands designated as a state forest, state park, or wildlife management area are ineligible to be surplused pursuant to this subsection.

(b) This subsection is retroactive to January 1, 2009.

Section 5. Paragraphs (a) through (d) and (e) of

subsection (2) of section 330.41, Florida Statutes, are redesignated as paragraphs (b) through (e) and (j) of subsection (2) and subsection (8), respectively, subsection (6) is renumbered as subsection (8), paragraph (d) of subsection (4) and present subsection (6) are amended, new paragraphs (a), (f), (g), (h), and (i) are added to subsection (2), and new subsections (6) and (7) are added to that section, to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Commercial property" means real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is comprised of five or more dwelling units, and real property used for commercial, industrial, or agricultural purposes.

(f) "Private property" means any residential or commercial property.

(g) "Property owner" means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property.

(h) "Residential property" means real property zoned as residential or multifamily residential and composed of four or

fewer dwelling units.

(i) "Sport shooting and training range" has the same meaning as in s. 790.333(3)(h).

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(d) This subsection and paragraph (2)(b) ~~paragraph (2)(a)~~ shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(6) PROTECTION OF AGRICULTURAL LANDS.—

(a) A person may not knowingly or willfully do any of the following on lands classified as agricultural lands pursuant to s. 193.461:

1. Operate a drone.

2. Allow a drone to make contact with any person or object on the premises of or within the boundaries of such lands.

3. Allow a drone to come within a distance close enough to such lands to interfere with or cause a disturbance to agricultural production.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the agricultural lands;

2. A person acting under the prior written consent of the owner of the agricultural lands; or

3. A person or entity acting in compliance with the provisions of s. 934.50.

(7) PROTECTION OF PRIVATE PROPERTY AND STATE HUNTING LANDS.—

(a) A person may not knowingly or willfully allow a drone to make contact with private property, state wildlife management lands, or a sport shooting and training range or any person or object on the premises of or within such property with the intent to harass.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who violates paragraph (a) and records video of the private property, state wildlife management lands, or sport shooting and training range, including any person or object on the premises of or within the private property, state wildlife management lands, or sport shooting and training range, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a felony of the third

degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the private property or sport shooting and training range;

2. A person acting under the prior written consent of the owner of the private property or sport shooting and training range; or

3. A person or entity acting in compliance with the provisions of s. 934.50.

Section 6. Section 366.20, Florida Statutes, is created to read:

366.20 Sale and management of lands owned by electric utilities.—

(1) Lands acquired by an electric utility as defined in s. 361.11(2) which have been classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the acquisition of the land by the electric utility must be offered for fee simple acquisition by the Department of Agriculture and Consumer Services before offering for sale or transferring the land to a private individual or entity.

(2) Lands owned by an electric utility as defined in s. 361.11(2) which were classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the date of

acquisition of the land by the electric utility must be offered for fee simple acquisition by the Department of Agriculture and Consumer Services before offering for sale or transferring the land to a private individual or entity.

(3) This section is retroactive to January 1, 2009.

Section 7. Subsections (3) and (4) of section 366.94, Florida Statutes, are renumbered as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

366.94 Electric vehicle charging.—

(2)(a) As used in this section, the term "electric vehicle charging station" means the area in the immediate vicinity of electric vehicle supply equipment and includes the electric vehicle supply equipment, supporting equipment, and associated parking spaces. The regulation of electric vehicle charging stations is preempted to the state.

(b) ~~(a)~~ A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

(3)(a) ~~(b)~~ The Department of Agriculture and Consumer Services shall adopt rules to implement this subsection and to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.

(b) The department may adopt rules to protect the public health, safety, and welfare and establish standards for the

placement, design, installation, maintenance, and operation of electric vehicle charging stations.

(c) Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards established by department rule and other applicable provisions of state law. The department shall prescribe by rule the time period for approving or denying permit applications.

(d) Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

(e) The department shall have the authority to inspect electric vehicle charging stations, conduct investigations, and enforce this subsection and any rules adopted under this subsection. The department may impose one or more of the following penalties against a person who violates this subsection or any rule adopted under this subsection:

1. Issuance of a warning letter.

2. Imposition of an administrative fine in the Class II category pursuant to s. 570.971 for each violation.

(f) If the department determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, the department may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.

(g) In addition to the remedies provided in this subsection, and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs or is about to occur. Upon demonstration of competent and substantial evidence by the department to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond.

Section 8. Subsections (10) and (11) of section 388.011, Florida Statutes, are renumbered as subsections (11) and (12), respectively, subsections (2) and (5) of that section are amended, and a new subsection (10) is added to that section, to read:

388.011 Definitions.—As used in this chapter:

(2) "Board of commissioners" means the governing body of any mosquito control program ~~district~~, and may include boards of county commissioners, city councils, municipalities, or other similar governing bodies when context so indicates.

(5) "District" means any mosquito control special district established in this state by law for the express purpose of controlling arthropods within boundaries of such ~~said~~ districts.

(10) "Program" means any governmental jurisdiction that conducts mosquito control, whether it be a special district,

county, or municipality.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules adopted under this chapter ~~promulgated hereunder~~. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under ~~the provisions of~~ this chapter.

(2) It is the legislative intent that ~~those~~ mosquito control districts established prior to July 1, 1980, pursuant to the petition process contained in former s. 388.031, may continue to operate as outlined in this chapter. However, on and after that date, no mosquito control districts may be created except pursuant to s. 125.01.

Section 10. Section 388.181, Florida Statutes, is amended to read:

388.181 Power to do all things necessary.—The respective programs ~~districts~~ of the state are ~~hereby~~ fully authorized to do and perform all things necessary to carry out the intent and purposes of this law.

Section 11. Subsections (1), (2), (4), and (5) of section 388.201, Florida Statutes, are amended to read:

388.201 Program ~~District~~ budgets; hearing.—

(1) The fiscal year of programs ~~districts~~ operating under ~~the provisions of~~ this chapter shall be the 12-month period extending from October 1 of one year through September 30 of the following year. The governing board of the programs ~~district~~ shall before July 15 of each year complete the preparation of a tentative detailed work plan budget covering its proposed operations and requirements for arthropod control measures during the ensuing fiscal year and, for the purpose of determining eligibility for state aid, shall submit copies as may be required to the department for review and approval. The tentative detailed work plan budget must ~~shall~~ set forth, classified by account number, title and program items, and by fund from which to be paid, the proposed expenditures of the program ~~district~~ for construction, for acquisition of land, and other purposes, for the operation and maintenance of the program's ~~district's~~ works, the conduct of the program ~~district~~

generally, to which may be added an amount to be held as a reserve.

(2) The tentative detailed work plan budget must ~~shall~~ also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted, ~~. There shall be shown~~ the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by county, municipality, or district taxes and from any and all other sources for meeting the program's ~~the district's~~ requirements.

(4) The governing board shall:

(a) ~~Shall~~ Consider objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) ~~Shall~~ By September 30, adopt and execute on a form furnished by the department a certified budget for the programs ~~district~~ which shall be the operating and fiscal guide for the program ~~district~~. Certified copies of this budget must ~~shall~~ be submitted by September 30 to the department for approval.

(5) County commissioners' mosquito and arthropod control budgets or the budgets of a similar governing body of a county, city, or town must ~~shall~~ be made and adopted as prescribed by subsections (1) and (2); summary figures must ~~shall~~ be incorporated into the county budgets as prescribed by the Department of Financial Services.

Section 12. Section 388.241, Florida Statutes, is amended to read:

388.241 Board of ~~county~~ commissioners vested with powers and duties of board of commissioners ~~in certain counties~~.—In those counties or cities where there has been no formation of a separate or special board of commissioners, all the rights, powers, and duties of a board of commissioners as conferred in this chapter shall be vested in the board of ~~county~~ commissioners or similar governing body of such ~~said~~ county or city.

Section 13. Subsections (1), (2), and (5) through (8) of section 388.261, Florida Statutes, are amended to read:

388.261 State aid to counties, municipalities, and districts for arthropod control; distribution priorities and limitations.—

(1) A county, municipality, or district may, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount of no more than $75,000 ~~$50,000~~ per year for up to 3 years for any new program for the control of mosquitoes and other arthropods which serves an area not previously served by the county, municipality, or district. These funds may be expended for any and all types of control measures approved by the department.

(2) Every county, municipality, or district budgeting local funds to be used exclusively for the control of mosquitoes

and other arthropods, under a plan submitted by the county, municipality, or district and approved by the department, is eligible to receive state funds and supplies, services, and equipment on a dollar-for-dollar matching basis to the amount of local funds budgeted. If state funds appropriated by the Legislature are insufficient to grant each county, municipality, or district state funds on a dollar-for-dollar matching basis to the amount budgeted in local funds, the department shall distribute the funds as prescribed by rule. Such rules must ~~shall~~ provide for up to 80 percent of the funds to be distributed to programs with local funds for mosquito control budgets of less than $1 million, if the county, municipality, or district meets the eligibility requirements. The funds must ~~shall~~ be distributed as equally as possible within the category of counties pursuant to this section. The remaining funds must ~~shall~~ be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach.

(5) If more than one program ~~local mosquito control agency~~ exists in a county or municipality, the funds must ~~shall~~ be prorated between the programs ~~agencies~~ based on the population served by each program ~~agency~~.

(6) The Commissioner of Agriculture may exempt counties, municipalities, or districts from the requirements in subsection (1), subsection (2), or subsection (3) when the department

determines state funds, supplies, services, or equipment are necessary for the immediate control of mosquitoes and other arthropods that pose a threat to human or animal health.

(7) The department may use state funds appropriated for a county, municipality, or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county, municipality, or district eligible to receive state funds under s. 388.271.

(8) The department is authorized to use up to 5 percent of the funds appropriated annually by the Legislature under this section to provide technical assistance to the counties, municipalities, or districts, or to purchase equipment, supplies, or services necessary to administer ~~the provisions of~~ this chapter.

Section 14. Subsections (1) and (2) of section 388.271, Florida Statutes, are amended to read:

388.271 Prerequisites to participation.—

(1) When state funds are involved, it is the duty of the department to guide, review, approve, and coordinate the activities of all county and municipal governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control. Each program ~~county~~ eligible to participate may, and each district must, begin participation on October 1 of any year by filing with the department not later

than July 15 a tentative integrated arthropod management plan ~~work plan~~ and tentative detailed ~~work plan~~ budget providing for the control of arthropods. Following approval of the plan and budget by the department, a copy ~~two copies~~ of the program's ~~county's or district's~~ certified budget based on the approved integrated arthropod management ~~work~~ plan and detailed ~~work plan~~ budget must ~~shall~~ be submitted to the department by September 30 ~~following~~. State funds, supplies, and services must ~~shall~~ be made available to such program ~~county or district~~ by and through the department ~~immediately~~ upon release of funds by the Executive Office of the Governor.

(2) All purchases of supplies, materials, and equipment by programs must ~~counties or districts shall~~ be made in accordance with the laws governing purchases by boards of ~~county~~ commissioners or similar governing bodies, except that programs ~~districts~~ with special laws relative to competitive bidding shall make purchases in accordance therewith.

Section 15. Subsections (1) and (3) of section 388.281, Florida Statutes, are amended to read:

388.281 Use of state matching funds.—

(1) All funds, supplies, and services released to programs under this chapter must ~~counties and districts hereunder shall~~ be used in accordance with the integrated arthropod management ~~detailed work~~ plan and certified budget approved by both the department and the board of commissioners or an appropriate

representative ~~county or district~~. The integrated arthropod management plan and budget may be amended at any time upon prior approval of the department.

(3) In any program ~~county or district~~ where the arthropod problem has been eliminated, or reduced to such an extent that it does not constitute a health, comfort, or economic problem as determined by the department, the maximum amount of state funds available under this chapter shall be reduced to the amount necessary to meet actual need.

Section 16. Subsections (1) and (2) of section 388.291, Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

(1) Any program ~~county or district~~ may perform source reduction measures in conformity with good engineering practices in any area, provided that the department cooperating with the county, municipality, or district has approved the operating or construction plan as outlined in the integrated arthropod management plan and that it has been determined by criteria contained in rule that the area or areas to be controlled would produce arthropods in significant numbers to constitute a health or nuisance problem.

(2) The program ~~county or district~~ shall manage the detailed business affairs and supervise the ~~said~~ work, and the department shall advise the programs ~~districts~~ as to the best

and most effective measures to be used in bringing about better temporary control and the permanent elimination of breeding conditions. The department may at its discretion discontinue any state aid provided under this chapter ~~hereunder~~ in the event it finds the jointly agreed upon program is not being followed or is not efficiently and effectively administered.

Section 17. Section 388.301, Florida Statutes, is amended to read:

388.301 Payment of state funds; supplies and services.—State funds shall be payable ~~quarterly~~, in accordance with the rules of the department, upon requisition by the department to the Chief Financial Officer. The department is authorized to furnish insecticides, chemicals, materials, equipment, vehicles, and personnel in lieu of state funds where mass purchasing may save funds for the state, or where it would be more practical and economical to use equipment, supplies, and services between two or more programs ~~counties or districts~~.

Section 18. Section 388.311, Florida Statutes, is amended to read:

388.311 Carry over of state funds and local funds.—State and local funds budgeted for the control of mosquitoes and other arthropods shall be carried over at the end of the program's ~~county or district's~~ fiscal year, and rebudgeted for such control measures the following fiscal year.

Section 19. Section 388.321, Florida Statutes, is amended

to read:

388.321 Equipment to become property of a program ~~the county or district~~.—All equipment purchased under this chapter with state funds made available directly to a program ~~the county or district~~ shall become the property of the program ~~county or district~~ unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the program ~~county or district~~.

Section 20. Section 388.322, Florida Statutes, is amended to read:

388.322 Record and inventory of certain property.—A record and inventory of certain property purchased with state funds for arthropod control use owned by the program must ~~district shall~~ be maintained in accordance with s. 274.02.

Section 21. Section 388.323, Florida Statutes, is amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment purchased using state funds for arthropod control use no longer needed by a program must ~~county or district shall~~ first be offered to any ~~or all~~ other programs ~~counties or districts~~ engaged in arthropod control at a price established by the board of commissioners owning the equipment.

(2) The alternative procedure for disposal of surplus

property, as prescribed in s. 274.06, must ~~shall~~ be followed if it is determined that no other program ~~county or district~~ engaged in arthropod control has need for the equipment.

(3) All proceeds from the sale of any real or tangible personal property owned by the program and purchased using state funds ~~county or district~~ shall be deposited in the program's ~~county's or district's~~ state fund account unless otherwise specifically designated by the department.

Section 22. Section 388.341, Florida Statutes, is amended to read:

388.341 Reports of expenditures and accomplishments.—Each program receiving state aid ~~county and district participating~~ under ~~the provisions of~~ this chapter shall within 30 days after the end of each month submit to the department a monthly report for the preceding month of expenditures from all funds for arthropod control, and each program participating under this chapter shall provide such reports of activities and accomplishments as may be required by the department.

Section 23. Section 388.351, Florida Statutes, is amended to read:

388.351 Transfer of equipment, personnel, and supplies during an emergency.—The department, upon notifying a program ~~county or district~~ and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one program ~~district~~ to another in the event of an emergency brought about

by an arthropod-borne epidemic or other disaster requiring emergency control.

Section 24. Subsection (7) of section 388.361, Florida Statutes, is amended to read:

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Before ~~Prior to~~ the start of treatments for the control of mosquitoes or other arthropods, the department shall consult with the mosquito control programs ~~districts~~ in the proposed treatment areas, the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

Section 25. Subsections (2) and (3) of section 388.3711, Florida Statutes, are amended to read:

388.3711 Enforcement.—

(2) The department may issue a written warning, impose a fine; deny, suspend, or revoke any license or certification~~,~~ or the disbursal of state aid; or deny participation, in accordance with ~~the provisions of~~ chapter 120, upon any one or more of the

following grounds as may be applicable:

(a) Violation of any rule of the department or provision of this chapter.

(b) Violation of FIFRA or any relevant EPA rule or regulation pertaining to the use of arthropod control pesticides by the licensee.

(c) Failure to give the department, or any authorized representative thereof, true information upon request regarding methods and materials used, work performed, or other information essential to the administration of this chapter.

(3) The department may, if it finds a violation is of such nature or circumstances that imposition of a fine, or denial, revocation, or suspension of a certification or license or disbursal of state aid would be detrimental to the public or be unnecessarily harsh under the circumstances, in its discretion, place the offending party on probation for a period of not more than 2 years. If the department determines that the terms of such probation have been violated, it may reinstitute license or certification or state aid denial, suspension, or revocation proceedings.

Section 26. Section 388.381, Florida Statutes, is amended to read:

388.381 Cooperation by programs ~~counties and district~~.—Any program conducting ~~county or district carrying on an~~ arthropod control ~~program~~ may cooperate with another county, district, or

municipality in carrying out work ~~a program~~ for the control of mosquitoes and other arthropods, by agreement as to the program and reimbursement thereof, when approved by the department.

Section 27. Section 388.391, Florida Statutes, is amended to read:

388.391 Control measures in municipalities and portions of counties located outside boundaries of programs ~~districts~~.—Any program ~~district~~ whose operation is limited to a portion of the county in which it is located may perform any control measures authorized by this chapter in any municipality located in the same county or in any portions of the same county, where there is no established program ~~district~~, when requested to do so by the municipality or county, pursuant to s. 388.381.

Section 28. Section 388.401, Florida Statutes, is amended to read:

388.401 Penalty for damage to property or operations.—Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of any program ~~county or district~~ created under this or other chapters, or any works constructed, maintained, or controlled by such program ~~county or district~~, or who obstructs ~~shall obstruct~~ or causes ~~cause~~ to be obstructed any of the operations of such program ~~county or district~~, or who ~~shall~~ knowingly or willfully violates ~~violate~~ any provisions of this chapter or any rule or regulation adopted ~~promulgated~~ by any board of commissioners of any program, commits ~~county or district shall be guilty of~~ a

misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Paragraph (a) of subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) *Membership.*—The Florida Coordinating Council on Mosquito Control shall be composed ~~comprised~~ of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection.

2. The State Surgeon General.

3. The executive director of the Fish and Wildlife Conservation Commission.

4. The state epidemiologist.

5. The Commissioner of Agriculture.

6. The Board of Trustees of the Internal Improvement Trust Fund.

7. Representatives from:

a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory.

b. The United States Environmental Protection Agency.

c. The United States Department of Agriculture, Center of Medical, Agricultural, and Veterinary Entomology ~~Insects~~

~~Affecting Man Laboratory~~.

d. The United States Fish and Wildlife Service.

8. Four ~~Two~~ mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture and serve until his or her successor is appointed.

Section 30. Paragraph (d) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(d) *Enforcement and verification of basin management action plans and management strategies.*—

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures

to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to

ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus ~~fertilizer~~ application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may use in lieu of the best management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet all of the following requirements:

a. A parcel not more than 25 acres in size.

b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located.

c. A parcel with water use not exceeding 100,000 gallons

per day on average unless the entire use is met using recycled water from wet detention treatment ponds or reuse water.

d. A parcel where the agricultural activity on the parcel is not a vegetable crop, an agronomic crop, a nursery, or a dairy operation.

e. A parcel not abutting an impaired water body identified in subsection (4).

f. A parcel not part of a larger operation that is enrolled in the Department of Agriculture and Consumer Services best management practices or conducting water quality monitoring prescribed by the department or a water management district.

Such requirements must specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The Department of Agriculture and Consumer Services is authorized to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule.

5. The Department of Agriculture and Consumer Services shall annually perform onsite inspections of 20 percent for all enrollments that meet the qualifications pursuant to subparagraph 4. by rule within basin management action plan areas, to ensure that practices are being properly implemented. Such inspections must include a collection and review of the identified best management practice documentation from the

previous 2 years required by rules adopted pursuant to subparagraph (c)2. All agricultural producers enrolled by rule in a best management practice must annually submit nutrient records, including nitrogen and phosphorus application records for the previous calendar year, to the Department of Agriculture and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

Section 31. Subsection (19) is added to section 403.852, Florida Statutes, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(19) "Water quality additive" means any chemical or additive which is used in a public water system for the purpose of removing contaminants or increasing water quality. The term does not include additives used for health-related purposes.

Section 32. Subsection (8) is added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(8) The use of any additive in a public water system which does not meet the definition of a water quality additive as defined in s. 403.852(19), or the use of any additive included primarily for health-related purposes.

Section 33. Subsection (10) of section 482.111, Florida Statutes, is amended to read:

482.111 Pest control operator's certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each category of her or his certificate or must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must include one or more of the following topics:

1. The law and rules of this state pertaining to pest control.

2. Precautions necessary to safeguard life, health, and property in the conducting of pest control and the application of pesticides.

3. Pests, their habits, recognition of the damage they cause, and identification of them by accepted common name.

4. Current accepted industry practices in the conducting of fumigation, termites and other wood-destroying organisms pest control, lawn and ornamental pest control, and household pest

control.

5. How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels used in pest control.

6. Integrated pest management.

(b) The certificateholder must submit with her or his application for renewal a statement certifying that she or he has completed the required number of hours of continuing education. The statement must be on a form prescribed by the department and must identify at least the date, location, provider, and subject of the training and must provide such other information as required by the department.

(c) The department shall charge the same fee for examination as provided in s. 482.141(2).

Section 34. Subsection (1) of section 482.141, Florida Statutes, is amended to read:

482.141 Examinations.—

(1) Each individual seeking certification must satisfactorily pass an examination which must be written but ~~which~~ may include practical demonstration. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~hold at least two examinations each year~~. An applicant may seek certification in one or more categories.

Section 35. Paragraph (b) of subsection (1) of section

482.155, Florida Statutes, is amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given or approved by the department~~. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than $150 or less than $50; and a recertification fee of $25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is $50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county~~.

Section 36. Subsection (2) of section 482.156, Florida

Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(2)(a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than $150 or less than $50. Before the department issues a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) The department shall make available ~~provide~~ the appropriate reference materials for the examination and provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~make the examination readily accessible and available to applicants at least quarterly or as necessary in each county~~.

Section 37. Subsection (2) of section 482.157, Florida Statutes, is amended to read:

482.157 Limited certification for commercial wildlife

management personnel.—

(2) The department shall issue a limited certificate to an applicant who:

(a) Submits an application and examination fee of at least $150, but not more than $300, as prescribed by the department by rule;

(b) Passes an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~administered by the department~~. The department shall make available ~~provide~~ the appropriate study materials for the examination ~~and make the examination readily available to applicants in each county as necessary, but not less frequently than quarterly~~; and

(c) Provides proof, including a certificate of insurance, that the applicant has met the minimum bodily injury and property damage insurance requirements in s. 482.071(4).

Section 38. Paragraph (m) is added to subsection (1) of section 482.161, Florida Statutes, to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend,

revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(m) Upon the issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b), of FIFRA.

Section 39. Subsection (2) of section 487.044, Florida Statutes, is amended to read:

487.044 Certification; examination.—

(2) The department shall require each applicant for a certified applicator's license to demonstrate competence by a written or oral examination in which the applicant must demonstrate adequate knowledge concerning the proper use and application of restricted-use pesticides in each classification for which application for license is made. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee. The examination may be prepared, administered, and evaluated by the department. Each applicant for a certified applicator's license must ~~shall~~ demonstrate minimum competence as to:

(a) The proper use of the equipment.

(b) The environmental hazards that may be involved in applying restricted-use pesticides.

(c) Calculating the concentration of restricted-use pesticides to be used in particular circumstances.

(d) Identification of common pests to be controlled and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides.

(f) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws, rules, and regulations.

(h) General safety precautions.

Section 40. Subsection (6) is added to section 487.175, Florida Statutes, to read:

487.175 Penalties; administrative fine; injunction.—

(6) Licensure may be suspended, revoked, or denied by the department, upon the issuance of a final order to a licensee imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 41. Subsections (13) through (28) of section 496.404, Florida Statutes, are renumbered as subsections (15)

through (30), respectively, and new subsections (13) and (14) are added to that section, to read:

496.404 Definitions.—As used in ss. 496.401-496.424, the term:

(13) "Foreign country of concern" has the same meaning as s. 286.101(1)(b).

(14) "Foreign source of concern" means any of the following:

(a) The government or any official of the government of a foreign country of concern;

(b) A political party or member of a political party or any subdivision of a political party in a foreign country of concern;

(c) A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;

(d) Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;

(e) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

(f) An entity in which a person, entity, or collection of persons or entities described in paragraphs (a)-(e) has a

controlling interest. As used in this paragraph, the term "controlling interest" means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.

Section 42. Paragraphs (d) through (g) of subsection (2) of section 496.405, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, new paragraphs (d) and (e) are added to that subsection, subsection (1) and paragraph (b) of subsection (7) are amended, and subsection (11) is added to that section, to read:

496.405 Registration statements by charitable organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in or from this state by any means or have funds solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, before engaging in any of these activities, file an initial registration statement, which includes an attestation statement, and a renewal statement

annually thereafter, with the department.

(a) Except as provided in paragraph (b), any changes in the information submitted on the initial registration statement or the last renewal statement must be updated annually on a renewal statement provided by the department on or before the date that marks 1 year after the date the department approved the initial registration statement as provided in this section. The department shall annually provide a renewal statement to each registrant by mail or by electronic mail at least 30 days before the renewal date.

(b) Any changes to the information submitted to the department pursuant to paragraph (2)(f) ~~(2)(d)~~ on the initial registration statement, which includes an attestation statement, or the last renewal statement must be reported to the department on a form prescribed by the department within 10 days after the change occurs.

(c) A charitable organization or sponsor that is required to file an initial registration statement or annual renewal statement may not, before approval of its statement by the department in accordance with subsection (7), solicit contributions or have contributions solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor or participate in a charitable sales promotion or sponsor sales promotion.

(d) The registration of a charitable organization or

sponsor may not continue in effect and shall expire without further action of the department under either of the following circumstances:

1. After the date the charitable organization or sponsor should have filed, but failed to file, its renewal statement in accordance with this section.

2. For failure to provide a financial statement within any extension period provided under s. 496.407.

(2) The initial registration statement must be submitted on a form prescribed by the department, signed by an authorized official of the charitable organization or sponsor who shall certify that the registration statement is true and correct, and include the following information or material:

(d) An attestation statement, which must be submitted on a form prescribed by the department and signed by an authorized official of the charitable organization, who shall certify and attest that the charitable organization, if engaged in activities that would require registration pursuant to chapter 106 is registered with the Department of State, pursuant to chapter 106.

(e) An attestation statement on a form prescribed by the department, signed by an authorized official of the charitable organization, who shall certify and attest that the charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration

with the Department of State pursuant to chapter 106.

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ until such time as the required information is submitted to the department.

(11) The department may investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 43. Subsection (20) is added to section 496.415, Florida Statutes, to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(20) Solicit or accept contributions or anything of value from a foreign source of concern.

Section 44. Section 496.417, Florida Statutes, is amended to read:

496.417 Criminal penalties.—Except as otherwise provided in ss. 496.401-496.424, and in addition to any administrative or civil penalties, any person who willfully and knowingly violates ss. 496.401-496.424 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For a second or subsequent conviction, such violation constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may also investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 45. Subsection (11) is added to section 496.419, Florida Statutes, to read:

496.419 Powers of the department.—

(11) A charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation required pursuant to s. 496.405(2)(d) or (2)(e) is subject to the penalties specified in subsection (5) at the discretion of the department.

Section 46. Section 496.431, Florida Statutes, is created to read:

496.431 Honest Service Registry.—

(1) The department shall create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding

which charitable organizations to support.

(2) To be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, attesting to all of the following:

(a) That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern.

(b) That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

(3) The department shall publish the Honest Services Registry on the department's website.

(4) The department shall adopt rules to implement this section.

Section 47. Paragraph (j) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food product" means food that is not time or temperature controlled for safety or a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

Section 48. Paragraphs (a) and (b) of subsection (1) of

section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person or business that ~~who~~ operates a food establishment, except:

1. Persons or businesses operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, not age restricted, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the person or business minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within this state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

(b) Each food establishment regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department

must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and must be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant must be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed in accordance with subparagraphs 1.-3. If an application for renewal of a food permit is not received by the department on or before its due date, a late fee not exceeding $100 must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected must be deposited in the General Inspection Trust Fund.

1. A food permit issued to a new food establishment ~~on or after September 1, 2023,~~ is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that date thereafter.

2. ~~Effective January 1, 2024,~~ A food permit issued before September 1, 2023, expires on the month and day the initial

permit was issued to the food establishment and must be renewed annually on or before that date thereafter. The department may charge a prorated permit fee for purposes of this subparagraph.

3. The department may establish a single permit renewal date for multiple food establishments owned by the same entity ~~The owner of 100 or more permitted food establishment locations may elect to set the expiration of food permits for such establishments as December 31 of each calendar year~~.

Section 49. Section 500.166, Florida Statutes, is amended to read:

500.166 Records of interstate shipment.—For the purpose of enforcing this chapter, carriers engaged in interstate commerce and persons receiving food in interstate commerce shall retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity, shipper and consignee thereof and, upon the request by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.

Section 50. Subsection (1) of section 500.172, Florida Statutes, is amended to read:

500.172 Embargoing, detaining, destroying of food, food processing equipment, or areas that are in violation.—

(1) When the department, or its duly authorized agent who

has received appropriate education and training regarding the legal requirements of this chapter, finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, mislabeled, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission from or in accordance with a written agreement with the department.

Section 51. Section 500.75, Florida Statutes, is created

to read:

500.75 Mushroom spores and mycelium; offenses.—It is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. Section 500.93, Florida Statutes, is created to read:

500.93 Mislabeling of plant-based products as milk, meat, poultry, or eggs.—

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

(a) "Egg" and "egg product" have the same meanings as in 21 U.S.C. s. 1033 and the Egg Products Inspection Act.

(b) "FDA" means the United States Food and Drug Administration.

(c) "Meat" has the same meaning as in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act.

(d) "Milk" has the same meaning as in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance.

(e) "Poultry" and "poultry product" have the same meanings as in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

(2)(a) In accordance with the established standard of

identity for milk defined in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance, the department shall adopt rules to enforce the FDA's standard of identity for milk, as adopted in state law, to prohibit the sale of plant-based products mislabeled as milk in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3)(a) In accordance with the established standard of identity for meat defined in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act, and both poultry and poultry products defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products as adopted in this section, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products which is consistent with this section by any 11 of the

group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(4)(a) In accordance with the established standard of identity for eggs and egg products defined in 21 U.S.C. s. 1033 and the Egg Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for eggs and egg products, as adopted in state law, to prohibit the sale of plant-based products mislabeled as egg or egg products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as egg or egg products that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(5) The Department of Agriculture and Consumer Services shall notify the Division of Law Revision upon the enactment into law by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia of the mandatory labeling requirements pursuant to subsections (2) and (3).

(6) The department shall adopt rules to implement this

section.

(7) This section does not limit the department's authority to enforce its laws and regulations.

Section 53. Section 501.135, Florida Statutes, is repealed.

Section 54. Subsection (1) of section 501.912, Florida Statutes, is amended to read:

501.912 Definitions.—As used in ss. 501.91-501.923:

(1) "Antifreeze" means any substance or preparation, including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold, distributed, or intended for use:

(a) As the cooling liquid, or to be added to the cooling liquid, in the cooling system of ~~internal combustion engines of~~ motor vehicles to prevent freezing of the cooling liquid or to lower its freezing point; or

(b) To raise the boiling point of water, aid in vehicle component cooling, or for the prevention of engine overheating, whether or not the liquid is used as a year-round cooling system fluid.

Section 55. Section 525.19, Florida Statutes, is created to read:

525.19 Petroleum registration.—

(1) The department shall create an annual petroleum registration program for petroleum owners or operators and shall

adopt rules detailing the requirements for such registration that include, at minimum:

(a) Name of the petroleum owner or operator;

(b) Address of the petroleum owner or operator;

(c) Phone number of the petroleum owner or operator;

(d) E-mail address of the petroleum owner or operator;

(e) Requirements for the transfer switch;

(f) Fuel and petroleum infrastructure; and

(g) Fuel and petroleum inventory and delivery information.

(2) The registration program must be free for all registrants.

(3) The department has the authority to require registrants to provide updates related to the status of infrastructure, inventory, and delivery information during a state of emergency as declared by an executive order issued by the Governor.

Section 56. Section 526.147, Florida Statutes, is created to read:

526.147 Florida Retail Fuel Transfer Switch Modernization Grant Program.—

(1)(a) There is created, subject to appropriation, the Florida Retail Fuel Transfer Switch Modernization Grant Program within the Department of Agriculture and Consumer Services.

(b) The grant program shall provide grant funds, not to exceed $10,000 per retail fuel facility, to be used for

installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities to allow for the continuity of fueling operations under generated power.

(c) The department shall award funds based upon the following criteria:

1. Up to $10,000, of costs for transfer switch purchase and installation for retail fuel locations in fiscally constrained counties as designated under s. 218.67(1).

2. Up to $5,000, of costs for transfer switch purchase and installation for all other retail fuel locations.

(d) Retail fuel facilities which are awarded grant funds must comply with s. 526.143 and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternative generated power source.

(e) Before being awarded funding from the department, retail fuel facilities must provide documentation on transfer switch installation and required generator sizing to the department.

(f) Marinas and fueling facilities with fewer than 4 fueling positions are excluded from being awarded funding through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

(2) The department, in consultation with the Division of Emergency Management, shall adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

Section 57. Section 531.48, Florida Statutes, is amended to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity must ~~and bearing the total selling price of the package shall~~ bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale.~~—Whenever~~ A packaged commodity ~~is advertised in any manner with the retail price stated, there shall be~~ closely and conspicuously associated with the retail price must have a declaration of quantity as is required by law or rule to appear on the package.

Section 59. Subsection (10) of section 564.06, Florida

Statutes, is amended to read:

564.06 Excise taxes on wines and beverages.—

(10) Fifty percent of all revenues collected from the excise taxes imposed by this section on wine produced by manufacturers in this state from products grown in the state must be deposited into the Florida Wine ~~Viticulture~~ Trust Fund established pursuant to s. 599.012.

Section 60. Subsections (44), (45), and (46) of section 570.07, Florida Statutes, are renumbered as subsections (47), (48), and (49), respectively, and new subsections (44), (45), and (46) are added to that section, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(44)(a) To foster and encourage the employment and retention of qualified veterinary pathologists. The department may reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with the department to retain employment for a specified period of time.

(b) The department shall adopt rules to administer this subsection.

(45) Subject to appropriation, to extend state and national Future Farmers of America opportunities to any public school student enrolled in agricultural education, at little or no cost to the student or school district, and to support

statewide Future Farmers of America programming that helps such students develop their potential for premier leadership, personal growth, and career success.

(46)(a) Notwithstanding ss. 287.042 and 287.057, to use contracts procured by another agency.

(b) As used in this subsection, the term "agency" has the same meaning as provided in s. 287.012.

Section 61. Subsection (2) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ~~ss.~~ 604.15-604.34 and chapters 177, 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 62. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.

(b) Create a process that will allow licensees, upon

request, to align the expiration dates of licenses within a statutory program.

(c) Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

(3) The department shall adopt rules to implement this section.

Section 63. Section 570.694, Florida Statutes, is created to read:

570.694 Florida Aquaculture Foundation.—

(1) The Florida Aquaculture Foundation is established as a direct-support organization within the Department of Agriculture and Consumer Services. The purpose of the foundation is to:

(a) Conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state.

(b) Identify and pursue methods to provide statewide resources and materials for these programs.

(2) The foundation shall be governed by s. 570.691.

(3) The department is authorized to appoint an advisory committee adjunct to the foundation pursuant to s. 570.232.

Section 64. Section 570.822, Florida Statutes, is amended

to read:

570.822 Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency ~~natural disaster~~" means an emergency ~~a natural disaster~~ for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Essential physical property" means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) "Program" means the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency

~~natural disaster~~. Loan funds may be used to restore, repair, ~~or~~ replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is $500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application may be renewed upon a determination from the department and pursuant to an active declared emergency.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose,

repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding, including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

(f) The department may defer or waive loan payments if at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing

loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.

2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 65. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency" means an emergency for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Program" means the silviculture emergency recovery program.

(2) USE OF GRANT FUNDS; GRANT TERMS.—

(a) The silviculture emergency recovery program is established within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. Grants provided to eligible timber landowners must be used for:

1. Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly or completely undamaged;

2. Site preparation, and tree replanting; or

3. Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

(b) Only timber land located on lands classified as agricultural lands under s. 193.461 are eligible for the program.

(c) The department shall coordinate with state agencies and other entities to ensure to the greatest extent possible that timber landowners have access to the maximum financial assistance available following a specified declared emergency. The coordination must endeavor to ensure that there is no duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which would render the approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 66. Subsections (6) and (7) of section 581.1843,

Florida Statutes, are renumbered as subsections (5) and (6), respectively, and subsection (2) and present subsection (5) of that section are amended, to read:

581.1843 Citrus nursery stock propagation and production and the establishment of regulated areas around citrus nurseries.—

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by the department ~~and that is not at least 1 mile away from commercial citrus groves. A citrus nursery registered with the department prior to April 1, 2006, shall not be required to comply with the 1-mile setback from commercial citrus groves while continuously operating at the same location for which it was registered~~. However, the nursery shall be required to propagate citrus within a protective structure approved by the department. Effective January 1, 2008, it is ~~shall be~~ unlawful to distribute any citrus nursery stock that was not produced in a protective structure approved by the department.

~~(5) The department shall establish regulated areas around the perimeter of commercial citrus nurseries that were established on sites after April 1, 2006, not to exceed a radius of 1 mile. The planting of citrus in an established regulated area is prohibited. The planting of citrus within a 1-mile~~

~~radius of commercial citrus nurseries that were established on sites prior to April 1, 2006, must be approved by the department. Citrus plants planted within a regulated area prior to the establishment of the regulated area may remain in the regulated area unless the department determines the citrus plants to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, nonapproved planted citrus, and citrus that has sprouted by natural means in regulated areas. The property owner shall be responsible for the removal of citrus planted without proper approval. Notice of the removal of citrus trees, by immediate final order of the department, shall be provided to the owner of the property on which the trees are located. An immediate final order issued by the department under this section shall notify the property owner that the citrus trees, which are the subject of the immediate final order, must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order, requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.~~

Section 67. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111,

593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 68. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss. 120.569 and 120.57-120.595~~.

Section 69. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine ~~Viticulture~~ Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine ~~Viticulture~~ Advisory Council, to be composed ~~consist~~ of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural Sciences; a representative from the viticultural science program at Florida Agricultural and Mechanical University; and five additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine

producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nursery operator.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council shall be pursuant to s. 570.232.

(3) The primary responsibilities of the Florida Wine ~~Viticulture~~ Advisory Council are to submit to the Commissioner of Agriculture, annually, the industry's recommendations for wine and viticultural research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Wine ~~Viticulture~~ Plan.

Section 70. Section 599.003, Florida Statutes, is amended to read:

599.003 State Wine ~~Viticulture~~ Plan.—

(1) The Commissioner of Agriculture, in consultation with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and coordinate the implementation of the State Wine ~~Viticulture~~ Plan, which shall identify problems and constraints of the wine and viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for the orderly growth of the industry, including:

(a) Criteria for wine and viticultural research, service, and management priorities.

(b) Additional proposed legislation that may be required.

(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing

functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

(2) A revision and update of the State Wine ~~Viticulture~~ Plan must ~~shall~~ be submitted biennially to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of Representatives, and a progress report and budget request must ~~shall~~ be submitted annually.

Section 71. Paragraph (a) of subsection (2) and subsection (3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery tourist attractions~~. The logo and emblem of certified Florida Farm Winery signs must ~~shall~~ be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be

responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine ~~Viticulture~~ Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 72. Section 599.012, Florida Statutes, is amended to read:

599.012 Florida Wine ~~Viticulture~~ Trust Fund; creation.—

(1) There is established the Florida Wine ~~Viticulture~~ Trust Fund within the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

(b) Promote viticulture products manufactured from products grown in the state.

(c) Provide grants for viticultural research.

(2) Fifty percent of the revenues collected from the excise taxes imposed under s. 564.06 on wine produced by manufacturers in this state from products grown in the state will be deposited in the Florida Wine ~~Viticulture~~ Trust Fund in accordance with that section.

Section 73. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of, and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law. However, if the association satisfies the requirements of this chapter, including securing the required fair permit from the department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession is exempt.

Section 74. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Farmer Financial Protection Act."

(2) DEFINITIONS.—

(a) "Agriculture producer" means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(b) "Agritourism activity" has the same meaning as provided in s. 570.86.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Company" means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations authorized to do business in this state.

(e) "Denies or restricts" means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

(f) "Discriminate in the provision of financial services" means to deny or restrict services and thereby decline to provide financial services.

(g) "ESG factor" means any factor or consideration that is

collateral to or not reasonably likely to affect or impact financial risk and includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.

(h) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(i) "Financial institution" means a company authorized to do business in this state which has total assets of more than $100 million and offers financial services. A financial institution includes any affiliate or subsidiary company, even if that affiliate or subsidiary company is also a financial institution.

(j) "Financial service" means any product or service that is of a financial nature and is offered by a financial institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.—

(a) A financial institution may not discriminate in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution's denial or restriction of a financial service to an

agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in paragraph (b) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney General, in consultation with the Office of Financial Regulation, is authorized to enforce subsection (3). Any violation of subsection (3) constitutes an unfair trade practice under part II of chapter 501 and the Attorney General is authorized to investigate and seek remedies as provided in general law. Actions for damages may be sought by an aggrieved party.

Section 75. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 76. Paragraph (h) of subsection (2), subsection (3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or

public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms

competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, clerk's office, or the Florida Department of Law Enforcement ~~and subsequent written verification~~, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify

such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence. The department shall notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to chapter 120. A hearing conducted regarding the temporary suspension must be for the limited purpose of determining whether the licensee has been arrested or charged with a disqualifying crime or issued an injunction or court order. If the criminal case or injunction results in a nondisqualifying disposition, the department must issue an order lifting the suspension upon the applicant or licensee's submission to the department of a certified copy of the final resolution. If the criminal case results in a disqualifying disposition, the suspension remains in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection does not limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the

department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the time frame prescribed in this subsection.

(6)

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the result of the criminal history screening identifies ~~department receives~~ criminal history information related to a crime that may disqualify the applicant but does not contain ~~with no~~ final disposition of the crime or lacks sufficient information to make an eligibility determination ~~on a crime which may disqualify the applicant~~, the time limitation prescribed by this paragraph may be extended for up to an additional 90 days after the receipt of the information

~~suspended until receipt of the final disposition or proof of restoration of civil and firearm rights~~. The department may make a request for information to the jurisdiction where the criminal history information originated but must issue a license if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 90 days if the applicant is otherwise eligible. The department may take any action authorized in this section if it receives disqualifying criminal history information during the additional 90-day review or after issuance of a license.

(10) A license issued under this section must ~~shall~~ be temporarily suspended as provided for in subparagraph (6)(c)3., or revoked pursuant to chapter 120 if the license was issued in error or if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar

laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after a first conviction of such section or similar law of another state, even though the first violation may have occurred before the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective

date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

Section 77. Subsection (2) of section 812.0151, Florida Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of fraudulently altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on ~~within~~ the internal or external portion of a retail

fuel dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b); or

3. Possesses or uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

Section 78. Section 812.136, Florida Statutes, is created to read:

812.136 Mail theft.—

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

(1) As used in this section, unless the context otherwise requires:

(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.

(b) "Mail depository" means a mail box, letter box, mail route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

(2) Any of the following acts constitutes mail theft:

(a) Removing mail from a mail depository or taking mail from a mail carrier of a postal service with the intent to commit a theft in violation of s. 812.014.

(b) Obtaining custody of mail by fraud or deception with the intent to commit a theft in violation of s. 812.014.

(c) Selling, receiving, possessing, transferring, buying, or concealing mail obtained by acts described in paragraph (a) or paragraph (b) of this subsection, while knowing or having reason to know the mail was obtained illegally.

(3) Any of the following constitutes theft of or unauthorized reproduction of a mail depository key or lock:

(a) Theft or obtaining by false pretense any key or lock

adopted by a postal service for a mail depository or other authorized receptacle for the deposit or delivery of mail.

(b) Knowingly and unlawfully making, forging, or counterfeiting any such key or possessing any such key or lock adopted by a postal service with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed.

(4) A person who commits a first violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 79. Paragraph (i) of subsection (4) of section 934.50, Florida Statutes, is amended to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

~~(i) By a person or an entity engaged in a business or profession licensed by the state, or by an agent, employee, or contractor thereof, if the drone is used only to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. However, this exception does not apply to a profession in which the licensee's~~

~~authorized scope of practice includes obtaining information about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.~~

Section 80. Section 1013.373, Florida Statutes, is created to read:

1013.373 Educational facilities used for agricultural education.—

(1) Notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animal or equipment therein.

(2) Lands used for agricultural education or for Future Farmers of America or 4-H activities are considered agricultural lands pursuant to s. 193.461 and subject to s. 823.14.

Section 81. For the purpose of incorporating the amendment made by this act to section 110.205, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career

Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 82. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has not had a governing

body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years;

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant

additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 83. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, subsection (7) of section 388.261, Florida Statutes, is reenacted to read:

388.261 State aid to counties and districts for arthropod control; distribution priorities and limitations.—

(7) The department may use state funds appropriated for a county or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county or district eligible to receive state funds under s. 388.271.

Section 84. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 482.072, Florida Statutes, is reenacted to read:

482.072 Pest control customer contact centers.—

(3)

(b) Notwithstanding any other provision of this section:

1. A customer contact center licensee is subject to

disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center operated by a licensee if the licensee participates in the violation.

Section 85. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, section 482.163, Florida Statutes, is reenacted to read:

482.163 Responsibility for pest control activities of employee.—Proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge, and the certified operator in charge may be disciplined pursuant to the provisions of s. 482.161 for the pest control activities of an employee. A licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 86. For the purpose of incorporating the amendment

made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 87. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

Section 88. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in references thereto, subsections (2) and (4) of section 496.406,

Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization's fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories: program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form 990 and all attached schedules or Internal Revenue Service Form

990-EZ and Schedule O.

(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of this section to a charitable organization or sponsor.

Section 89. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed $250,000.

Section 90. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected. If the product is again found in violation, the department shall

test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s. 500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this subsection.

Section 91. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes, in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 92. This act shall take effect July 1, 2025.

COMMERCE COMMITTEE

CS/CS/HB 651 by Rep. Tuck and Rep. Alvarez, D.
Department of Agriculture and Consumer Services

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Tuck (strike-all):

- Adopts the definition of "electric utility" set forth in s. 366.20(4), F.S. - "Electric utility" means any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state.
- Adds processes and timelines related to electric utilities offering to sell certain lands to the Department of Agriculture and Consumer Services (Department) for fee simple acquisition prior to offering such lands for sale or transferring the lands to a private individual or entity.
- Revises the definition of "water quality additive" to mean any chemical, additive or substance which is used in a public water system for the purpose of:
  - Meeting or surpassing primary or secondary drinking water standards;
  - Preventing, reducing, or removing contaminants; or
  - Improving water quality.
- Clarifies the prohibition on using any additives in a public water system that do not meet the definition of "water quality additive."
- Provides that a first violation of the Solicitation of Contributions Act (SOC Act) is considered voluntary and will not result in punitive action from the Department if the violator satisfies certain requirements.
- Provides that a second or subsequent violation of the SOC Act is considered voluntary and subjects the violator to penalties specified under the SOC Act, at the discretion of the Department.
- Requires the Cattle Enhancement Board, Inc., in coordination with the Department, to establish a beef marketing program to conduct research to expand the uses of beef and beef products that strengthen the market position of Florida's cattle industry.
- Amends the definition of "financial institution" under the Florida Farmer Financial Protection Act to mean a company, as defined under s. 655.005(1)(h) and (i), F.S., which has total assets of more than $100 million.
- Clarifies the timeline of events for suspension of a firearm license or application due to the licensee or applicant being arrested or formally charged with a disqualifying crime.
- Allows the Department, if a result of a criminal history screening identifies certain disqualifying information, to extend the 90-day limitation by an additional 45, rather than 90, days after receipt of information sufficient to make an eligibility determination.
- Revises provisions relating to mail theft.
- Specifies that requirements and limitations on searches and seizures using a drone do not prohibit the use of a drone by a local governmental entity, or a person under contract with such entity, for the purpose of managing and eradicating plant or animal diseases.
- Clarifies that, unless otherwise expressly provided, the effective date of the bill is July 1, 2025.

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: Commerce Committee
Representative Tuck offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in The Department of Health and the

Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in The Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in The Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in The Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in The Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in The Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Paragraphs (a) through (d) of subsection (2) of section 163.3162, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, new paragraph (a) and paragraphs (f) and (g) are added to that subsection, and subsections (5), (6), and (7) are added to that section, to read:

163.3162 Agricultural Lands and Practices.—

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

(a) "Department" means the Department of Agriculture and Consumer Services.

(f) "Housing site" means the totality of development supporting authorized housing, including buildings, mobile homes, barracks, dormitories used as living quarters, parking areas, common areas such as athletic fields or playgrounds, storage structures, and other related structures.

(g) "Legally verified agricultural worker" means a person who:

1. Is lawfully present in the United States;

2. Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;

3. Has been verified through the process provided in s. 448.095(2) and is authorized to work at the time of employment;

4. Is seasonally or annually employed in a bona fide agricultural production;

5. Remains lawfully present and authorized to work throughout the duration of that employment; and

6. Is not an unauthorized alien as defined in s. 448.095(1).

(5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

(a) A governmental entity may not adopt or enforce any legislation, regulation, or ordinance to inhibit the construction or installation of housing for legally verified agricultural workers on land classified as agricultural land pursuant to s. 193.461 which is operated as a bona fide farm except as provided in this subsection.

(b) Construction or installation of housing units for legally verified agricultural workers on parcels of land classified as agricultural land under s. 193.461 must satisfy all of the following criteria:

1. The dwelling units must meet federal, state, and local building standards, including standards of the Department of Health adopted pursuant to ss. 381.008-381.00897 and federal standards for H-2A visa housing. If a written notice of intent is required to be submitted to the Department of Health pursuant to s. 381.0083, the appropriate governmental entity with

jurisdiction over the agricultural lands may also require submittal of a copy of the written notice.

2. The housing site must be maintained in a neat, orderly, and safe manner.

3. All structures containing dwelling units must be located a minimum of 10 feet apart.

4. The square footage of the housing site's climate-controlled facilities may not exceed 1.5 percent of the property's area or 35,000 square feet, whichever is less.

5. A housing site must provide front, side, and rear yard setbacks of at least 50 feet. However, an internal project driveway may be located in the required yard space if the yard is adjacent to a public roadway or to property that is under common ownership with the housing site.

6. A housing site may not be located less than 100 feet from a property line adjacent to property zoned for residential use. If the housing site is located less than 250 feet from any property line, screening must be provided between the housing site and any residentially developed adjacent parcels that are under different ownership. The screening may be designed in any of the following ways:

a. Evergreen plants that, at the time of planting, are at least 6 feet in height and provide an overall screening opacity of 75 percent;

b. A masonry wall at least 6 feet in height and finished

on all sides with brick, stone, or painted or pigmented stucco;

c. A solid wood or PVC fence at least 6 feet in height with the finished side of the fence facing out;

d. A row of evergreen shade trees that, at the time of planting, are at least 10 feet in height, a minimum of 2-inch caliper, and spaced no more than 20 feet apart; or

e. A berm made with a combination of the materials listed in sub-subparagraphs a.-d., which is at least 6 feet in height and provides an overall screening opacity of 75 percent at the time of installation.

7. All access driveways that serve the housing site must be made of packed shell, gravel, or a similar material that will provide a relatively dust-free surface.

(c) Any local ordinance adopted pursuant to this subsection must comply with all state and federal regulations for migrant farmworker housing, as applicable, including rules adopted by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. A governmental entity may adopt local government land use regulations that are less restrictive than this subsection, but which still meet regulations established by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. An ordinance adopted pursuant to

this paragraph may not conflict with the definition and requirements of a legally verified agricultural worker.

(d) Beginning July 1, 2025, a property owner must maintain records of all approved permits, including successor permits, for migrant labor camps or residential migrant housing as required under s. 381.0081. A property owner must maintain such records for at least 3 years and make the records available for inspection within 14 days after receipt of a request for records by a governmental entity.

(e) A housing site may not continue to be used and may be required to be removed under the following circumstances:

1. If, for any reason, a housing site is not being used for legally verified agricultural workers for longer than 365 days, any structure used as living quarters must be removed from the housing site within 180 days after receipt of written notification from the county unless the property owner can demonstrate that use of the site for housing legally verified agricultural workers will occur within 90 days after the written notification.

2. If the property on which the housing site is located ceases to be classified as agricultural land pursuant to s. 193.461.

3. If the permit authorized by the Department of Health for the housing site is revoked, all structures must be removed from the housing site within 180 days after receipt of written

notification from the county unless the permit is reinstated by the Department of Health.

4. If a housing site is found to be occupied by any person who does not meet the definition of a legally verified agricultural worker, or is otherwise unlawfully present in the United States. A property owner who violates this subparagraph is subject to a Class I fine pursuant to s. 570.971, not to exceed $1,000, for the first violation, and a Class II fine, not to exceed $5,000, for any subsequent violations. The fines shall be collected by the clerk of the court of the county in which the violation occurred.

(f) Notwithstanding this subsection, the construction or installation of housing for legally verified agricultural workers in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the permit allocation systems of the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern, respectively.

(g) A housing site that was constructed and in use before July 1, 2024, may continue to be used, and the property owner may not be required by a governmental entity to make changes to meet the requirements of this subsection, unless the housing site will be enlarged, remodeled, renovated, or rehabilitated. The property owner of a housing site authorized under this paragraph must provide regular maintenance and repair, including

compliance with health and safety regulations and maintenance standards, for such housing site to ensure the health, safety, and habitability of the housing site.

(6) DATA COLLECTION.—The department shall adopt rules providing for:

(a) A method for governmental entities to submit reports of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to s. 193.461, as provided in this section.

(b) A method for persons to submit complaints for review and investigation by the department.

Governmental entities shall provide this information quarterly to the department in a format and timeframe prescribed by rule.

(7) ENFORCEMENT.—

(a) In addition to the enforcement methods of employment verification outlined in s. 448.095, the department shall enforce the requirements of subsection (5). Enforcement includes completing routine inspections based on a random sample of data collected by governmental entities and submitted to the department, the investigation and review of complaints, and the enforcement of violations.

(b) The department shall submit the information collected to the State Board of Immigration Enforcement on a quarterly basis, except that the first quarter shall begin 60 days after

the first quarterly data report under subsection (6) by a governmental entity is received and reviewed by the department.

Section 3. Subsection (3) of section 201.25, Florida Statutes, is amended to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(3) Any loan made by the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program pursuant to s. 570.822.

Section 4. Subsection (19) is added to section 253.0341, Florida Statutes, to read:

253.0341 Surplus of state-owned lands.—

(19) Notwithstanding any other law or rule, the Department of Agriculture and Consumer Services may surplus lands acquired pursuant to s. 366.20 which are determined to be suitable for bona fide agricultural production, as defined in s. 193.461. The Department of Agriculture and Consumer Services shall consult with the Department of Environmental Protection in the process of making such determination. In the event that lands acquired pursuant to s. 366.20, which are determined to be suitable for bona fide agricultural production are surplused, the Department of Agriculture and Consumer Services must retain a rural-lands-protection easements pursuant to s. 570.71(3), and all proceeds must be deposited into the Incidental Trust Fund within the Department of Agriculture and Consumer Services for less than

fee simple land acquisition pursuant to ss. 570.71 and 570.715. By January 1, 2026, and each January 1 thereafter, the Department of Agriculture and Consumer Services shall provide a report of lands surplused pursuant to this subsection to the board.

(a) Any lands designated as a state forest, state park, or wildlife management area are ineligible to be surplused pursuant to this subsection.

(b) This subsection is retroactive to January 1, 2009.

Section 5. Paragraphs (a) through (d) and (e) of subsection (2) of section 330.41, Florida Statutes, are redesignated as paragraphs (b) through (e) and (j), respectively, subsection (6) is renumbered as subsection (8), paragraph (d) of subsection (4) of that section is amended, a new paragraph (a) and paragraphs (f) through (i) are added to subsection (2), and new subsections (6) and (7) are added to that section, to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Commercial property" means real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is comprised of five or more dwelling units, and real property used for commercial, industrial, or agricultural purposes.

(f) "Private property" means any residential or commercial

property.

(g) "Property owner" means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property.

(h) "Residential property" means real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.

(i) "Sport shooting and training range" has the same meaning as in s. 790.333(3)(h).

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(d) This subsection and paragraph (2)(b) ~~paragraph (2)(a)~~ shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(6) PROTECTION OF AGRICULTURAL LANDS.—

(a) A person may not knowingly or willfully do any of the following on lands classified as agricultural lands pursuant to s. 193.461:

1. Operate a drone.

2. Allow a drone to make contact with any person or object on the premises of or within the boundaries of such lands.

3. Allow a drone to come within a distance close enough to such lands to interfere with or cause a disturbance to agricultural production.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the agricultural lands;

2. A person acting under the prior written consent of the owner of the agricultural lands; or

3. A person or entity acting in compliance with the provisions of s. 934.50.

(7) PROTECTION OF PRIVATE PROPERTY AND STATE HUNTING LANDS.—

(a) A person may not knowingly or willfully allow a drone to make contact with private property, state wildlife management lands, or a sport shooting and training range or any person or object on the premises of or within such property with the intent to harass.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or

subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who violates paragraph (a) and records video of the private property, state wildlife management lands, or sport shooting and training range, including any person or object on the premises of or within the private property, state wildlife management lands, or sport shooting and training range, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the private property or sport shooting and training range;

2. A person acting under the prior written consent of the owner of the private property or sport shooting and training range; or

3. A person or entity acting in compliance with the provisions of s. 934.50.

Section 6. Effective July, 31 2026, section 366.20, Florida Statutes, is created to read:

366.20 Sale and management of lands owned by electric utilities.—

(1) Lands acquired by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which have been classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the acquisition of the land by the electric utility must be offered for fee simple acquisition to the Department of Agriculture and Consumer Services through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(2) Lands owned by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which were classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the date of acquisition of the land by the electric utility must be offered for fee simple acquisition to the Department of Agriculture and Consumer Services through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(3)(a) Within 30 days before offering for sale or transferring lands identified pursuant to subsection (1) or subsection (2) to a private individual or entity, an electric utility must issue a written intent to sell by certified mail to the Commissioner of Agriculture.

(b) Within 30 days after the date of receipt by certified mail of the written intent to sell by an electric utility, the Commissioner of Agriculture may issue a written intent to purchase by certified mail to the electric utility. If the

Commissioner of Agriculture declines, or does not issue an intent to purchase within 30 days, the electric utility is released from the requirements of this section.

(4) Offers accepted by the Department of Agriculture and Consumer Services pursuant to paragraph (3)(b) which are received no later than 6 months before the start of the regular legislative session must be executed no later than July 31 following that regular legislative session.

(5) The Department of Agriculture and Consumer Services shall adopt rules to implement this section.

Section 7. Subsections (3) and (4) of section 366.94, Florida Statutes, are renumbered as subsections (4) and (5), respectively, subsection (2) of that section is amended, and a new subsection (3) is added to that section, to read:

366.94 Electric vehicle charging.—

(2)(a) As used in this section, the term "electric vehicle charging station" means the area in the immediate vicinity of electric vehicle supply equipment and includes the electric vehicle supply equipment, supporting equipment, and associated parking spaces. The regulation of electric vehicle charging stations is preempted to the state.

(b)~~(a)~~ A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

(3)(a)~~(b)~~ The Department of Agriculture and Consumer

Services shall adopt rules to implement this subsection and to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.

(b) The department may adopt rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.

(c) Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards established by department rule and other applicable provisions of state law. The department shall prescribe by rule the time period for approving or denying permit applications.

(d) Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

(e) The department shall have the authority to inspect electric vehicle charging stations, conduct investigations, and enforce this subsection and any rules adopted under this subsection. The department may impose one or more of the following penalties against a person who violates this subsection or any rule adopted under this subsection:

1. Issuance of a warning letter.

2. Imposition of an administrative fine in the Class II category pursuant to s. 570.971 for each violation.

(f) If the department determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, the department may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.

(g) In addition to the remedies provided in this subsection, and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs or is about to occur. Upon demonstration of competent and substantial evidence by the department to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction must be issued without bond.

Section 8. Subsections (10) and (11) of section 388.011, Florida Statutes, are renumbered as subsections (11) and (12), respectively, subsections (2) and (5) of that section are amended, and a new subsection (10) is added to that section, to read:

388.011 Definitions.—As used in this chapter:

(2) "Board of commissioners" means the governing body of any mosquito control program ~~district~~, and may include boards of county commissioners, city councils, municipalities, or other similar governing bodies when context so indicates.

(5) "District" means any mosquito control special district established in this state by law for the express purpose of controlling arthropods within boundaries of such ~~said~~ districts.

(10) "Program" means any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules adopted under this chapter ~~promulgated hereunder~~. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under the provisions of this chapter.

(2) It is the legislative intent that ~~those~~ mosquito

control districts established prior to July 1, 1980, pursuant to the petition process contained in former s. 388.031, may continue to operate as outlined in this chapter. However, on and after that date, no mosquito control districts may be created except pursuant to s. 125.01.

Section 10. Section 388.181, Florida Statutes, is amended to read:

388.181 Power to do all things necessary.—The respective programs ~~districts~~ of the state are hereby fully authorized to do and perform all things necessary to carry out the intent and purposes of this law.

Section 11. Subsections (1), (2), (4), and (5) of section 388.201, Florida Statutes, are amended to read:

388.201 Program ~~District~~ budgets; hearing.—

(1) The fiscal year of programs ~~districts~~ operating under ~~the provisions of~~ this chapter shall be the 12-month period extending from October 1 of one year through September 30 of the following year. The governing board of the programs ~~district~~ shall before July 15 of each year complete the preparation of a tentative detailed work plan budget covering its proposed operations and requirements for arthropod control measures during the ensuing fiscal year and, for the purpose of determining eligibility for state aid, shall submit copies as may be required to the department for review and approval. The tentative detailed work plan budget must ~~shall~~ set forth,

classified by account number, title and program items, and by fund from which to be paid, the proposed expenditures of the program ~~district~~ for construction, for acquisition of land, and other purposes, for the operation and maintenance of the program's ~~district's~~ works, the conduct of the program ~~district~~ generally, to which may be added an amount to be held as a reserve.

(2) The tentative detailed work plan budget must ~~shall~~ also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted,~~. There shall be shown~~ the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by county, municipality, or district taxes and from any and all other sources for meeting the program's ~~the district's~~ requirements.

(4) The governing board shall:

(a) ~~Shall~~ Consider objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) ~~Shall~~ By September 30, adopt and execute on a form furnished by the department a certified budget for the programs ~~district~~ which shall be the operating and fiscal guide for the program ~~district~~. Certified copies of this budget must ~~shall~~ be submitted by September 30 to the department for approval.

(5) County commissioners' mosquito and arthropod control

budgets or the budgets of a similar governing body of a county, city, or town must ~~shall~~ be made and adopted as prescribed by subsections (1) and (2); summary figures must ~~shall~~ be incorporated into the county budgets as prescribed by the Department of Financial Services.

Section 12. Section 388.241, Florida Statutes, is amended to read:

388.241 Board of county commissioners vested with powers and duties of board of commissioners in certain counties.—In those counties or municipalities where there has been no formation of a separate or special board of commissioners, all the rights, powers, and duties of a board of commissioners as conferred in this chapter shall be vested in the board of county commissioners or similar governing body of such ~~said~~ county or municipality.

Section 13. Section 388.261, Florida Statutes, is amended to read:

388.261 State aid to counties, municipalities, and districts for arthropod control; distribution priorities and limitations.—

(1) A county, municipality, or district may, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount of no more than $75,000 ~~$50,000~~ per year for up to 3 years for any new program for the control of mosquitoes and other arthropods which serves an area

not previously served by the county, municipality, or district. These funds may be expended for any and all types of control measures approved by the department.

(2) Every county, municipality, or district budgeting local funds to be used exclusively for the control of mosquitoes and other arthropods, under a plan submitted by the county, municipality, or district and approved by the department, is eligible to receive state funds and supplies, services, and equipment on a dollar-for-dollar matching basis to the amount of local funds budgeted. If state funds appropriated by the Legislature are insufficient to grant each county, municipality, or district state funds on a dollar-for-dollar matching basis to the amount budgeted in local funds, the department must ~~shall~~ distribute the funds as prescribed by rule. Such rules must ~~shall~~ provide for up to 80 percent of the funds to be distributed to programs with local funds for mosquito control budgets of less than $1 million, if the county, municipality, or district meets the eligibility requirements. The funds must ~~shall~~ be distributed as equally as possible within the category of counties pursuant to this section. The remaining funds must ~~shall~~ be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach.

(3) Every county shall be limited to receive a total of $120,000 of state funds, exclusive of state funds brought

forward, during any one year.

(4) Up to 20 percent of the annual funds appropriated to local governments for arthropod control may be used for arthropod control research or demonstration projects as approved by the department.

(5) If more than one program ~~local mosquito control agency~~ exists in a county or municipality, the funds must ~~shall~~ be prorated between the programs ~~agencies~~ based on the population served by each program ~~agency~~.

(6) The Commissioner of Agriculture may exempt counties, municipalities, or districts from the requirements in subsection (1) or~~,~~ subsection (2)~~, or subsection (3)~~ when the department determines state funds, supplies, services, or equipment are necessary for the immediate control of mosquitoes and other arthropods that pose a threat to human or animal health.

(7) The department may use state funds appropriated for a county, municipality, or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county, municipality, or district eligible to receive state funds under s. 388.271.

(8) The department is authorized to use up to 5 percent of the funds appropriated annually by the Legislature under this section to provide technical assistance to the counties, municipalities, or districts, or to purchase equipment,

supplies, or services necessary to administer the provisions of this chapter.

Section 14. Subsections (1) and (2) of section 388.271, Florida Statutes, are amended to read:

388.271 Prerequisites to participation.—

(1) When state funds are involved, it is the duty of the department to guide, review, approve, and coordinate the activities of all county and municipal governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control. Each program ~~county~~ eligible to participate may, and each district must, begin participation on October 1 of any year by filing with the department not later than July 15 a tentative integrated arthropod management plan ~~work plan~~ and tentative detailed ~~work plan~~ budget providing for the control of arthropods. Following approval of the plan and budget by the department, a copy ~~two copies~~ of the program's ~~county's or district's~~ certified budget based on the approved integrated arthropod management ~~work~~ plan and detailed ~~work plan~~ budget must ~~shall~~ be submitted to the department by September 30 ~~following~~. State funds, supplies, and services must ~~shall~~ be made available to such program ~~county or district~~ by and through the department ~~immediately~~ upon release of funds by the Executive Office of the Governor.

(2) All purchases of supplies, materials, and equipment by programs must ~~counties or districts shall~~ be made in accordance

with the laws governing purchases by boards of county commissioners or similar governing bodies, except that programs ~~districts~~ with special laws relative to competitive bidding shall make purchases in accordance therewith.

Section 15. Subsections (1) and (3) of section 388.281, Florida Statutes, are amended to read:

388.281 Use of state matching funds.—

(1) All funds, supplies, and services released to programs under this chapter must ~~counties and districts hereunder shall~~ be used in accordance with the integrated arthropod management ~~detailed work~~ plan and certified budget approved by both the department and the board of commissioners or an appropriate representative ~~county or district~~. The integrated arthropod management plan and budget may be amended at any time upon prior approval of the department.

(3) In any program ~~county or district~~ where the arthropod problem has been eliminated, or reduced to such an extent that it does not constitute a health, comfort, or economic problem as determined by the department, the maximum amount of state funds available under this chapter shall be reduced to the amount necessary to meet actual need.

Section 16. Subsections (1) and (2) of section 388.291, Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

(1) Any program ~~county or district~~ may perform source reduction measures in conformity with good engineering practices in any area, provided that the department cooperating with the county, municipality, or district has approved the operating or construction plan as outlined in the integrated arthropod management plan and that it has been determined by criteria contained in rule that the area or areas to be controlled would produce arthropods in significant numbers to constitute a health or nuisance problem.

(2) The program ~~county or district~~ shall manage the detailed business affairs and supervise the ~~said~~ work, and the department shall advise the programs ~~districts~~ as to the best and most effective measures to be used in bringing about better temporary control and the permanent elimination of breeding conditions. The department may at its discretion discontinue any state aid provided under this chapter if ~~hereunder in the event~~ it finds the jointly agreed upon program is not being followed or is not efficiently and effectively administered.

Section 17. Section 388.301, Florida Statutes, is amended to read:

388.301 Payment of state funds; supplies and services.—State funds shall be payable ~~quarterly~~, in accordance with the rules of the department, upon requisition by the department to the Chief Financial Officer. The department is authorized to furnish insecticides, chemicals, materials, equipment, vehicles,

and personnel in lieu of state funds where mass purchasing may save funds for the state, or where it would be more practical and economical to use equipment, supplies, and services between two or more programs ~~counties or districts~~.

Section 18. Section 388.311, Florida Statutes, is amended to read:

388.311 Carry over of state funds and local funds.—State and local funds budgeted for the control of mosquitoes and other arthropods shall be carried over at the end of the program's ~~county or district's~~ fiscal year, and rebudgeted for such control measures the following fiscal year.

Section 19. Section 388.321, Florida Statutes, is amended to read:

388.321 Equipment to become property of a program ~~the county or district~~.—All equipment purchased under this chapter with state funds made available directly to a program ~~the county or district~~ shall become the property of the program ~~county or district~~ unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the program ~~county or district~~.

Section 20. Section 388.322, Florida Statutes, is amended to read:

388.322 Record and inventory of certain property.—A record and inventory of certain property purchased with state funds for arthropod control use owned by the program must ~~district shall~~

be maintained in accordance with s. 274.02.

Section 21. Section 388.323, Florida Statutes, is amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment purchased using state funds for arthropod control use no longer needed by a program must ~~county or district shall~~ first be offered to any ~~or all~~ other programs ~~counties or districts~~ engaged in arthropod control at a price established by the board of commissioners owning the equipment.

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, must ~~shall~~ be followed if it is determined that no other program ~~county or district~~ engaged in arthropod control has need for the equipment.

(3) All proceeds from the sale of any real or tangible personal property owned by the program and purchased using state funds ~~county or district~~ shall be deposited in the program's ~~county's or district's~~ state fund account unless otherwise specifically designated by the department.

Section 22. Section 388.341, Florida Statutes, is amended to read:

388.341 Reports of expenditures and accomplishments.—Each program receiving state aid ~~county and district participating~~ under ~~the provisions of~~ this chapter shall within 30 days after

the end of each month submit to the department a monthly report for the preceding month of expenditures from all funds for arthropod control, and each program participating under this chapter shall provide such reports of activities and accomplishments as may be required by the department.

Section 23. Section 388.351, Florida Statutes, is amended to read:

388.351 Transfer of equipment, personnel, and supplies during an emergency.—The department, upon notifying a program ~~county or district~~ and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one program ~~district~~ to another in the event of an emergency brought about by an arthropod-borne epidemic or other disaster requiring emergency control.

Section 24. Subsection (7) of section 388.361, Florida Statutes, is amended to read:

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Before ~~Prior to~~ the start of treatments for the control of mosquitoes or

other arthropods, the department shall consult with the mosquito control programs ~~districts~~ in the proposed treatment areas, the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

Section 25. Subsections (2) and (3) of section 388.3711, Florida Statutes, are amended to read:

388.3711 Enforcement.—

(2) The department may issue a written warning, impose a fine; deny, suspend, or revoke any license or certification~~,~~ or the disbursal of state aid; or deny participation, in accordance with the provisions of chapter 120, upon any one or more of the following grounds as may be applicable:

(a) Violation of any rule of the department or provision of this chapter.

(b) Violation of FIFRA or any relevant EPA rule or regulation pertaining to the use of arthropod control pesticides by the licensee.

(c) Failure to give the department, or any authorized representative thereof, true information upon request regarding methods and materials used, work performed, or other information essential to the administration of this chapter.

(3) The department may, if it finds a violation is of such nature or circumstances that imposition of a fine, or denial, revocation, or suspension of a certification or license or

767 disbursal of state aid would be detrimental to the public or be
768 unnecessarily harsh under the circumstances, in its discretion,
769 place the offending party on probation for a period of not more
770 than 2 years. If the department determines that the terms of
771 such probation have been violated, it may reinstitute license or
772 certification or state aid denial, suspension, or revocation
773 proceedings.
774 **Section 26. Section 388.381, Florida Statutes, is amended**
775 **to read:**
776 388.381 Cooperation by programs ~~counties and district~~.—Any
777 program conducting ~~county or district carrying on an~~ arthropod
778 control ~~program~~ may cooperate with another county, district, or
779 municipality in carrying out work ~~a program~~ for the control of
780 mosquitoes and other arthropods, by agreement as to the program
781 and reimbursement thereof, when approved by the department.
782 **Section 27. Section 388.391, Florida Statutes, is amended**
783 **to read:**
784 388.391 Control measures in municipalities and portions of
785 counties located outside boundaries of programs ~~districts~~.—Any
786 program ~~district~~ whose operation is limited to a portion of the
787 county in which it is located may perform any control measures
788 authorized by this chapter in any municipality located in the
789 same county or in any portions of the same county, where there
790 is no established program ~~district~~, when requested to do so by
791 the municipality or county, pursuant to s. 388.381.

Section 28. Section 388.401, Florida Statutes, is amended to read:

388.401 Penalty for damage to property or operations.—Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of any program ~~county or district~~ created under this or other chapters, or any works constructed, maintained, or controlled by such program ~~county or district~~, or who obstructs ~~shall obstruct~~ or causes ~~cause~~ to be obstructed any of the operations of such program ~~county or district~~, or who ~~shall~~ knowingly or willfully violates ~~violate~~ any provisions of this chapter or any rule or regulation adopted ~~promulgated~~ by any board of commissioners of any program, commits ~~county or district shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Paragraph (a) of subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) *Membership.*—The Florida Coordinating Council on Mosquito Control shall be composed ~~comprised~~ of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection.

2. The State Surgeon General.

3. The executive director of the Fish and Wildlife

Conservation Commission.

4. The state epidemiologist.

5. The Commissioner of Agriculture.

6. The Board of Trustees of the Internal Improvement Trust Fund.

7. Representatives from:

a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory.

b. The United States Environmental Protection Agency.

c. The United States Department of Agriculture, Center of Medical, Agricultural, and Veterinary Entomology ~~Insects Affecting Man Laboratory~~.

d. The United States Fish and Wildlife Service.

8. Four ~~Two~~ mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture and serve until his or her successor is appointed.

Section 30. Paragraph (d) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(d) *Enforcement and verification of basin management action plans and management strategies.*—

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best

management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus ~~fertilizer~~ application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is

authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may use in lieu of the best management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet all of the following requirements:

a. A parcel not more than 25 acres in size.

b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located.

c. A parcel with water use not exceeding 100,000 gallons per day on average unless the entire use is met using recycled water from wet detention treatment ponds or reuse water.

d. A parcel where the agricultural activity on the parcel is not a vegetable crop, an agronomic crop, a nursery, or a dairy operation.

e. A parcel not abutting an impaired water body identified in subsection (4).

f. A parcel not part of a larger operation that is enrolled in the Department of Agriculture and Consumer Services best management practices or conducting water quality monitoring prescribed by the department or a water management district.

Such requirements must specify design or performance criteria

that, if applied, would result in compliance with appropriate water quality standards. The Department of Agriculture and Consumer Services is authorized to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule.

5. The Department of Agriculture and Consumer Services shall annually perform onsite inspections of 20 percent for all enrollments that meet the qualifications pursuant to subparagraph 4. by rule within basin management action plan areas, to ensure that practices are being properly implemented. Such inspections must include a collection and review of the identified best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2. All agricultural producers enrolled by rule in a best management practice must annually submit nutrient records, including nitrogen and phosphorus application records for the previous calendar year, to the Department of Agriculture and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

Section 31. Subsection (19) is added to section 403.852, Florida Statutes, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(19) "Water quality additive" means any chemical, additive, or substance that is used in a public water system for the purpose of:

(a) Meeting or surpassing primary or secondary drinking water standards;

(b) Preventing, reducing, or removing contaminants; or

(c) Improving water quality.

Section 32. Subsection (8) is added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(8) The use of any additive in a public water system that does not meet the definition of a water quality additive as defined in s. 403.852(19).

Section 33. Subsection (10) of section 482.111, Florida Statutes, is amended to read:

482.111 Pest control operator's certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each category of her or his certificate or must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the~~

~~department~~. The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must include one or more of the following topics:

1. The law and rules of this state pertaining to pest control.

2. Precautions necessary to safeguard life, health, and property in the conducting of pest control and the application of pesticides.

3. Pests, their habits, recognition of the damage they cause, and identification of them by accepted common name.

4. Current accepted industry practices in the conducting of fumigation, termites and other wood-destroying organisms pest control, lawn and ornamental pest control, and household pest control.

5. How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels used in pest control.

6. Integrated pest management.

(b) The certificateholder must submit with her or his application for renewal a statement certifying that she or he has completed the required number of hours of continuing education. The statement must be on a form prescribed by the department and must identify at least the date, location, provider, and subject of the training and must provide such

other information as required by the department.

(c) The department shall charge the same fee for examination as provided in s. 482.141(2).

Section 34. Subsection (1) of section 482.141, Florida Statutes, is amended to read:

482.141 Examinations.—

(1) Each individual seeking certification must satisfactorily pass an examination which must be written but ~~which~~ may include practical demonstration. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~hold at least two examinations each year~~. An applicant may seek certification in one or more categories.

Section 35. Paragraph (b) of subsection (1) of section 482.155, Florida Statutes, is amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given or approved by the department~~. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than $150 or less than $50;

and a recertification fee of $25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is $50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county~~.

Section 36. Subsection (2) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(2)(a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than $150 or less than $50. Before the department issues a limited certification under this

section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) The department shall make available ~~provide~~ the appropriate reference materials for the examination and provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~make the examination readily accessible and available to applicants at least quarterly or as necessary in each county~~.

Section 37. Subsection (2) of section 482.157, Florida Statutes, is amended to read:

482.157 Limited certification for commercial wildlife management personnel.—

(2) The department shall issue a limited certificate to an applicant who:

(a) Submits an application and examination fee of at least $150, but not more than $300, as prescribed by the department by rule;

(b) Passes an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~administered by the department~~. The department shall make available ~~provide~~ the appropriate study materials for the

examination ~~and make the examination readily available to applicants in each county as necessary, but not less frequently than quarterly~~; and

(c) Provides proof, including a certificate of insurance, that the applicant has met the minimum bodily injury and property damage insurance requirements in s. 482.071(4).

Section 38. Paragraph (m) is added to subsection (1) of section 482.161, Florida Statutes, to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(m) Upon the issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 39. Subsection (2) of section 487.044, Florida Statutes, is amended to read:

487.044 Certification; examination.—

(2) The department shall require each applicant for a certified applicator's license to demonstrate competence by a written or oral examination in which the applicant must demonstrate adequate knowledge concerning the proper use and application of restricted-use pesticides in each classification for which application for license is made. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee. The examination may be prepared, administered, and evaluated by the department. Each applicant for a certified applicator's license must ~~shall~~ demonstrate minimum competence as to:

(a) The proper use of the equipment.

(b) The environmental hazards that may be involved in applying restricted-use pesticides.

(c) Calculating the concentration of restricted-use pesticides to be used in particular circumstances.

(d) Identification of common pests to be controlled and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides.

(f) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of the

equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws, rules, and regulations.

(h) General safety precautions.

Section 40. Subsection (6) is added to section 487.175, Florida Statutes, to read:

487.175 Penalties; administrative fine; injunction.—

(6) Licensure may be suspended, revoked, or denied by the department, upon the issuance of a final order to a licensee imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 41. Subsections (13) through (28) of section 496.404, Florida Statutes, are renumbered as subsections (15) through (30), respectively, and new subsections (13) and (14) are added to that section, to read:

496.404 Definitions.—As used in ss. 496.401-496.424, the term:

(13) "Foreign country of concern" has the same meaning as in s. 286.101(1)(b).

(14) "Foreign source of concern" means any of the following:

(a) The government or any official of the government of a foreign country of concern;

(b) A political party or member of a political party or

any subdivision of a political party in a foreign country of concern;

(c) A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;

(d) Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;

(e) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

(f) An entity in which a person, entity, or collection of persons or entities described in paragraphs (a)-(e) has a controlling interest. As used in this paragraph, the term "controlling interest" means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.

Section 42. Paragraphs (d) through (g) of subsection (2) of section 496.405, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, new paragraphs (d) and

(e) are added to that subsection, subsection (11) is added to that section, and subsection (1) and paragraph (b) of subsection (7) of that section are amended, to read:

496.405 Registration statements by charitable organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in or from this state by any means or have funds solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, before engaging in any of these activities, file an initial registration statement, which includes an attestation statement, and a renewal statement annually thereafter, with the department.

(a) Except as provided in paragraph (b), any changes in the information submitted on the initial registration statement or the last renewal statement must be updated annually on a renewal statement provided by the department on or before the date that marks 1 year after the date the department approved the initial registration statement as provided in this section. The department shall annually provide a renewal statement to each registrant by mail or by electronic mail at least 30 days before the renewal date.

(b) Any changes to the information submitted to the

department pursuant to paragraph (2)(f) ~~(2)(d)~~ on the initial registration statement, which includes an attestation statement, or the last renewal statement must be reported to the department on a form prescribed by the department within 10 days after the change occurs.

(c) A charitable organization or sponsor that is required to file an initial registration statement or annual renewal statement may not, before approval of its statement by the department in accordance with subsection (7), solicit contributions or have contributions solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor or participate in a charitable sales promotion or sponsor sales promotion.

(d) The registration of a charitable organization or sponsor may not continue in effect and shall expire without further action of the department under either of the following circumstances:

1. After the date the charitable organization or sponsor should have filed, but failed to file, its renewal statement in accordance with this section.

2. For failure to provide a financial statement within any extension period provided under s. 496.407.

(2) The initial registration statement must be submitted on a form prescribed by the department, signed by an authorized official of the charitable organization or sponsor who shall

certify that the registration statement is true and correct, and include the following information or material:

(d) An attestation statement, which must be submitted on a form prescribed by the department and signed by an authorized official of the charitable organization, who shall certify and attest that the charitable organization, if engaged in activities that would require registration pursuant to chapter 106 is registered with the Department of State, pursuant to chapter 106.

(e) An attestation statement on a form prescribed by the department, signed by an authorized official of the charitable organization, who shall certify and attest that the charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State pursuant to chapter 106.

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in

subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ until such time as the required information is submitted to the department.

(11) The department may investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 43. Subsection (20) is added to section 496.415, Florida Statutes, to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(20) Solicit or accept contributions or anything of value from a foreign source of concern.

(a) The first violation of this subsection is considered involuntary, and shall result in no punitive action from the department if a charitable organization satisfies all of the following requirements:

1. Provides the department with a solicitation or contribution form containing an attestation from such foreign source or country of concern in which the person, country, or entity falsely certifies that they are not a foreign country of concern as defined in s. 496.404(13) or a foreign source of concern as defined in s. 496.404(14).

2. Provides the department with a copy of a refund to the foreign source or country of concern within 30 days after notification by the department of the prohibited act.

3. Provides the department with a plan of action to prevent the acceptance of contributions from a foreign country or source of concern in future solicitation activities by the charitable organization.

(b) A second or subsequent violation of this subsection is considered voluntary, and the charitable organization or sponsor is subject to the penalties specified in s. 496.419(5) at the discretion of the department.

Section 44. Section 496.417, Florida Statutes, is amended to read:

496.417 Criminal penalties.—Except as otherwise provided in ss. 496.401-496.424, and in addition to any administrative or civil penalties, any person who willfully and knowingly violates ss. 496.401-496.424 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For a second or subsequent conviction, such violation constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may also investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 45. Subsection (11) is added to section 496.419, Florida Statutes, to read:

496.419 Powers of the department.—

(11) A charitable organization or sponsor whose

registration is denied or revoked for submitting a false attestation required pursuant to s. 496.405(2)(d) or (2)(e) is subject to the penalties specified in subsection (5) at the discretion of the department.

Section 46. Section 496.431, Florida Statutes, is created to read:

496.431 Honest Services Registry.—

(1) The department shall create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support.

(2) To be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, attesting to all of the following:

(a) That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern.

(b) That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

(3) The department shall publish the Honest Services Registry on the department's website.

(4) The department shall adopt rules to implement this

section.

Section 47. Paragraph (j) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food product" means food that is not time or temperature controlled for safety or a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

Section 48. Paragraphs (a) and (b) of subsection (1) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person or business that ~~who~~ operates a food establishment, except:

1. Persons or businesses operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, not age restricted, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the person or business minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within this state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

(b) Each food establishment regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and must be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant must be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed in accordance with subparagraphs 1.-3. If an application for renewal of a food permit is not received by the department on or before its due

date, a late fee not exceeding $100 must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected must be deposited in the General Inspection Trust Fund.

1. A food permit issued to a new food establishment ~~on or after September 1, 2023,~~ is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that date thereafter.

2. ~~Effective January 1, 2024,~~ A food permit issued before September 1, 2023, expires on the month and day the initial permit was issued to the food establishment and must be renewed annually on or before that date thereafter. The department may charge a prorated permit fee for purposes of this subparagraph.

3. The department may establish a single permit renewal date for multiple food establishments owned by the same entity ~~The owner of 100 or more permitted food establishment locations may elect to set the expiration of food permits for such establishments as December 31 of each calendar year~~.

Section 49. Section 500.166, Florida Statutes, is amended to read:

500.166 Records of interstate shipment.—For the purpose of enforcing this chapter, carriers engaged in interstate commerce and persons receiving food in interstate commerce shall retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity,

shipper and consignee thereof and, upon the request by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.

Section 50. Subsection (1) of section 500.172, Florida Statutes, is amended to read:

500.172 Embargoing, detaining, destroying of food, food processing equipment, or areas that are in violation.—

(1) When the department, or its duly authorized agent who has received appropriate education and training regarding the legal requirements of this chapter, finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, mislabeled, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department

is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission from or in accordance with a written agreement with the department.

Section 51. Section 500.75, Florida Statutes, is created to read:

500.75 Mushroom spores and mycelium; offenses.—It is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. Section 500.93, Florida Statutes, is created to read:

500.93 Mislabeling of plant-based products as milk, meat, poultry, or eggs.—

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

(a) "Egg" and "egg product" have the same meanings as in

21 U.S.C. s. 1033 and the Egg Products Inspection Act.

(b) "FDA" means the United States Food and Drug Administration.

(c) "Meat" has the same meaning as in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act.

(d) "Milk" has the same meaning as in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance.

(e) "Poultry" and "poultry product" have the same meanings as in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

(2)(a) In accordance with the established standard of identity for milk defined in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance, the department shall adopt rules to enforce the FDA's standard of identity for milk, as adopted in state law, to prohibit the sale of plant-based products mislabeled as milk in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3)(a) In accordance with the established standard of identity for meat defined in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act, and both poultry and poultry products

defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products as adopted in this section, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products which is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(4)(a) In accordance with the established standard of identity for eggs and egg products defined in 21 U.S.C. s. 1033 and the Egg Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for eggs and egg products, as adopted in state law, to prohibit the sale of plant-based products mislabeled as egg or egg products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as egg or egg products that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky,

Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(5) The Department of Agriculture and Consumer Services shall notify the Division of Law Revision upon the enactment into law by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia of the mandatory labeling requirements pursuant to subsections (2) and (3).

(6) The department shall adopt rules to implement this section.

(7) This section does not limit the department's authority to enforce its laws and regulations.

Section 53. Section 501.135, Florida Statutes, is repealed.

Section 54. Subsection (1) of section 501.912, Florida Statutes, is amended to read:

501.912 Definitions.—As used in ss. 501.91-501.923:

(1) "Antifreeze" means any substance or preparation, including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold, distributed, or intended for use:

(a) As the cooling liquid, or to be added to the cooling liquid, in the cooling system of ~~internal combustion engines of~~ motor vehicles to prevent freezing of the cooling liquid or to

lower its freezing point; or

(b) To raise the boiling point of water, aid in vehicle component cooling, or for the prevention of engine overheating, whether or not the liquid is used as a year-round cooling system fluid.

Section 55. Section 525.19, Florida Statutes, is created to read:

525.19 Petroleum registration.—

(1) The department shall create an annual petroleum registration program for petroleum owners or operators and shall adopt rules detailing the requirements for such registration that include, at minimum:

(a) Name of the petroleum owner or operator;

(b) Address of the petroleum owner or operator;

(c) Phone number of the petroleum owner or operator;

(d) E-mail address of the petroleum owner or operator;

(e) Requirements for the transfer switch;

(f) Fuel and petroleum infrastructure; and

(g) Fuel and petroleum inventory and delivery information.

(2) The registration program must be free for all registrants.

(3) The department has the authority to require registrants to provide updates related to the status of infrastructure, inventory, and delivery information during a state of emergency as declared by an executive order issued by

the Governor.

Section 56. Section 526.147, Florida Statutes, is created to read:

526.147 Florida Retail Fuel Transfer Switch Modernization Grant Program.—

(1)(a) There is created, subject to appropriation, the Florida Retail Fuel Transfer Switch Modernization Grant Program within the Department of Agriculture and Consumer Services.

(b) The grant program shall provide grant funds, not to exceed $10,000 per retail fuel facility, to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities to allow for the continuity of fueling operations under generated power.

(c) The department shall award funds based upon the following criteria:

1. Up to $10,000, of costs for transfer switch purchase and installation for retail fuel locations in fiscally constrained counties as designated under s. 218.67(1).

2. Up to $5,000, of costs for transfer switch purchase and installation for all other retail fuel locations.

(d) Retail fuel facilities which are awarded grant funds must comply with s. 526.143 and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an

alternative generated power source.

(e) Before being awarded funding from the department, retail fuel facilities must provide documentation on transfer switch installation and required generator sizing to the department.

(f) Marinas and fueling facilities with fewer than four fueling positions are excluded from being awarded funding through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

(2) The department, in consultation with the Division of Emergency Management, shall adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

Section 57. Section 531.48, Florida Statutes, is amended to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity must ~~and bearing the total selling price of the package shall~~ bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight

and the total retail price of the package, as defined by department rule.

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale.—~~Whenever~~ A packaged commodity ~~is advertised in any manner with the retail price stated, there shall be~~ closely and conspicuously associated with the retail price must have a declaration of quantity as is required by law or rule to appear on the package.

Section 59. Subsection (10) of section 564.06, Florida Statutes, is amended to read:

564.06 Excise taxes on wines and beverages.—

(10) Fifty percent of all revenues collected from the excise taxes imposed by this section on wine produced by manufacturers in this state from products grown in the state must be deposited into the Florida Wine ~~Viticulture~~ Trust Fund established pursuant to s. 599.012.

Section 60. Subsections (44), (45), and (46) of section 570.07, Florida Statutes, are renumbered as subsections (47), (48), and (49), respectively, and new subsections (44), (45), and (46) are added to that section, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(44)(a) To foster and encourage the employment and

retention of qualified veterinary pathologists. The department may reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with the department to retain employment for a specified period of time.

(b) The department shall adopt rules to administer this subsection.

(45) Subject to appropriation, to extend state and national Future Farmers of America opportunities to any public school student enrolled in agricultural education, at little or no cost to the student or school district, and to support statewide Future Farmers of America programming that helps such students develop their potential for premier leadership, personal growth, and career success.

(46)(a) Notwithstanding ss. 287.042 and 287.057, to use contracts procured by another agency.

(b) As used in this subsection, the term "agency" has the same meaning as provided in s. 287.012.

Section 61. Subsection (2) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ~~ss.~~ 604.15-604.34 and chapters 177, 472, 496, 501, 507, 525, 526,

527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 62. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.

(b) Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.

(c) Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

(3) The department shall adopt rules to implement this section.

Section 63. Section 570.694, Florida Statutes, is created to read:

570.694 Florida Aquaculture Foundation.—

(1) The Florida Aquaculture Foundation is established as a direct-support organization within the Department of Agriculture

and Consumer Services. The purpose of the foundation is to:

(a) Conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state.

(b) Identify and pursue methods to provide statewide resources and materials for these programs.

(2) The foundation shall be governed by s. 570.691.

(3) The department is authorized to appoint an advisory committee adjunct to the foundation pursuant to s. 570.232.

Section 64. Section 570.822, Florida Statutes, is amended to read:

570.822 Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency ~~natural disaster~~" means an emergency ~~a natural disaster~~ for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Essential physical property" means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) "Program" means the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency ~~natural disaster~~. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is $500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program,

an applicant must:

(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application period may be renewed upon a determination from the department and pursuant to an active declared emergency.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved

applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of

the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding, including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

(f) The department may defer or waive loan payments if at any time during the repayment period of a loan, the approved

applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no

duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.

2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program

activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 65. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency" means an emergency for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Program" means the silviculture emergency recovery

program.

(2) USE OF GRANT FUNDS; GRANT TERMS.—

(a) The silviculture emergency recovery program is established within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. Grants provided to eligible timber landowners must be used for:

1. Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly or completely undamaged;

2. Site preparation, and tree replanting; or

3. Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

(b) Only timber land located on lands classified as agricultural lands under s. 193.461 are eligible for the program.

(c) The department shall coordinate with state agencies and other entities to ensure to the greatest extent possible that timber landowners have access to the maximum financial assistance available following a specified declared emergency. The coordination must endeavor to ensure that there is no duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the

United States Department of Agriculture, which would render the approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 66. Section 570.831, Florida Statutes, is created to read:

570.831 Florida beef marketing program.—The Cattle Enhancement Board, Inc., in coordination with the department, shall, subject to appropriation, establish a Florida beef marketing program to conduct research designed to expand the uses of beef and beef products and strengthen the market position of Florida's cattle industry through marketing campaigns and promotions within this state and the nation.

Section 67. Subsections (2) and (5) of section 581.1843, Florida Statutes, are amended to read:

581.1843 Citrus nursery stock propagation and production and the establishment of regulated areas around citrus nurseries.—

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery

stock that was not propagated or grown on a site and within a protective structure approved by the department ~~and that is not at least 1 mile away from commercial citrus groves. A citrus nursery registered with the department prior to April 1, 2006, shall not be required to comply with the 1-mile setback from commercial citrus groves while continuously operating at the same location for which it was registered~~. However, the nursery shall be required to propagate citrus within a protective structure approved by the department. Effective January 1, 2008, it is ~~shall be~~ unlawful to distribute any citrus nursery stock that was not produced in a protective structure approved by the department.

~~(5) The department shall establish regulated areas around the perimeter of commercial citrus nurseries that were established on sites after April 1, 2006, not to exceed a radius of 1 mile. The planting of citrus in an established regulated area is prohibited. The planting of citrus within a 1-mile radius of commercial citrus nurseries that were established on sites prior to April 1, 2006, must be approved by the department. Citrus plants planted within a regulated area prior to the establishment of the regulated area may remain in the regulated area unless the department determines the citrus plants to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, nonapproved planted citrus, and citrus that~~

~~has sprouted by natural means in regulated areas. The property owner shall be responsible for the removal of citrus planted without proper approval. Notice of the removal of citrus trees, by immediate final order of the department, shall be provided to the owner of the property on which the trees are located. An immediate final order issued by the department under this section shall notify the property owner that the citrus trees, which are the subject of the immediate final order, must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order, requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.~~

Section 68. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 69. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as

required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss. 120.569 and 120.57-120.595~~.

Section 70. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine ~~Viticulture~~ Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine ~~Viticulture~~ Advisory Council, to be composed ~~consist~~ of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural Sciences; a representative from the viticultural science program at Florida Agricultural and Mechanical University; and five additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nursery operator.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council shall be pursuant to s. 570.232.

(3) The primary responsibilities of the Florida Wine ~~Viticulture~~ Advisory Council are to submit to the Commissioner

of Agriculture, annually, the industry's recommendations for wine and viticultural research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Wine ~~Viticulture~~ Plan.

Section 71. Section 599.003, Florida Statutes, is amended to read:

599.003 State Wine ~~Viticulture~~ Plan.—

(1) The Commissioner of Agriculture, in consultation with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and coordinate the implementation of the State Wine ~~Viticulture~~ Plan, which shall identify problems and constraints of the wine and viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for the orderly growth of the industry, including:

(a) Criteria for wine and viticultural research, service, and management priorities.

(b) Additional proposed legislation that may be required.

(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending

considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

(2) A revision and update of the State Wine ~~Viticulture~~ Plan must ~~shall~~ be submitted biennially to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of

Representatives, and a progress report and budget request must ~~shall~~ be submitted annually.

Section 72. Paragraph (a) of subsection (2) and subsection (3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery tourist attractions~~. The logo and emblem of certified Florida Farm Winery signs must ~~shall~~ be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine ~~Viticulture~~ Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 73. Section 599.012, Florida Statutes, is amended to read:

599.012 Florida Wine ~~Viticulture~~ Trust Fund; creation.—

(1) There is established the Florida Wine ~~Viticulture~~ Trust Fund within the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

(b) Promote viticulture products manufactured from products grown in the state.

(c) Provide grants for viticultural research.

(2) Fifty percent of the revenues collected from the excise taxes imposed under s. 564.06 on wine produced by manufacturers in this state from products grown in the state will be deposited in the Florida Wine ~~Viticulture~~ Trust Fund in accordance with that section.

Section 74. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of,

and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law. However, if the association satisfies the requirements of this chapter, including securing the required fair permit from the department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession is exempt.

Section 75. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Farmer Financial Protection Act."

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

(a) "Agriculture producer" means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(b) "Agritourism activity" has the same meaning as provided in s. 570.86.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Company" means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations authorized to do business in this state.

(e) "Denies or restricts" means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

(f) "Discriminate in the provision of financial services" means to deny or restrict services and thereby decline to provide financial services.

(g) "Environmental, social, and governance (ESG) factor" means any factor or consideration that is collateral to or not reasonably likely to affect or impact financial risk and includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.

(h) "Farm" means the land, buildings, support facilities,

machinery, and other appurtenances used in the production of farm or aquaculture products.

(i) "Financial institution" means a company, as defined under s. 655.005(1)(h) and (i), which has total assets of more than $100 million. The term includes any affiliate as defined under s. 655.005(1)(a) or subsidiary company as defined under s. 655.005(1)(x), even if that affiliate or subsidiary company is also a financial institution.

(j) "Financial service" means any product or service that is of a financial nature and is offered by a financial institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.—

(a) A financial institution may not discriminate in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution's denial or restriction of a financial service to an agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in paragraph (b) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney General, in consultation with the Office of Financial

Regulation, is authorized to enforce subsection (3). Any violation of subsection (3) constitutes an unfair trade practice under part II of chapter 501 and the Attorney General is authorized to investigate and seek remedies as provided in general law. Actions for damages may be sought by an aggrieved party.

Section 76. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who

offer the course on a sliding fee scale or for free.

Section 77. Paragraph (h) of subsection (2), subsection (3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision

of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live

fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, clerk's office, or the Florida Department of Law Enforcement ~~and subsequent written verification~~, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence. The department shall notify the licensee or applicant suspended under this section of his or her

right to a hearing pursuant to chapter 120. If the criminal case or injunction results in a nondisqualifying disposition and the applicant or licensee is otherwise eligible, the suspension shall end. The department must issue an order confirming the end of the suspension within 90 days after the applicant or licensee's submission to the department of a copy of the final resolution of the criminal case or injunction. The copy provided to the department must be sent by electronic mail or certified mail to a location that must be specified on the notice of suspension received by the licensee or applicant. If the criminal case results in a disqualifying disposition, the suspension remains in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection does not limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the time frame prescribed in this subsection.

(6)

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the result of the criminal history screening identifies ~~department receives~~ criminal history information related to a crime that may disqualify the applicant but does not contain ~~with no~~ final disposition of the crime or lacks sufficient information to make an eligibility determination ~~on a crime which may disqualify the applicant~~, the time limitation prescribed by this paragraph may be extended for up to an additional 45 days after the receipt of the information ~~suspended until receipt of the final disposition or proof of restoration of civil and firearm rights~~. The department may make a request for information to the jurisdiction where the criminal history information originated but must issue a license if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 45 days if

the applicant is otherwise eligible. The department may take any action authorized in this section if it receives disqualifying criminal history information during the additional 45-day review period or after issuance of a license.

(10) A license issued under this section must ~~shall~~ be temporarily suspended as provided for in subparagraph (6)(c)3., or revoked pursuant to chapter 120 if the license was issued in error or if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after a first conviction of such section or similar law of another state, even though the first violation may have occurred before the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation

is admissible in the courts of this state and constitutes sufficient proof that notice was given.

Section 78. Subsection (2) of section 812.0151, Florida Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of fraudulently altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on ~~within~~ the internal or external portion of a retail fuel dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b); or

3. Possesses or uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

Section 79. Section 812.136, Florida Statutes, is created to read:

812.136 Mail theft.—

(1) As used in this section, unless the context otherwise requires:

(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.

(b) "Mail depository" means a mail box, letter box, mail

route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service or any other authorized receptacle.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

(2) A person commits mail theft if he or she:

(a) Knowingly removes mail from a mail depository or takes mail from a mail carrier of a postal service with an intent to temporarily or permanently:

1. Deprive the intended recipient of his or her right to the mail.

2. Appropriate the mail to his or her own use or the use of any person not entitled to the use of the mail.

(b) Knowingly obtains custody of mail by fraud or deception with an intent to temporarily or permanently:

1. Deprive the intended recipient of his or her right to the mail.

2. Appropriate the mail to his or her own use or the use of any person not entitled to the use of the mail.

(c) Sells, receives, possesses, transfers, buys, or conceals mail obtained in violation of paragraph (a) or paragraph (b) of this subsection, while he or she knows or should know the mail was obtained illegally.

(3) A person commits theft of or unauthorized reproduction

of a mail depository key or lock if he or she:

(a) Knowingly obtains or uses, or endeavors to obtain or use, any key or lock used by a postal service for a mail depository with the intent to temporarily or permanently:

1. Deprive the owner of the key or lock of his or her right to the key or lock.

2. Appropriate the key or lock to his or her own use or the use of any person not entitled to the use of the key or lock.

(b) Knowingly and unlawfully makes, forges, or counterfeits any key adopted by a postal service for a mail depository for the deposit or delivery of mail with an intent to defraud any person or violate any provision of this section.

(c) Sells, receives, possesses, transfers, buys, or conceals a key or lock obtained in violation of paragraph (a) or paragraph (b) while he or she knows or should know the key or lock was obtained illegally.

(4)(a) Except as provided in paragraph (b), a violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of this section is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084.

Section 80. Paragraphs (j) through (q) of subsection (4) of section 934.50, Florida Statutes, are redesignated as

paragraphs (i) through (p), respectively, present paragraph (i) of that subsection is amended, and a new paragraph (q) is added to that subsection, to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

~~(i) By a person or an entity engaged in a business or profession licensed by the state, or by an agent, employee, or contractor thereof, if the drone is used only to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. However, this exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.~~

(q) By a local governmental entity, or a person under contract with or acting under the direction of such entity, for activities with the purpose of managing and eradicating plant or animal diseases or activities consistent with chapters 369, 388, and 487.

Section 81. Section 1013.373, Florida Statutes, is created to read:

1013.373 Educational facilities used for agricultural education.—

(1) Notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animal or equipment therein.

(2) Lands used for agricultural education or for Future Farmers of America or 4-H activities are considered agricultural lands pursuant to s. 193.461 and subject to s. 823.14.

Section 82. For the purpose of incorporating the amendment made by this act to section 110.205, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 83. For the purpose of incorporating the amendment

made by this act to section 388.271, Florida Statutes, in a reference thereto, subsection (7) of section 388.261, Florida Statutes, is reenacted to read:

388.261 State aid to counties and districts for arthropod control; distribution priorities and limitations.—

(7) The department may use state funds appropriated for a county or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county or district eligible to receive state funds under s. 388.271.

Section 84. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the

governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years;

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community

development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 85. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 482.072, Florida Statutes, is reenacted to read:

482.072 Pest control customer contact centers.—

(3)

(b) Notwithstanding any other provision of this section:

1. A customer contact center licensee is subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer

service in a customer contact center operated by a licensee if the licensee participates in the violation.

Section 86. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, section 482.163, Florida Statutes, is reenacted to read:

482.163 Responsibility for pest control activities of employee.—Proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge, and the certified operator in charge may be disciplined pursuant to the provisions of s. 482.161 for the pest control activities of an employee. A licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 87. For the purpose of incorporating the amendment made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 88. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

Section 89. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in references thereto, subsections (2) and (4) of section 496.406, Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the

charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization's fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories: program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form 990 and all attached schedules or Internal Revenue Service Form 990-EZ and Schedule O.

(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of this section to a charitable organization or sponsor.

Section 90. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed $250,000.

Section 91. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected. If the product is again found in violation, the department shall test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s. 500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this subsection.

Section 92. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes, in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 93. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 110.205, F.S.;

providing that certain positions in the department are exempt from the Career Service System; amending s. 163.3162, F.S.; providing definitions; prohibiting governmental entities from adopting or enforcing any legislation that inhibits the construction or installation of housing for legally verified agricultural workers on agricultural land operated as a bona fide farm; requiring that the construction or installation of such housing units on agricultural lands satisfies certain criteria; requiring that local ordinances comply with certain regulations; authorizing governmental entities to adopt local land use regulations that are less restrictive; requiring property owners to maintain certain records for a specified timeframe; requiring that use of a housing site be discontinued and authorizing the removal of a such site under certain circumstances; specifying applicability of permit allocation systems in certain areas of critical state concern; authorizing the continued use of housing sites constructed before the effective date of the act if certain conditions are met; requiring the department to adopt certain rules; providing for enforcement; requiring the department to submit certain information to the State Board of Immigration Enforcement on a certain schedule;

amending s. 201.25, F.S.; conforming a provision to changes made by the act; amending s. 253.0341, F.S.; authorizing the department to surplus certain lands determined to be suitable for bona fide agricultural production; requiring the department to consult with the Department of Environmental Protection before making such determination; requiring the Department of Agriculture and Consumer Services to retain a rural-lands-protection easement for all surplused lands and deposit all proceeds into a specified trust fund; requiring the department to provide a report of lands surplused to the board of trustees; providing that certain lands are ineligible to be surplused; providing for retroactive applicability; amending s. 330.41, F.S.; providing definitions; prohibiting a person from knowingly or willfully performing certain actions on lands classified as agricultural or on private property, state wildlife management lands, or a sport shooting and training range; providing criminal penalties; providing applicability; creating s. 366.20, F.S.; requiring that certain lands acquired or owned by an electric utility be offered for fee simple acquisition by the department before the land may be offered for sale or transferred to a private individual or entity; providing retroactive

applicability; amending s. 366.94, F.S.; defining the term "electric vehicle charging station"; authorizing the department to adopt rules; requiring local governmental entities to issue permits for electric vehicle charging stations based on specified standards and provisions of law; requiring that an electric vehicle charger be registered with the department before being placed into service for use by the public; providing the department with certain authority relating to electric vehicle charging stations; providing a penalty; authorizing the department to issue an immediate final order to an electric vehicle charging station under certain circumstances; providing that the department may bring an action to enjoin a violation of specified provisions or rules; requiring the court to issue a temporary or permanent injunction under certain circumstances; amending s. 388.011, F.S.; revising the definition of the terms "board of commissioners" and "district"; defining the term "program"; amending s. 388.021, F.S.; making a technical change; amending s. 388.181, F.S.; authorizing programs to perform specified actions; amending s. 388.201, F.S.; requiring that the tentative work plan budget covering the proposed operations and requirements for arthropod

control measures show the estimated amount to be raised by county, municipality, or district taxes; requiring that county commissioners' or a similar governing body's mosquito control budget be made and adopted pursuant to specified provisions and requiring that summary figures be incorporated into the county budgets as prescribed by the department; amending s. 388.241, F.S.; providing that certain rights, powers, and duties be vested in the board of county commissioners or similar governing body of a county or municipality; amending s. 388.261, F.S.; increasing the amount of state funds, supplies, services, or equipment for a certain number of years for any new program for the control of mosquitos and other arthropods which serves an area not previously served by a county, municipality, or district; amending s. 388.271, F.S.; requiring each program participating in arthropod control activities to file a tentative integrated arthropod management plan with the department by a specified date; conforming provisions to changes made by the act; amending s. 388.281, F.S.; requiring that all funds, supplies, and services released to programs be used in accordance with the integrated arthropod management plan and certified budget; requiring that such integrated arthropod

management plan and certified budget be approved by both the department and the board of county commissioners and an appropriate representative; conforming provisions to changes made by the act; amending s. 388.291, F.S.; providing that a program may perform certain source reduction measures in any area providing that the department has approved the operating or construction plan as outlined in the integrated arthropod management plan; conforming provisions to changes made by the act; amending s. 388.301, F.S.; revising the schedule by which state funds for the control of mosquitos and other arthropods may be paid; amending ss. 388.311 and 388.321, F.S.; conforming provisions to changes made by the act; amending s. 388.322, F.S.; requiring the department to maintain a record and inventory of certain property purchased with state funds for arthropod control use; amending s. 388.323, F.S.; providing that certain equipment no longer needed by a program be first offered for sale to other programs engaged in arthropod control at a specified price; requiring that all proceeds from the sale of certain property owned by a program and purchased using state funds be deposited in the program's state fund account; amending s. 388.341, F.S.; requiring a

program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by the department; amending ss. 388.351 and 388.361, F.S.; conforming provisions to changes made by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending ss. 388.381, 388.391, and 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for inspection requirements for certain agricultural producers; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified landowners; requiring the department to perform onsite inspections annually of a certain percentage of all enrollments that meet specified qualifications within a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a best management practice to submit nutrient records annually to the department; requiring the department to collect and retain such records; amending s.

403.852, F.S.; defining the term "water quality additive"; amending s. 403.859, F.S.; providing that the use of certain additives in a water system which do not meet the definition of water quality additive or certain other additives is prohibited and violates specified provisions; amending s. 482.111, F.S.; revising requirements for the renewal of a pest control operator's certificate; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.141, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking pest control operator certification; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.155, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking limited certification for a governmental pesticide applicator or a private applicator; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.156, F.S.; requiring the department to provide in-

person and remote testing for the examination through a third-party vendor for an individual seeking a limited certification for commercial landscape maintenance; authorizing a third-party vendor to collect and retain a convenience fee; removing provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.157, F.S.; revising requirements for issuance of a limited certification for commercial wildlife management personnel; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make an examination readily accessible and available to all applicants on a specified schedule; amending s. 482.161, F.S.; authorizing the department to take specified disciplinary action upon the issuance of a final order imposing civil penalties or a criminal conviction pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 487.044, F.S.; requiring the department to provide in-person and remote testing through a third-party vendor for the examination of an individual seeking a limited certification for pesticide application; authorizing a third-party vendor to collect and retain a convenience

fee; amending s. 487.175, F.S.; providing that the department may suspend, revoke, or deny licensure of a pesticide applicator upon issuance of a final order to a licensee which imposes civil penalties or a criminal conviction under the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 496.404, F.S.; defining the terms "controlling interest," "foreign country of concern," and "foreign source of concern"; amending s. 496.405, F.S.; revising which documents a charitable organization or sponsor must file before engaging in specified activities; requiring that any changes to such documents be reported to the department on a specified form in a specified timeframe; revising the requirements of the charitable organization's initial registration statement; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of the charitable organization or sponsor; amending s. 496.415, F.S.; prohibiting specified persons from soliciting or accepting anything of value from a foreign source of concern; amending s. 496.417, F.S.; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of a charitable organization or sponsor; amending s. 496.419, F.S.; providing penalties for a charitable

organization or sponsor whose registration is denied or revoked for submitting a false attestation; creating s. 496.431, F.S.; requiring the department to create the Honest Service Registry to provide residents with information relating to charitable organizations; requiring a charitable organization included in the Honest Services Registry to submit an attestation statement to the department; requiring the department to publish the Honest Services Registry on the department's website; requiring the department to adopt rules; amending s. 500.03, F.S.; revising the definition of the term "cottage food product"; amending s. 500.12, F.S.; providing that the department requires a food permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.; authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain

actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away certain spores or mycelium; providing penalties; creating s. 500.93, F.S.; providing definitions; requiring the department to adopt rules to enforce the Food and Drug Administration's standard of identity for milk, meat, poultry, and eggs to prohibit the sale of plant-based products mislabeled as milk, meat, poultry, or eggs; providing contingent effective dates; requiring the department to adopt rules; providing construction; repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of the term "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants; authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the

Florida Retail Fuel Transfer Switch Modernization Grant Program within the department; requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs relating to installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department, in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 564.06, F.S.; conforming a provision to changes made by the act; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists;

providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain agreement with the department; requiring the department to adopt certain rules; requiring the department to extend certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; requiring the department to use contracts procured by agencies; defining the term "agency"; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the department to change the expiration date for current licenses for a certain purpose; requiring the department to prorate the licensing fee for certain licenses; requiring the department to adopt rules; creating s. 570.694, F.S.; creating the Florida Aquaculture Foundation as a direct support organization within the department; providing the purpose of the foundation; providing governance for the foundation; authorizing the

department to appoint an advisory committee adjunct to the foundation; amending s. 570.822, F.S.; revising the definition of the terms "declared natural disaster" and "program"; providing that loan funds from the department may be used to restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; creating s. 570.823, F.S.; providing definitions; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency; providing construction; authorizing the department to adopt rules; providing construction; amending s. 581.1843, F.S.; removing provisions that exclude certain citrus nurseries from certain requirements and that regulate areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.102, 593.103, 593.104,

593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department's authority to designate eradication zones, prohibit planting of cotton, and require participation in eradication program; regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys

received, respectively; amending s. 595.404, F.S.; revising the department's powers and duties regarding school nutrition programs; amending s. 599.002, F.S.; renaming the Viticulture Advisory Council as the Florida Wine Advisory Council; revising the membership of the Florida Wine Advisory Council; amending s. 599.003, F.S.; renaming the State Viticulture Plan as the State Wine Plan; amending s. 599.004, F.S.; providing that wineries that fail to recertify annually or pay a specified licensing fee are subject to certain actions and costs; amending s. 599.012, F.S.; conforming provisions to changes made by the act; amending s. 616.12, F.S.; removing provisions requiring a person who operates a minstrel show in connection with any certain public fairs to pay specified license taxes; removing a provision that exempts such person from paying specified taxes; creating s. 687.16, F.S.; providing a short title; providing definitions; prohibiting a financial institution from discriminating in the provision of financial services to an agricultural producer based on an ESG factor; providing an inference with regard to a certain violation; providing that the financial institution may overcome the inference by making certain demonstrations regarding its denial or

restriction of financial services to an agricultural producer; authorizing the Attorney General to enforce specified provisions; providing that a violation of specified provisions constitutes an unfair and deceptive trade practice; authorizing the Attorney General to investigate and seek remedies for such unfair trade practices; authorizing an aggrieved party to seek an action for damages; amending s. 741.0305, F.S.; conforming a cross-reference; amending s. 790.06, F.S.; revising the circumstances under which the department may temporarily suspend a person's license to carry a concealed weapon or concealed firearm or the processing of an application for such license; requiring the department to notify certain licensees or applicants of his or her right to a hearing; requiring that the hearing regarding such suspension of license be for a limited purpose; requiring the department to issue an order lifting the suspension of an applicant's license upon a certain disposition of the criminal case; requiring that the suspension remain in effect upon a certain disposition of the criminal case; providing construction; providing legislative findings; revising the duties of the department after the date of receipt of a completed application for a license to carry a

concealed weapon or concealed firearm; requiring that a license issued under this section be temporarily suspended or revoked if the license was issued in error or if the licensee commits certain actions; amending s. 812.0151, F.S.; revising the elements of third degree and second degree felony retail fuel theft; creating s. 812.136, F.S.; providing definitions; providing elements for the crime of mail theft; providing elements of theft of or unauthorized reproduction of a mail depository key or lock; providing criminal penalties; amending s. 934.50, F.S.; removing certain exceptions from the prohibited uses of drones; creating s. 1013.373, F.S.; prohibiting a local government from adopting any measure to limit the activities of public educational facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to incorporate the amendment made to s. 110.205, F.S., in a reference thereto; reenacting ss. 189.062(1)(a) and 388.261(7), F.S., relating to special procedures for inactive districts and state aid to counties and

districts for arthropod control, respectively, to incorporate the amendment made to s. 388.271, F.S., in references thereto; reenacting ss. 482.072(3)(b) and 482.163, F.S., relating to pest control customer contact centers and responsibility for pest control activities of employee, respectively, to incorporate the amendment made to s. 482.161, F.S., in references thereto; reenacting s. 487.156, F.S., relating to governmental agencies, to incorporate the amendment made to s. 487.044, F.S., in a reference thereto; reenacting ss. 496.4055(2) and 496.406(2) and (4), F.S., relating to charitable organization or sponsor board duties and exemption from registration, respectively, to incorporate the amendment made to s. 496.405, F.S., in references thereto; reenacting s. 500.80(1)(a), F.S., relating to cottage food operations, to incorporate the amendment made to s. 500.12, F.S., in a reference thereto; reenacting s. 500.121(6), F.S., relating to disciplinary procedures, to incorporate the amendment made to s. 500.172, F.S., in a reference thereto; reenacting s. 790.061, F.S., relating to judges and justices, to incorporate the amendment made to s. 790.06, F.S., in a reference thereto; providing effective dates.

CS/CS/HB 683

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/CS/HB 683	**COMPANION BILL:** CS/SB 712 (Grall)
TITLE: Construction Regulations	**LINKED BILLS:** None
SPONSOR(S): Griffitts	**RELATED BILLS:** None

Committee References

Industries & Professional Activities	➤	Intergovernmental Affairs	➤	Commerce
16 Y, 1 N, As CS		15 Y, 0 N, As CS		

SUMMARY

Effect of the Bill:

The bill:

- Requires the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on single-family residential areas and prohibits local governments from adopting regulations inconsistent with those standards.
- Requires local governments to approve or deny change orders from their contractors within 30 days.
- Prohibits the state and political subdivisions from penalizing large volume construction bidders or rewarding small volume bidders.
- Revises the scope of certification for certified alarm system contractors.
- Requires the Florida Building Commission to adopt an amendment to the Florida Building Code recognizing tall mass timber as an allowable material in certain circumstances.
- Exempts certain structures related to space launch from the Florida Building Code.
- Prohibits local building departments from requiring copies of contracts and associated documents in order to apply for or receive a building permit.

Fiscal or Economic Impact:

The bill's requirement that local governments process change orders within 30 days may lead to a decrease in construction time and the prohibition on local governments from requiring copies of contracts and any associated documents as a condition to apply for or obtain a building permit may have a positive impact by preventing certain proprietary information from becoming public.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Synthetic Turf Regulation

The bill requires the Department of Environmental Protection (DEP) to adopt minimum standards for the installation of synthetic turf on single-family residential areas that are one (1) acre or less in size. The standards must consider material type, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties. (Section 1)

Upon DEP's adoption of a rule containing these standards, the bill prohibits local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that **prohibits, or is used to prohibit**, a property owner from installing synthetic turf on his or her land if the turf complies with the standards adopted by DEP. (Section 1)

The bill also prohibits a local government from adopting or enforcing any ordinance, resolution, order, rule, or policy that **regulates** synthetic turf that is inconsistent with the standards adopted by DEP. (Section 1)

The bill defines "synthetic turf" to mean "a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas." (Section 1)

The bill requires the Department of Environmental Protection to adopt rules to implement the prohibitions on local government synthetic turf regulations. (Section 1)

Prompt Payment for Local Governments

The bill provides that if a local government entity receives a price quote for a change order from its contractor, which meets all statutory and contractual requirements, the local government must provide written notice to the contractor approving or denying the price quote within 30 days. (Section 2)

If a local government denies the price quote, the written notice must specify the alleged deficiencies in the quote and list the actions necessary to remedy the deficiencies. If a local government fails to provide such information in the written denial notice then it is liable to the contractor for any additional labor, staffing, materials, supplies, equipment, and overhead associated with the change order. (Section 2)

A contract between a local government and a contractor may not alter these provisions. (Section 2)

Public Works Projects

The bill provides that the state or any political subdivision, which contracts for public works, may not penalize a bidder for performing a larger volume of construction work for the state or political subdivision, or reward a bidder for performing a smaller volume of construction work for the state or political subdivision. (Section 3)

Alarm System Contractors

The bill revises the scope of certification for certified alarm system contractors to include surveillance cameras and the recently-adopted Article 722 of the National Electrical Code, concerning cables for power-limited circuits and fault-managed power circuits. (Section 4)

Florida Building Code

The bill requires the Florida Building Commission to amend the Florida Building Code to recognize tall mass timber as an allowable material for certain construction types. This amendment in consistent with the changes in the 2024 edition of the International Building Code. The bill requires the commission to adopt these changes by the earlier of January 1, 2026 or the next update to the Florida Building Code. (Section 5)

The bill provides an exemption from the provisions of the Florida Building Code for any system or equipment located on the property of a spaceport which is used for space launch vehicles, payloads, or spacecraft. (Section 5)

Building Permits

The bill provides that a local enforcement agency may not require a copy of a contract between a builder and an owner or any associated documents, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, as a requirement to apply for or receive a building permit. (Section 6)

The bill makes several conforming changes. (Section 7 and 8)

The bill provides an effective date of July 1, 2025. (Section 9)

RULEMAKING:

This bill requires the Department of Environmental Protection to adopt rules to establish the minimum standards for the installation of synthetic turf on single-family residential properties that are one acre or less in size.

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:

Synthetic Turf

Synthetic turf, also known as "artificial grass" is a surface that closely replicates the look and feel of natural grass. Synthetic turf is a type of landscaping that eliminates the potentially unpredictable growth of natural grass.[1]

Current law prohibits homeowners' associations from restricting property owners or their tenants from installing, displaying, or storing synthetic turf that is not visible from the parcel's frontage or an adjacent parcel.[2] However, there is no law restricting local governments from regulating synthetic turf.

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.[3] Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.[4] Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.[5]

Preemption

Preemption refers to principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.[6] Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[7] To expressly preempt a subject area, the Legislature must use clear statutory language stating its intention to do so.[8] Implied preemption occurs when the Legislature has demonstrated an intent to preempt an area, though not expressly. Florida courts find implied preemption when "the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature."[9]

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[1] Kevin Sullivan, Artificial Turf 101: A Comprehensive Guide to Synthetic Grass, Turf Network Directory & Information Hub https://turfnetwork.org/artificial-turf-101/ (last visited March 8, 2025).
[2] S. 720.3045, F.S.
[3] Art. VIII, s. 1(f), Fla. Const.
[4] Art. VIII, s. 1(g), Fla. Const.
[5] Art. VIII, s. 2(b); *see also* s. 166.021(1), F.S.
[6] Preemption Definition, Black's Law Dictionary (12th ed. 2024).
[7] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005).
[8] *Mulligan*, 934 So. 2d at 1243.
[9] *Tallahassee Mem. Reg. Med. Ctr., Inc. v. Tallahassee Med. Ctr., Inc.*, 681 So. 2d 826, 831 (Fla. 1st DCA 1996).

Where state preemption applies, a local government may not exercise authority in that area.[10] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[11]

Prompt Payment Act for Local Governments

Chapter 218, part VII, F.S., is known as the "Local Government Prompt Payment Act" ("Act"). The purpose of the Act is to provide for prompt payments by local governments, apply interest on late payments made by local governments, and establish a dispute resolution process for contested payments.[12]

The Act defines "local government entity," as a county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof.[13]

Current law provides that when a local government entity enters into a contract for construction services[14] with a contractor,[15] the local government entity must identify the agent,[16] employee, facility, or office who is to receive the contractor's payment request or invoices.[17] Every local government entity must establish procedures so that every payment request or invoice received by the local government entity is marked as received on the date on which it is delivered to an agent or employee of the local government entity, or a facility or office of the local governmental entity.[18]

When a contractor submits a payment request or invoice, the local government entity must make the payment within:[19]

- 25 business days after the date on which the payment request or invoice is stamped, if an agent must approve the invoice before it is submitted to the entity for payment; or
- 20 business days after the date the payment request or invoice is stamped, if an agent is not required to approve the invoice.

Change Order

A "change order" is an amendment to a construction contract that changes the contractor's scope of work. Most change orders modify the work required by the contract or adjust the amount of time the contractor has to complete the work, or both.[20]

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[10] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[11] See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).
[12] S. 218.71, F.S.
[13] S. 218.72(5), F.S.
[14] "Construction services" is defined as all labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or other improvements to real property. S. 218.72(2), F.S.
[15] "Contractor" means the person who contracts directly with a local government entity to provide construction services." S. 218.72(3), F.S.
[16] "Agent" means the project architect, project engineer, or other agency or person acting on behalf of the local governmental entity. S. 218.72(1), F.S.
[17] S. 218.735(1), F.S.
[18] S. 218.74(1), F.S.
[19] S. 218.735(1), F.S.
[20] Luke J. Farley, Sr., Construction 101: The Basics of Change Orders, American Bar Association (October 8, 2018) https://www.americanbar.org/groups/construction_industry/publications/under_construction/2018/fall/construction-101/ (last visited March 8, 2025).

Public Works Projects

A "public works project" is an activity that is paid for with any local or state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.[21]

The term does not include the provision of goods, services, or work incidental to the public works project, such as the provision of security services, janitorial services, landscaping services, maintenance services, transportation services, or other services that do not require a construction contracting license or involve supplying or carrying construction materials for a public works project.[22]

A "political subdivision" is a separate agency or unit of local government created or established by law or ordinance and the officers thereof.[23] This includes, but is not limited to, a county a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works.[24]

Except as required by federal or state law, the state or any political subdivision that contracts for a public works project **may not**:[25]

- Prevent a licensed contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid on a public works project or the residences of employees of such contractor, subcontractor, or material supplier or carrier;
- Require a contractor, subcontractor, or material supplier or carrier engaged in the project to:
    - Pay employees a predetermined amount of wages or prescribe any wage rate;
    - Provide employees a specified type, amount, or rate of employee benefits;
    - Control, limit, or expand staffing; or
    - Recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, or material supplier or carrier from receiving information about public works opportunities or submitting a bid on the project if such individual is able to perform the work described and is qualified and licensed as required by state law, unless that vendor has been placed on the state's convicted vendor or discriminatory vendor lists.

Alarm System Contractors

Statewide electrical, alarm system, and specialty contractors are regulated by of ch. 489, part II, F.S., and licensed and regulated by the Electrical Contractors' Licensing Board within the Department of Business and Professional Regulation (DBPR).[26] An electrical contractor engages in business as a contractor or performs electrical or alarm work for compensation.[27]

Alarm system contractors may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service burglary, fire, robbery, or medical emergency alarm systems.[28] An alarm system contractor may be certified by DBPR.[29] This certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of the National Electrical Code, Current Edition, and National Fire Protection

[21] S. 255.0992(1), F.S.
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] S. 255.0992(2), F.S.
[26] S. 489.507, F.S.
[27] S. 489.505(9), F.S.
[28] S. 489.505(1)-(2), F.S.
[29] S. 489.505(7), F.S.

Association Standard 72, Current Edition. The certification includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video, providing central vacuum capability or electric locks.

Florida Building Code

The Florida Building Code provides a mechanism for adopting, updating, amending, interpreting, and enforcing a unified state building code from jurisdiction to jurisdiction.[30] The Florida Building Code contains or incorporates by reference all laws and rules, and enforces such laws and rules, which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.[31] The Florida Building Code is updated at least every three years, and the current edition of the Florida Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[32]

Under current law, the following buildings, structures, and facilities are exempt from various portions of the Florida Building Code under specified conditions:

- Buildings and structures specifically regulated and preempted by the Federal Government.
- Railroads and ancillary facilities associated with the railroad.
- Nonresidential farm buildings on farms.
- Temporary buildings or sheds used exclusively for construction purposes.
- Mobile or modular structures used as temporary offices.
- Structures or facilities of electric utilities, directly involved in the generation, transmission, or distribution of electricity.
- Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet, and buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences.
- Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.
- Family mausoleums not exceeding 250 square feet.
- A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting.
- A drone port.[33]

For certain of these categories, the Florida Building Commission, in order to preserve the health, safety, and welfare of the public, may adopt rules to provide exceptions to the broad categories of buildings exempted from the Code.[34]

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[35] Every local government must enforce the Florida Building Code and issue building permits.[36]

A building permit is an official document or certificate issued by the local building official that authorizes

[30] S. 553.72(1), F.S.
[31] S. 553.73(1)(a), F.S.
[32] S. 553.73(7)(a), F.S.; DBPR, *Florida Building Code*, https://floridabuilding.org/bc/bc_default.aspx (last visited Apr. 1, 2025).
[33] S. 553.73(10), F.S.
[34] *Id*.
[35] S. 553.72, F.S.
[36] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

performance of a specific activity.[37] It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local enforcement agency or from such persons as may, by resolution or regulation, be directed to issue such permit.[38]

A local enforcement agency may not require a contract between an owner and a contractor as a condition to apply for or obtain a building permit for construction work. If the permit is for work on a commercial property then a local enforcement agency may not require a contract between the contractor and their subcontractors or material suppliers.[39]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	16 Y, 1 N, As CS	3/12/2025	Anstead	Brackett
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarified the language that local governments may not require building applicants to submit ancillary documentation between an owner and builder in order to receive a permit by replacing it with the language that local governments may not require building applicants to submit copies of contracts between builders and owners or associated documents, including material cost lists, labor costs, or overhead or profit statements, in order to receive a building permit.			
Intergovernmental Affairs Subcommittee	15 Y, 0 N, As CS	4/1/2025	Darden	Burgess
THE CHANGES ADOPTED BY THE COMMITTEE:	• Required DEP to adopt standards for synthetic turf before a preemption of local government regulations takes effect. • Modified the scope of certification for certified alarm system contractors. • Required the Florida Building Commission to amend the Florida Building Code to recognize tall mass timber as an allowable material in certain circumstances. • Exempts certain systems and equipment related to space launch vehicles, payloads, and spacecraft from the Florida Building Code.			
Commerce Committee			Hamon	Brackett

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

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[37] S. 468.603, F.S.; S. 202 of the Eighth edition of the Florida Building Code (Building).
[38] Ss. 125.56(4)(a) and 553.79(1), F.S.
[39] S. 553.79(1)(f), and 713.135(6), F.S.

A bill to be entitled

An act relating to construction regulations; creating s. 125.572, F.S.; defining the term "synthetic turf"; requiring the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on specified properties; requiring that the standards take into account specified factors; prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, property owners from installing synthetic turf meeting certain standards on single-family residential property of a specified size; prohibiting local governments from adopting or enforcing specified ordinances, resolutions, orders, rules, or policies that regulate synthetic turf which are inconsistent with specified standards; requiring the department to adopt rules; creating s. 218.755, F.S.; requiring local governmental entities to approve or deny certain price quotes and provide notice to contractors within a specified timeframe; requiring denials to specify alleged deficiencies and actions necessary to remedy such deficiencies; providing that a local governmental entity that fails to provide such information with a denial is liable to the contractor for specified

overhead; prohibiting contracts from altering specified duties of a local governmental entity; amending s. 255.0992, F.S.; prohibiting the state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions; amending s. 489.505, F.S.; revising the definition of the term "certified alarm system contractor"; amending s. 553.73, F.S.; requiring the Florida Building Commission, within a specified timeframe, to amend the Florida Building Code to recognize tall mass timber as an allowable material for specified construction types; providing an exemption from the Florida Building Code to systems or equipment located within a spaceport territory which is used for specified purposes; amending s. 553.79, F.S.; prohibiting local governments from requiring copies of contracts and certain associated documents for the issuance of building permits or as a requirement for submitting building permit applications; amending s. 497.271, F.S.; conforming a cross-reference; reenacting s. 201.21(2), F.S., relating to an exemption from all excise taxes imposed by ch. 201, F.S., for specified notes and obligations when given by a customer to an

alarm system contractor in connection with the sale of an alarm system, to incorporate the amendment made to s. 489.505, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 125.572, Florida Statutes, is created to read:

125.572 Regulation of synthetic turf.—

(1) As used in this section, the term "synthetic turf" means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.

(2) The Department of Environmental Protection shall adopt minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.

(3) Upon the Department of Environmental Protection adopting rules pursuant to subsection (4), a local government may not:

(a) Adopt or enforce any ordinance, resolution, order,

rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(4) The Department of Environmental Protection shall adopt rules to implement this section.

Section 2. Section 218.755, Florida Statutes, is created to read:

218.755 Prompt processing of change orders.—Beginning on or after July 1, 2025, if a local governmental entity receives from its contractor a price quote for a change order issued by the local governmental entity, and the price quote conforms to all statutory requirements and contractual requirements for the project, the local governmental entity must approve or deny the price quote and send written notice of that decision to the contractor within 30 days after receipt of such quote. Any denial notice must specify the alleged deficiencies in the price quote and the actions necessary to remedy those deficiencies. If the local governmental entity fails to provide such information

on a denial notice, it is liable to the contractor for all additional labor, staffing, materials, supplies, equipment, and overhead associated with the change order. A contract between a local governmental entity and a contractor may not alter the local governmental entity's duties under this section.

Section 3. Paragraph (d) is added to subsection (2) of section 255.0992, Florida Statutes, to read:

255.0992 Public works projects; prohibited governmental actions.—

(2) Except as required by federal or state law, the state or any political subdivision that contracts for a public works project may not take the following actions:

(d) Penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4. Subsection (7) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 722, 725, 760, 770, 800, and 810 of the National Electrical Code,

Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability, surveillance cameras, or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

Section 5. Subsections (2) and (10) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(2)(a) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control

of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4) and (6)-(9)~~, (6), (7), (8), and (9)~~ are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(b) By January 1, 2026, or the next update of the Florida Building Code, whichever occurs first, the commission shall amend the Florida Building Code to be consistent with the 2024 International Building Code that recognizes tall mass timber as

an allowable material for construction types IV-A, IV-B, IV-C, and IV-HT.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human

habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according

to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

(l) A drone port as defined in s. 330.41(2).

(m) Any system or equipment, whether affixed or movable, which is located on property within a spaceport territory pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or

other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 6. Paragraph (f) of subsection (1) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application.

Section 7. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(3) The licensing authority shall transmit the rules as adopted under subsection (2), ~~hereinafter~~ referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such

mausoleum standards. If such mausoleum standards are not deemed acceptable, they must ~~shall~~ be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must ~~shall~~ adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When ~~so~~ designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

Section 8. For the purpose of incorporating the amendment

made by this act to section 489.505, Florida Statutes, in a reference thereto, subsection (2) of section 201.21, Florida Statutes, is reenacted to read:

201.21 Notes and other written obligations exempt under certain conditions.—

(2) There shall be exempt from all excise taxes imposed by this chapter all non-interest-bearing promissory notes, non-interest-bearing nonnegotiable notes, or non-interest-bearing written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, of $3,500 or less, when given by a customer to an alarm system contractor, as defined in s. 489.505, in connection with the sale of an alarm system as defined in s. 489.505.

Section 9. This act shall take effect July 1, 2025.

COMMERCE COMMITTEE

CS/CS/HB 683 by Rep. Griffitts
Construction Regulations

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Griffitts (strike-all):

- Removes the provision requiring the Florida Building Commission to amend the Florida Building Code to recognize tall mass timber as an allowable material for certain construction types.
- Adds the following provisions to the bill:
  - Specifies that only one interior support rail in an elevator must be continuous and at least 42 inches long, instead of all interior support rails.
  - Expands the scope of work for all swimming pool/spa contractors to include the performance of certain electrical work on a swimming pool.
  - Expands the scope of work for residential swimming pool/spa contractors by allowing them to perform work on an existing commercial swimming pool.
  - Expands the scope of work for swimming pool/spa service contractors by allowing them to renovate or remodel a swimming pool.
  - Expands the scope of certified building contractors to allow them to perform structural work on a swimming pool.
  - Provides that general contractors and certified building contractors may perform work on a swimming pool's wet deck area.
    - Defines "pool wet deck area" as the 4-foot-wide unobstructed pool deck area around the outside of the pool.
  - Reduces the time-period for a local building department to issue a permit from 20 business days to five business days for single-trade permit application for a single-family or two-family dwelling that has been approved by a private provider.
  - Specifies that a private provider may use an automated or software plans review program to determine if single-trade plans comply with the Florida Building Code.
- Maintains the following provisions of the bill:
  - Requires the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on single-family residential areas and prohibits local governments from adopting regulations inconsistent with those standards.
  - Requires local governments to approve or deny change orders from their contractors within 30 days.
  - Prohibits the state and political subdivisions from penalizing large volume construction bidders or rewarding small volume bidders.
  - Revises the scope of certification for certified alarm system contractors.
  - Exempts certain structures related to space launch from the Florida Building Code.
  - Prohibits local building departments from requiring copies of contracts and associated documents in order to apply for or receive a building permit.

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: Commerce Committee

Representative Griffitts offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 125.572, Florida Statutes, is created to read:

125.572 Regulation of synthetic turf.—

(1) As used in this section, the term "synthetic turf" means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.

(2) The Department of Environmental Protection shall adopt minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, color, permeability, stormwater management, potable water conservation,

water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.

(3) Upon the Department of Environmental Protection adopting rules pursuant to subsection (4), a local government may not:

(a) Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.

(4) The Department of Environmental Protection shall adopt rules to implement this section.

Section 2. Section 218.755, Florida Statutes, is created to read:

218.755 Prompt processing of change orders.—Beginning on or after July 1, 2025, if a local governmental entity receives from its contractor a price quote for a change order requested or issued by the local governmental entity for construction

services, and the price quote conforms to all statutory requirements and contractual requirements for the project, the local governmental entity must approve or deny the price quote and send written notice of that decision to the contractor within 35 days after receipt of such quote. A denial notice must specify the alleged deficiencies in the price quote and the actions necessary to remedy those deficiencies. If the local governmental entity fails to provide the contractor with a notice in compliance with this section, the change order and price quote are deemed approved, and the local governmental entity must pay the contractor the amount stated in the price quote upon the completion of the change order. A contract between a local governmental entity and a contractor may not alter the local governmental entity's duties under this section.

Section 3. Paragraph (d) is added to subsection (2) of section 255.0992, Florida Statutes, to read:

255.0992 Public works projects; prohibited governmental actions.—

(2) Except as required by federal or state law, the state or any political subdivision that contracts for a public works project may not take the following actions:

(d) When scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4. Paragraph (b) of subsection (1) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the physically handicapped.—

(1) Each elevator, the installation of which is begun after October 1, 1990, must be made accessible to physically handicapped persons with the following requirements:

(b) Each elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1 1/2 inches thick or 2 1/2 inches in diameter. At least one support rail ~~Support rails~~ must be continuous and a minimum length of 42 inches overall. The inside surface of support rails must be 1 1/2 inches clear of the car wall. The distance from the top of the support rail to the finished car floor must be at least 31 inches and not more than 33 inches. Padded or tufted material or decorative materials such as wallpaper, vinyl, cloth, or the like may not be used on support rails.

Section 5. 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, all of 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 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 draining swimming pools, spas, hot tubs, or interactive water features.

g. 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.

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

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

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

k. 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.

l. 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 existing swimming pools, spas, hot tubs, or interactive water features ~~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 use ~~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 such use ~~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), except a residential pool/spa contractor may not construct any new commercial swimming pool, spa, hot tub, or public bathing place ~~means a contractor whose scope of work 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, all of 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 commercially available 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, spa, hot tub, or 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 use ~~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 such use ~~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, 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.~~

Section 6. Paragraph (c) of subsection (3) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(3) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work, unless such contractor holds a state certificate or registration in the respective trade category, however:

(c) A general or building contractor may ~~shall~~ not be required to subcontract structural swimming pool or pool wet deck area work. All other swimming pool work must ~~shall~~ be subcontracted to an appropriately licensed certified or registered swimming pool contractor. For the purposes of this paragraph, the term "pool wet deck area" means the 4-foot-wide unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, pool slides, waterfalls, water features, starting blocks, planters, or lifeguard chairs.

Section 7. Subsection (7) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and

equipment governed by the applicable provisions of Articles 722, 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability, surveillance cameras, or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

Section 8. Subsection (10) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

(l) A drone port as defined in s. 330.41(2).

(m) Any system or equipment, whether affixed or movable, which is located on property within a spaceport territory

pursuant to s. 331.304 and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 9. Paragraph (f) of subsection (1) of 553.79, Florida Statutes, is amended, and subsection (11) of that section is reenacted, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application.

(11) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.

Section 10. Paragraphs (l) and (q) of subsection (1) and subsections (5) through (8) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plan review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans review of door or window replacements; fences and block walls

more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(5) After construction has commenced and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

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

private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

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

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

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

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time ~~20-day~~ period plus 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must ~~shall~~ be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or

to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days after ~~from~~ the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

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

Section 11. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(3) The licensing authority shall transmit the rules as adopted under subsection (2), ~~hereinafter~~ referred to as the "mausoleum standards," to the Florida Building Commission, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they must ~~shall~~ be returned by the Florida Building Commission to the licensing authority with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Building Commission must ~~shall~~ adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part IV of chapter 553. When ~~so~~ designated by the Florida Building Commission, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building

code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

Section 12. This act shall take effect July 1, 2025.

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

Remove lines 33-53 and insert:

s. 399.035, F.S.; requiring that elevator car interiors have at least one support rail that meets certain specifications; amending s. 489.105, F.S.; revising definitions for purposes of part I of ch. 489, F.S.; amending s. 489.113, F.S.; prohibiting general or building contractors from being required to subcontract pool wet deck area work; defining the term "pool wet deck area"; amending s. 489.505, F.S.; revising the definition of the term "certified alarm system contractor"; amending s. 553.73, F.S.; providing an exemption from the Florida Building Code to systems or equipment located within a spaceport territory which is used for specified purposes; reenacting and amending s. 553.79, F.S.; prohibiting local governments from requiring copies of contracts and certain associated documents for the issuance of building permits or as a requirement for submitting

building permit applications; amending s. 553.791, F.S.; revising definitions; revising the conditions under which specified contractors may elect to use a private provider to provide inspection services; authorizing private providers to use automated or software-based plans review systems designed to make certain determinations; requiring local building officials to issue permits within a specified timeframe if such permit application is related to certain single-trade plans reviews; authorizing certain inspections to be performed in person or virtually; amending s. 497.271, F.S.; conforming a cross-reference;

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 701	**COMPANION BILL:** CS/SB 1714 (Burton)
TITLE: Local Housing Assistance Plans	**LINKED BILLS:** None
SPONSOR(S): Stark	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism	➤	Intergovernmental Affairs	➤	Commerce
16 Y, 0 N, As CS		17 Y, 0 N		

SUMMARY

Effect of the Bill:

The bill revises the State Housing Incentives Partnership Program (SHIP) to:

- Authorize participating local governments to expend funds for lot rental assistance for mobile home owners.
- Require local governments to include strategies for addressing the needs of persons impacted by the closure of a mobile home park and providing SHIP funds to mobile home owners, including lot rental assistance, in their local housing assistance plan.
- Provide that mobile homes are eligible for home ownership assistance and rehabilitation and emergency repair funding.
- Eliminate the restriction that limited the allocation of SHIP funds for mobile homes.

Fiscal or Economic Impact:

The bill may have an indeterminate insignificant negative impact on local government expenditures for costs associated with updating their local housing assistance plans. The bill may have an indeterminate fiscal impact on beneficiaries of the SHIP program to the extent the provisions of the bill revise which entities are eligible for funding.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill allows a local government participating in the State Housing Initiatives Partnership Program (SHIP) to use program funds to provide lot rental assistance to mobile home owners not to exceed six months. (Section 1).

The bill requires each local government participating in SHIP to address in its local housing assistance plan the needs of persons who are deprived of affordable housing due to the closure of a mobile home park. The bill also requires a local housing assistance plan to include a strategy for providing program funds to mobile home owners, which must include lot rental assistance. (Section 2).

The bill specifies that lot rental assistance for mobile home owners is an approved home ownership activity. (Section 2).

The bill authorizes the use of SHIP funds for rehabilitation and emergency repairs for mobile home owners. (Section 2).

The bill eliminates the restriction that limited the allocation of SHIP funds for manufactured housing to no more than 20 percent of the allocated amount. (Section 2).

The bill makes a conforming change to a cross-reference in another statutory provision. (Section 3).

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

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate insignificant negative impact on local government expenditures for costs associated with updating their local housing assistance plans.

PRIVATE SECTOR:

The bill may have an indeterminate fiscal impact on beneficiaries of the SHIP program to the extent the provisions of the bill revise which entities are eligible for funding.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

State Housing Initiatives Partnership Program (SHIP)
SHIP was created in 1992[1] to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. SHIP provides funds to all 67 counties and 55 community development block grant[2] entitlement cities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.[3]

SHIP is administered by the Florida Housing Finance Corporation (FHFC)[4] and was designed to serve very-low, low, and moderate-income families. "Very-low income persons" means one or more persons or a family, not including students, whose total annual adjusted gross household income does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For "low-income persons," the statutory threshold is 80 percent, and for "moderate-income persons," it is 120 percent.[5]

SHIP funds may be used to pay for emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.[6]

[1] Ch. 92-317, Laws of Fla.
[2] The community development block grant program is a federal program created in 1974 that provides funding for housing and community development activities. Dept. of Housing and Urban Development, *Community Development Block Grant Program*, https://www.hud.gov/program_offices/comm_planning/cdbg (last visited Mar. 21, 2025).
[3] *See* ss. 420.907-420.9089, F.S.; *Annual Report 2023*, Florida Housing Finance Corporation (June 28, 2024), https://issuu.com/fhfc/docs/2023_annual_report (last visited Mar. 21, 2025).
[4] The 1997 Legislature created the Florida Housing Finance Corporation (FHFC) as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians. Ch. 97-167, Laws of Fla.
[5] S. 420.9071, F.S.
[6] State Housing Initiatives Partnership Program (SHIP), https://www.floridahousing.org/programs/special-programs/ship---state-housing-initiatives-partnership-program (last visited Mar. 21, 2025).

Funds are expended per each local government's adopted Local Housing Assistance Plan (LHAP), which details the housing strategies it will use.[7] Local governments submit their LHAPs to FHFC for review to ensure they meet the broad statutory guidelines and the requirements of the program rules. FHFC must approve an LHAP before a local government may receive SHIP funding.[8]

A local government's use of SHIP funds is subject to certain restrictions (excluding amounts set aside for administrative costs):

- No more than 20 percent of SHIP funds may be used for manufactured housing.[9]
- At least 75 percent of SHIP funds must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing.[10]
- No more than 25 percent of SHIP funds may be reserved for allowed rental housing.[11]
- At least 65 percent of SHIP funds must be reserved for home ownership for eligible persons.[12]
- At least 20 percent of SHIP funds must serve persons with special needs.[13]
- At least 30 percent of SHIP funds must be used for awards to very-low-income persons or eligible sponsors[14] serving very-low-income persons, and another 30 percent must be used for awards for low-income persons or eligible sponsors serving low-income persons.[15]

Local governments may not use SHIP funds to provide ongoing rent subsidies, except for:

- Security and utility deposit assistance.
- Eviction prevention not to exceed six months' rent.
- A rent subsidy program for very-low income households with at least one adult who meets either the statutory definition of a person with special needs or homeless. The period of rental assistance may not exceed 12 months.[16]

In the state fiscal year 2020-2021,[17] SHIP expended or encumbered more than $27 million for homeownership activities, assisting 933 homeownership units.[18]

Mobile Homes

Florida law defines a mobile home as "a residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein."[19] Mobile homes are designed to be used as a permanent dwelling.

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[7] Sections 420.9075(1)(a), F.S. and 420.9075(3), F.S., outline a list of strategies LHAPs are encouraged to employ, such as helping those affected by mobile home park closures, encouraging innovative housing design to reduce long-term housing costs, preserving assisted housing, and reducing homelessness.

[8] Counties and eligible municipalities participating in SHIP receive funding from "local housing distributions," which are the proceeds of the taxes deposited into the Local Government Housing Trust Fund. S. 420.9071(17), F.S.

[9] S. 420.9075(5)(e), F.S.

[10] S. 420.9075(5)(c), F.S.

[11] S. 420.9075(5)(b), F.S.

[12] "Eligible person" or "eligible household" means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income based upon the annual gross income of the household. S. 420.9075(5)(a), F.S.

[13] S. 420.9075(5)(d), F.S.

[14] "Eligible sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing eligible housing for eligible persons. S. 420.9071(12), F.S.

[15] S. 420.9075(5)(g)2., F.S.

[16] S. 420.9072(7)(b), F.S.

[17] Local governments have three years to expend funds. 2020-2021 is the most recent closed out fiscal year.

[18] *Annual Report 2023*, *supra* note 3.

[19] S. 723.003(8), F.S.

A mobile home park is land in which lots or spaces are offered for rent or lease for the placement of mobile homes in which the primary use of the park is residential.[20] Mobile home parks have historically served as an affordable housing option for low-and-moderate-income residents. However, increasing redevelopment pressures and rising housing costs have put many mobile home owners at risk of permanent displacement.[21]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/SB 1456	Mooney	Rodriguez	The bill became law on July 1, 2024.
2024	CS/CS/CS/HB 613	Stark	Burton	The bill became law on July 1, 2024.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	16 Y, 0 N, As CS	3/25/2025	Curtin	Garcia
THE CHANGES ADOPTED BY THE COMMITTEE:	• Removes a provision adding persons who own a mobile home to the list of persons with special housing needs; • Removes a provision that would have prohibited distinguishing between types of housing when awarding State Housing Incentives Partnership Program (SHIP) funds; and • Provides an exception to the prohibition on utilizing SHIP funds for rent subsidies.			
Intergovernmental Affairs Subcommittee	17 Y, 0 N	4/9/2025	Darden	Burgess
Commerce Committee			Hamon	Garcia

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

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[20] S. 723.003(12), F.S.

[21] Since 2011, at least 183 Florida mobile home parks have closed, according to self-reported and likely incomplete data from the Florida Mobile Home Relocation Corporation and the Department of Business and Professional Regulation. Clara-Sophia Daly, *New development will rise to dizzying heights – and wipe out their trailer park*, Miami Herald (Oct. 8, 2023) https://www.miamiherald.com/news/business/real-estate-news/article278731494.html (last visited Mar. 21, 2025).

A bill to be entitled

An act relating to local housing assistance plans; amending s. 420.9072, F.S.; authorizing a county or an eligible municipality to expend certain funds on lot rental assistance for mobile home owners for a specified time period; amending s. 420.9075, F.S.; requiring counties and eligible municipalities to develop certain strategies in their local housing assistance plans; providing that lot rental assistance is an approved home ownership activity for certain purposes; authorizing certain funds to be provided to mobile home owners for rehabilitation and emergency repairs; removing a prohibition that only a certain percentage of funds may be used for manufactured housing; amending s. 420.9071, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Paragraph (b) of subsection (7) of section 420.9072, Florida Statutes, is amended to read:

420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing

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

partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(7)

(b) A county or an eligible municipality may not expend its portion of the local housing distribution to provide ongoing rent subsidies, except for:

1. Security and utility deposit assistance.

2. Eviction prevention not to exceed 6 months' rent.

3. Lot rental assistance for mobile home owners as defined in s. 723.003, not to exceed 6 months' rent.

4.~~3.~~ A rent subsidy program for very-low-income households with at least one adult who is a person with special needs as defined in s. 420.0004 or homeless as defined in s. 420.621. The period of rental assistance may not exceed 12 months for any eligible household.

Section 2. Paragraphs (d) through (g) of subsection (3) of section 420.9075, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, paragraphs (f) through (n) of subsection (5) are redesignated as paragraphs (e) through (m), respectively, paragraph (c) of subsection (3) and paragraphs (a), (c), and (e) and present paragraph (n) of subsection (5) are amended, and new paragraphs (d) and (i) are added to subsection (3) of that section, to read:

420.9075 Local housing assistance plans; partnerships.—

(3)

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the ~~closure of a mobile home park or the~~ conversion of affordable rental units to condominiums.

(d) Each county and each eligible municipality shall include in its local housing assistance plan a strategy that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park.

(i) Each county and each eligible municipality shall include in its local housing assistance plan a strategy for providing program funds to mobile home owners, as defined in s. 723.003, which must include lot rental assistance.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons. For purposes of this paragraph, lot rental assistance for eligible mobile home owners as defined in s. 723.003 is an approved home ownership activity.

(c) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing. Funds may be provided to mobile home owners as defined in s. 723.003 for rehabilitation and emergency repairs under this paragraph.

~~(c) Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.~~

(m) ~~(n)~~ Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (c) or not used for the administration of a local housing assistance plan must be used for housing production and finance activities, including, but not limited to, financing preconstruction activities or the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding the provisions of paragraphs (a) and (c), program income as defined in s. 420.9071(26) may also be used to fund activities described in this paragraph.

2. When preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense

rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing distribution.

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (f) ~~(g)~~ of this subsection.

4. Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

Section 3. Subsection (27) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(27) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture

provisions of its local housing assistance plan pursuant to s. 420.9075(5)(i) ~~s. 420.9075(5)(j)~~ from eligible persons or eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a default on the terms of a grant award or loan award.

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 #: CS/HB 709	**COMPANION BILL:** CS/SB 622 (Rodriguez)
TITLE: Jai Alai Permitholders	**LINKED BILLS:** None
SPONSOR(S): Esposito	**RELATED BILLS:** None

Committee References

Industries & Professional Activities
12 Y, 0 N, As CS

➤

Commerce

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 at least 59 live performances.

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 at least 59 live performances. (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]

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]

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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.
[16] S. 550.01215(1)(d), F.S.

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.

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;

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

- 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
Industries & Professional Activities Subcommittee	12 Y, 0 N, As CS	3/26/2025	Anstead	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	• Specified the leased facility must be at the address on the permit. • Removed the authority for such permitholders to obtain an additional permit. • Prohibited the lessee from operating a cardroom or slot machine license at the leased facility. • Required jai alai permitholders that lease such facilities to conduct at least 59 live performances.			
Commerce Committee			Hamon	Thompson

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

A bill to be entitled

An act relating to jai alai permitholders; amending s. 550.475, F.S.; authorizing holders of a valid pari-mutuel permit to lease certain facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessees to apply for a certain license; prohibiting such lessees from operating a cardroom or slot machine at the leased facility; requiring certain jai alai permitholders to conduct a minimum number of live performances using their existing permit; prohibiting operation under a lessor's permit; 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

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

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 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 minimum of 59 live performances using such permitholder's existing permit and may not operate under the lessor's permit ~~premises~~.

Section 2. 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 #: CS/HB 839	**COMPANION BILL:** CS/SB 944 (Davis)
TITLE: Insurance Overpayment Claims Submitted to Psychologists	**LINKED BILLS:** None
SPONSOR(S): Booth	**RELATED BILLS:** None

Committee References

Insurance & Banking 17 Y, 0 N, As CS	➤ Health Care Facilities & Systems 15 Y, 0 N	➤ Commerce

SUMMARY

Effect of the Bill:

By default, under Florida law, health insurers and health maintenance organizations (HMOs) have 30 months after rendering payment to a provider to submit a claim for overpayment. The bill reduces the 30-month period to 12 months for overpayment claims submitted to licensed psychologists provided on or after January 1, 2026.

The bill adds licensed psychologists to a list of providers that already enjoy the shortened overpayment claim window under Florida law. Existing law applies the 12-month period for overpayment claims to several licensed providers (chiropractors, podiatrists, osteopaths, certain physicians and dental surgeons).

Fiscal or Economic Impact:

Insurers and HMOs may recover less from overpaid claims to psychologists due to the reduced overpayment claim period. The effect on premiums is indeterminate.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Psychologist Overpayment Claims

The bill adds psychologists licensed under ch. 490, F.S., to a list of licensed providers that enjoy a reduced time period for insurers and health maintenance organizations (HMOs) to submit claims for overpayment. Under the reduced time period, claims for overpayment must be submitted to the provider within 12 months, rather than the standard 30-month period.

The changes in the bill apply to claims for services provided on or after January 1, 2026.

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Insurers and HMOs may recover less from overpaid claims to psychologists due to the reduced overpayment claim period. The effect on premiums is indeterminate.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Health Care Service Claims Overpayments

An overpayment is an insurance reimbursement for provider services in an amount that is more than is required by the contract between the payer and the provider. Overpayments might take the following forms:

- **Duplicate Payments** – Patients or their family members may inadvertently make multiple payments for the same service.[1]
- **Billing or Coding Errors** – Mistakes in billing codes or modifiers can occur and lead to inaccurate charges on a patient's account.[2]
- **Excess Patient Responsibility Collected** – A patient's insurance benefits or deductibles may be miscalculated by either the patient or the health care practitioner.[3]
- **Coordination of Benefits Between Multiple Insurers** – Patients sometimes have two or more sources of insurance coverage (primary and secondary insurance plans). If both insurers remit payment and inadvertently exceed the cost of the service, the health care practitioner may receive funds beyond what is contractually required.[4]

Oftentimes, overpayment claims are the result of a retroactive review or audit of coverage decisions and payment levels.

Subsections s. 627.6131(6), F.S., and 641.3155(5), F.S., govern the process by which a health insurer or health maintenance organization (HMO), respectively, may make a claim for overpayment against a provider to whom it rendered payment. The insurer or HMO must send a written or electronic statement specifying the basis for the retroactive denial or payment adjustment to the provider of the specific claim(s) for which the overpayment is submitted.

If the overpayment is not related to fraud, the health insurer or HMO must submit its claim for overpayment within 30 months after the insurer or HMO paid the claim. After receiving the claim for overpayment, the provider has 40 days in which to pay, deny, or contest the claim. A contested claim for overpayment must be paid or denied by the provider within 120 days after receipt. If, after 140 days, the provider has not paid or denied the overpayment claim, an uncontestable obligation is placed on the provider to pay the insurer or HMO claim. A provider that chooses to deny or contest an insurer or HMO claim must notify the insurer or HMO in writing of the provider's decision within 35 days after the provider received the claim for overpayment. If the claim is contested, the provider must request additional information, which the insurer or HMO must give the provider within 35 days after receiving the request. After receiving the additional information, the provider has 45 days to pay or deny the claim.

Subsections s. 627.6131(18), F.S., and s. 641.3155(16), F.S., establish a different time period for overpayment claims for certain providers. Claims for overpayment must be submitted within 12 months, rather than the usual 30-month period for physicians licensed under ch. 458, F.S., osteopaths licensed under ch. 459, F.S., chiropractors licensed under ch. 460, F.S., podiatrists licensed under ch. 461, F.S., and (for oral surgery only) dental surgeons licensed under ch. 466, F.S.

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[1] Azad, T. and William, P., *Fraud Detection in Healthcare Billing and Claims*, International Journal of Science and Research April 2025 (Vol 15, Issue 1), available at https://ijsra.net/content/fraud-detection-healthcare-billing-and-claims (last visited, April 8, 2025).
[2] *Id.*
[3] PBS News, *Health Insurance Claim Denials are on the Rise, to the Detriment of Patients*, available at https://www.pbs.org/newshour/health/analysis-health-insurance-claim-denials-are-on-the-rise-to-the-detriment-of-patients (last visited, April 8, 2025).
[4] Nupur Gambir, *Coordination of Benefits: How Having Two Health Insurance Plans Works*, (March 11, 2025) available at https://www.insure.com/health-insurance/how-coordination-of-benefits-works/ (last visited, April 8, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee	17 Y, 0 N, As CS	3/13/2025	Lloyd	Schenk
THE CHANGES ADOPTED BY THE COMMITTEE:	The amendment applied the same change to health maintenance organizations (HMOs) as the original bill provided for health insurers.			
Health Care Facilities & Systems Subcommittee	15 Y, 0 N	4/10/2025	Calamas	Aderibigbe
Commerce Committee			Hamon	Schenk

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

A bill to be entitled

An act relating to insurance overpayment claims submitted to psychologists; amending ss. 627.6131 and 641.3155, F.S.; requiring insurance overpayment claims submitted to psychologists to be submitted within a specified timeframe; providing applicability; providing an effective date.

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

Section 1. Subsection (18) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(18) Notwithstanding the 30-month period provided in subsection (6), all claims for overpayment submitted to a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, ~~or~~ chapter 466, or chapter 490 must be submitted to the provider within 12 months after the health insurer's payment of the claim. A claim for overpayment may not be permitted beyond 12 months after the health insurer's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.

Section 2. Subsection (16) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(16) Notwithstanding the 30-month period provided in subsection (5), all claims for overpayment submitted to a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, ~~or~~ chapter 466, or chapter 490 must be submitted to the provider within 12 months after the health maintenance organization's payment of the claim. A claim for overpayment may not be permitted beyond 12 months after the health maintenance organization's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.

Section 3. The amendments made by this act to ss. 627.6131(18) and 641.3155(16), Florida Statutes, apply to claims for services provided on or after January 1, 2026.

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

CS/HB 897

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 897	**COMPANION BILL:** CS/SB 496 (McClain)
TITLE: Timeshare Plan Management	**LINKED BILLS:** None
SPONSOR(S): Berfield	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism	➤	Civil Justice & Claims	➤	Commerce
15 Y, 0 N, As CS		14 Y, 0 N		

SUMMARY

Effect of the Bill:

The bill exempts community association managers (CAMs) and CAM firms from certain requirements relating to conflicts of interest if the CAM or CAM firm manages a timeshare plan and provides certain disclosures relating to a conflict of interest. The bill specifies that timeshare management firms and licensed CAMs who are employed by a timeshare management firm are governed by certain provisions in the Vacation Plan and Timesharing Act.

Additionally, the bill requires:

- Timeshare management firms and licensed CAMs that are employed by a timeshare management firm to discharge their duties in good faith, and exempts such firms and licensed CAMs from certain liability for monetary damages.
- The board of administration of a timeshare condominium to meet only once a year, but does not prohibit additional board meetings from being called.
- That if a timeshare management firm or an owners' association provides goods or services through a parent, affiliate, or subsidiary of the timeshare management firm, the fact that a related party is providing goods or services must be disclosed annually to the members of that owners' association using certain methods.

Fiscal or Economic Impact:

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill exempts community association managers (CAMs) and CAM firms from certain requirements and prohibitions relating to conflicts of interest[1] if the CAM or CAM firm:

- Manages a timeshare plan governed by the Vacation Plan and Timesharing Act[2] (Timeshare Act); and
- Provides certain conflict of interest disclosures[3] under the Timeshare Act. (Section 2.)

[1] *See* s. 468.4335, F.S.
[2] Ch. 721, F.S.
[3] *See* s. 721.13(13)(c)1., F.S.

The bill specifies that timeshare management firms and licensed CAMs that are employed by a timeshare management firm are not governed by s. 468.4335, F.S.,[4] but rather are governed by ss. 468.438,[5] and 721.13, F.S.[6] (Section 3.)

The bill requires timeshare management firms and licensed CAMs who are employed by a timeshare management firm to discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner they reasonably believe to be in the interests of the owners' association. (Section 4.)

The bill also exempts timeshare management firms and licensed CAMs that are employed by a timeshare management firm from certain liability for monetary damages,[7] unless the firm or licensed CAM breached or failed to perform their duties and the breach of, or failure to perform, such duties constitutes:

- A violation of criminal law as provided in s. 617.0834, F.S.;[8]
- A transaction from which the firm or licensed CAM derived an improper personal benefit, either directly or indirectly; or
- Recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. (Section 4.)

The bill requires[9] a board of administration of a timeshare condominium to meet only once a year, unless additional board meetings are called. Additionally, the bill requires that, if a timeshare management firm or an owners' association provides goods or services through a parent, affiliate, or subsidiary of the timeshare management firm, the fact that a related party is providing goods or services must be disclosed annually to the members of that owners' association in any of the following ways:

- As an explanatory note to the annual budget;
- In the management contract;
- By mail sent to each owner's address on file for providing notice;
- In the notice of an annual or special meeting of the owners;
- By posting notice on the timeshare plan's website; or
- By any owner communication used by the managing entity of the timeshare plan. (Section 4.)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Community Association Managers and Firms

Under Florida law, a community association is a residential homeowners' association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.[10]

Community association managers[11] (CAMs) and community association management firms[12] (CAM firms) provide community association management services, which means any of the following practices that require substantial

[4] S. 468.4335, F.S., governs the regulation of conflicts of interest for CAMs and CAM firms.
[5] S. 468.438, F.S., governs the licensure and regulation of timeshare management firms by Florida's Department of Business and Professional Regulation.
[6] S. 721.13, F.S., governs the management of timeshare plans under the Florida Vacation Plan and Timesharing Act.
[7] *See* s. 617.0834, F.S.
[8] s. 617.0834, F.S., governs activities relating to officers and directors of certain non-profit corporations and associations and their immunity from civil liability.
[9] This requirement is notwithstanding the other provisions of ch. 718, F.S., the Florida Condominium Act.
[10] S. 468.431(1), F.S.
[11] *See* s. 468.431(4), F.S.
[12] *See* s. 468.432(3), F.S.

specialized knowledge, judgement, and managerial skill when done for compensation and when the community association served contains more than 10 units or has an annual budget in excess of $100,000:

- Controlling or disbursing funds of an association;
- Preparing budgets or other financial documents for an association;
- Assisting in the noticing or conduct of association meetings;
- Determining the number of days required for statutory notices;
- Determining amounts due to the association;
- Collecting amounts due to the association before the filing of a civil action;
- Calculating the votes required for a quorum or to approve a proposition or amendment;
- Completing forms related to the management of an association;
- Drafting meeting notices and agendas;
- Calculating and preparing certificates of assessment and estoppel certificates;
- Responding to requests for certificates of assessment and estoppel certificates;
- Negotiating monetary or performance terms of a contract subject to approval by an association;
- Drafting pre-arbitration demands;
- Coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of an association; and
- Complying with an association's governing documents and the requirements of law as necessary to perform any of the above activities.[13]

Licensure and Regulation

CAMs and CAM firms are licensed and regulated by the Department of Business and Professional Regulation (DBPR), and the seven-member Regulatory Council of Community Association Managers within DBPR, pursuant to part VIII of chapter 468, F.S.[14] A person may not manage (or hold herself or himself out to the public as being able to manage) a community association in the state unless he or she is licensed by DBPR.[15] Similarly, a CAM firm or other organization responsible for the management of more than 10 units or an association budget of $100,000 or greater may not engage (or hold itself out to the public as being able to engage) in the business of community association management in the state unless it is licensed by DBPR.[16]

Under Florida law, a CAM or CAM firm is deemed to act as an agent of a community association when performing duties within the scope of authority authorized by a written contract with the association or chapter 468, F.S. Additionally, a CAM or CAM firm must discharge duties authorized to be performed on behalf of an association:

- Loyally, skillfully, and diligently;
- Dealing honestly and fairly;
- In good faith;
- With care and full disclosure to the community association;
- Accounting for all funds; and
- Not charging unreasonable or excessive fees.[17]

Florida law requires a CAM or CAM firm to return all official records of a community association within its possession to the association within 20 business days after termination of an agreement to provide community association management services to the association or receipt of a written request for return of the official records, whichever occurs first.[18]

Conflicts of Interest

[13] S. 468.431(2), F.S.
[14] *See* ss. 468.432(1) and 468.4315, F.S.
[15] S. 468.432(1), F.S.
[16] S. 468.432(2), F.S.
[17] S. 468.4334(1)(a), F.S.
[18] S. 468.4334(4), F.S.

A CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative[19] of such persons, must disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest.[20] There is a rebuttable presumption that a conflict of interest exists if any of the following occurs without prior notice:

- A CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, enters into a contract for goods or services with the association.[21]
- A CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, holds an interest in or receives compensation or anything of value from a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.[22]

If a CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, proposes to engage in an activity that is a conflict of interest described above, the proposed activity must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to, the meeting agenda of the next board of administration meeting.[23]

In the event a community association's board discovers that a CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, has violated Florida's laws relating to conflicts of interests for CAMs and CAM firms, the association may cancel its community association management contract with the CAM or CAM firm.[24] If the contract is canceled, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fees, liquidated damages, or other form of penalty for such cancellation.[25]

Florida Vacation Plan and Timesharing Act

The Florida Vacation Plan and Timesharing Act[26] (Timeshare Act), administered by the Division of Florida Condominiums, Timeshares, and Mobile Homes (Division) within DBPR, governs vacation plans and timeshare plans in the state. A timeshare plan is any arrangement, plan, scheme, or similar device (other than an exchange program), whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, for consideration, receives ownership rights in or a right to use accommodations, and facilities, if any, for a period of time less than a full year during any given year, but not necessarily for consecutive years.[27]

The purpose of the Timeshare Act is to:

- Recognize real and personal property timeshare plans in the state;
- Establish procedures for the creation, sale, exchange, promotion and operation of timeshare plans;
- Provide full and fair disclosure to purchasers and prospective purchasers of timeshare plans;
- Require every timeshare plan in the state to be subjected to the provisions of the chapter;
- Require full and fair disclosure of terms, conditions, and services by resale service providers; and
- Recognize that a uniform and consistent method of regulation is necessary to safeguard Florida's tourism industry and the state's economic well-being.[28]

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[19] For purposes of these provisions, "relative" means a relative within the third degree of consanguinity by blood or marriage. S. 468.4335(6), F.S.
[20] S. 468.4335(1), F.S.
[21] S. 468.4335(1)(a), F.S.
[22] S. 468.4335(1)(b), F.S.
[23] S. 468.4335(3), F.S.
[24] S. 468.4335(4), F.S.
[25] *Id.*
[26] Ch. 721, F.S.
[27] S. 721.05(39), F.S.
[28] S. 721.02, F.S.

The Timeshare Act applies to all timeshare plans consisting of more than seven timeshare periods over a period of at least three years when the accommodations and facilities are located or offered within this state.[29] The Timeshare Act governs vacation plans and timesharing,[30] and multisite vacation and timeshare plans known as vacation clubs.[31]

Managing Entity of a Timeshare

The Timeshare Act requires a developer to provide a managing entity for each timeshare plan.[32] The managing entity is the person or organization responsible for operating and maintaining the timeshare plan.[33] The managing entity may be the developer, a separate manager or management firm, or an owners' association,[34] and must be created prior to the first closing of the sale of a timeshare interest.[35]

The duties of a managing entity of a timeshare plan include, but are not limited to:

- Management and maintenance of all accommodations and facilities constituting the timeshare plan.
- Collection of all assessments for common expenses.
- Providing annually to all purchasers of the timeshare plan an itemized annual budget that includes estimated revenues and expenses.
- Maintenance of books and records concerning the timeshare plan, so that all such books and records are reasonably available for inspection by any purchaser or their authorized agent.
- Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of DBPR, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy.
- Making available for inspection by the Division any books and records of the timeshare plan upon the request of the Division.
- Scheduling occupancy of the timeshare units, when purchasers are not entitled to use specific timeshare periods, so that all purchasers will be provided the use and possession of the accommodations and facilities of the timeshare plan which they have purchased.
- Performing any other functions and duties which are necessary and proper to maintain the accommodations or facilities of the timeshare plan, as provided in the contract and as advertised.
- Entering into an ad valorem tax escrow agreement prior to the receipt of any ad valorem tax escrow payments into the ad valorem tax escrow account, if an independent escrow agent is required by s. 192.037, F.S., and submitting to the Division the statement of receipts and disbursements regarding the ad valorem tax escrow account.[36]

Under the Timeshare Act, a managing entity that is an officer, director, or agent of an owners' association must discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the owners' association.[37] An officer, director, or agent of an owners' association is exempt from liability for monetary damages, unless the officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes:

- A violation of criminal law as provided in s. 617.0834, F.S.;
- A transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or

[29] S. 721.03(1), F.S.
[30] *See* p. I of ch. 721, F.S.
[31] *See* pt. II of ch. 721, F.S.
[32] S. 721.13(1)(a), F.S.
[33] *See* s. 721.05(22), F.S.
[34] An owners' association is an association made up of all owners of timeshare interests in a timeshare plan, including developers and purchasers of the timeshare plan. S. 721.105(27), F.S.
[35] S. 721.13(1)(a), F.S.
[36] S. 721.13(3), F.S.
[37] S. 721.13(13), F.S.

- An act or omission that was reckless, in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.[38]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/HB 429	Robinson, W.	Perry	Amended several provisions in the Timeshare Act. Approved by the Governor.
2024	CS/CS/CS/HB 1021	Lopez, V.	Bradley	Amended certain laws relating to CAMs and CAM firms. Approved by the Governor.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	15 Y, 0 N, As CS	4/1/2025	Curtin	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	Clarified disclosure requirements for timeshare management firms and owners' associations that provide goods and services through a related party to the owners' association and made other clarifying, technical changes.			
Civil Justice & Claims Subcommittee	14 Y, 0 N	4/10/2025	Jones	Mawn
Commerce Committee			Hamon	Fletcher

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

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[38] *Id.*

A bill to be entitled

An act relating to timeshare plan management; amending s. 468.4334, F.S.; conforming provisions to changes made by the act; amending s. 468.4335, F.S.; revising applicability for provisions governing conflicts of interest between community association managers or community association management firms and certain persons with a financial interest in such associations; amending s. 468.438, F.S.; providing construction; amending s. 721.13, F.S.; deleting a provision requiring managing entities that perform community association management to comply with certain provisions related to community association management firms; requiring timeshare management firms and individuals employed by timeshare management firms to discharge their duties in good faith; exempting such firms and individuals from liability for monetary damages; requiring the board of administration of a timeshare condominium to meet once per year; providing an exception; requiring disclosure of certain information annually to certain persons if a timeshare management firm or an owners' association provides goods and services through specified entities; specifying the manner in which such disclosure must be made; providing construction; reenacting s. 721.14(2),

F.S., relating to discharge of a managing entity, to incorporate the amendment made to s. 721.13, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (4) of section 468.4334, Florida Statutes, is amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(4) A community association manager or a community association management firm shall return all community association official records within its possession to the community association within 20 business days after termination of a contractual agreement to provide community association management services to the community association or receipt of a written request for return of the official records, whichever occurs first. A notice of termination of a contractual agreement to provide community association management services must be sent by certified mail, return receipt requested, or in the manner required under such contractual agreement. The community association manager or community association management firm may retain, for up to 20 business days, those records necessary to complete an ending financial statement or report. If an

association fails to provide access to or retention of the accounting records to prepare an ending financial statement or report, the community association manager or community association management firm is relieved from any further responsibility or liability relating to the preparation of such ending financial statement or report. Failure of a community association manager or a community association management firm to timely return all of the official records within its possession to the community association creates a rebuttable presumption that the community association manager or community association management firm willfully failed to comply with this subsection. A community association manager or a community association management firm that fails to timely return community association records is subject to suspension of its license under s. 468.436, and a civil penalty of $1,000 per day for up to 10 business days, assessed beginning on the 21st business day after termination of a contractual agreement to provide community association management services to the community association or receipt of a written request from the association for return of the records, whichever occurs first. However, for a timeshare plan governed by ~~created under~~ chapter 721, s. 721.14(4) applies ~~the time periods provided in s. 721.14(4)(b) apply~~.

Section 2. Subsection (7) is added to section 468.4335, Florida Statutes, to read:

468.4335 Conflicts of interest.—

(7) This section does not apply to a community association manager or a community association management firm that manages a timeshare plan governed by chapter 721 and provides disclosure under s. 721.13(13)(c)1.

Section 3. Subsection (3) is added to section 468.438, Florida Statutes, to read:

468.438 Timeshare management firms.—

(3) A timeshare management firm and any individual licensed under this part who is employed by a timeshare management firm are governed by s. 721.13 and not by s. 468.4335.

Section 4. Paragraph (e) of subsection (1) and subsections (4), (10), and (13) of section 721.13, Florida Statutes, are amended to read:

721.13 Management.—

(1)

~~(e) Any managing entity performing community association management must comply with part VIII of chapter 468.~~

(4) The managing entity shall maintain among its records and provide to the division upon request a complete list of the names and addresses of all purchasers and owners of timeshare units in the timeshare plan. The managing entity shall update this list no less frequently than quarterly. Pursuant to paragraph (3)(d), the managing entity may not publish this

owner's list or provide a copy of it to any purchaser or to any third party other than the division. However, the managing entity shall mail to those persons listed on the owner's list materials provided by any purchaser, upon the written request of that purchaser, if the purpose of the mailing is to advance legitimate owners' association business, such as a proxy solicitation for any purpose, including the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The use of any proxies solicited in this manner must comply with the provisions of the timeshare instrument and this chapter. A mailing requested for the purpose of advancing legitimate owners' association business shall occur within 30 days after receipt of a request from a purchaser. The board of administration of the owners' association shall be responsible for determining the appropriateness of any mailing requested pursuant to this subsection. The purchaser who requests the mailing must reimburse the owners' association in advance for the owners' association's actual costs in performing the mailing. It is ~~shall be~~ a violation of this chapter ~~and, if applicable, of part VIII of chapter 468,~~ for the board of administration or the manager or management firm to refuse to mail any material requested by the purchaser to be mailed, provided the sole purpose of the materials is to advance legitimate owners' association business. If the purpose of the mailing is a proxy solicitation to recall one or more board

members elected by the owners or to discharge the manager or management firm and the managing entity does not mail the materials within 30 days after receipt of a request from a purchaser, the circuit court in the county where the timeshare plan is located may, upon application from the requesting purchaser, summarily order the mailing of the materials solely related to the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The court shall dispose of an application on an expedited basis. In the event of such an order, the court may order the managing entity to pay the purchaser's costs, including attorney's fees reasonably incurred to enforce the purchaser's rights, unless the managing entity can prove it refused the mailing in good faith because of a reasonable basis for doubt about the legitimacy of the mailing.

(10) Any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers imposed by this section or to otherwise comply with ~~the provisions of~~ this section is ~~shall be~~ a violation of this chapter ~~and of part VIII of chapter 468~~.

(13)(a) Notwithstanding any provisions of chapter 607, chapter 617, or chapter 718, an officer, director, or agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, shall discharge its

~~his or her~~ duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner it ~~he or she~~ reasonably believes to be in the interests of the owners' association. An officer, director, or agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, are ~~shall be~~ exempt from liability for monetary damages in the same manner as provided in s. 617.0834 unless such officer, director, ~~or~~ agent, or firm breached or failed to perform its ~~his or her~~ duties and the breach of, or failure to perform, its ~~his or her~~ duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) Notwithstanding chapter 718, the board of administration of a timeshare condominium is required to meet only once each year, unless additional board meetings are called pursuant to a timeshare instrument.

(c)1. If a timeshare management firm or an owners' association provides goods or services through a parent, affiliate, or subsidiary of the timeshare management firm, the

fact that a related party is providing goods or services must be disclosed annually to the members of that owners' association in any of the following ways:

a. As an explanatory note to the annual budget pursuant to subparagraph (3)(c)1.;

b. In the management contract;

c. By mail sent to each owner's address on file for providing notice;

d. In the notice of an annual or special meeting of the owners;

e. By posting notice on the website of the applicable timeshare plan; or

f. By any owner communication used by the managing entity.

2. A timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm are governed by this section and s. 468.438.

Section 5. For the purpose of incorporating the amendment made by this act to section 721.13, Florida Statutes, in a reference thereto, subsection (2) of section 721.14, Florida Statutes, is reenacted to read:

721.14 Discharge of managing entity.—

(2) In the event the manager or management firm is discharged, the board of administration of the owners' association shall remain responsible for operating and maintaining the timeshare plan pursuant to the timeshare

instrument and s. 721.13(1). If the board of administration fails to do so, any timeshare owner may apply to the circuit court within the jurisdiction of which the accommodations and facilities lie for the appointment of a receiver to manage the affairs of the owners' association and the timeshare plan. At least 30 days before applying to the circuit court, the timeshare owner shall mail to the owners' association and post in a conspicuous place on the timeshare property a notice describing the intended action. If a receiver is appointed, the owners' association shall be responsible as a common expense of the timeshare plan, for payment of the salary and expenses of the receiver, relating to the discharge of her or his duties and obligations as receiver, together with the receiver's court costs, and reasonable attorney's fees. The receiver shall have all powers and duties of a duly constituted board of administration and shall serve until discharged by the circuit court.

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

CS/HB 913

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 913	**COMPANION BILL:** CS/SB 1742 (Bradley)
TITLE: Condominium Associations	**LINKED BILLS:** None
SPONSOR(S): Lopez, V.	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism
18 Y, 0 N, As CS

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Commerce

SUMMARY

Effect of the Bill:

The bill:

- Prohibits Citizens Property Insurance Corporation from issuing or renewing a policy for a unit owner or a condominium association unless the association has completed a milestone inspection and a structural integrity reserve study (SIRS), if applicable;
- Provides that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured;
- Allows the board of directors of an association to levy special assessments and obtain loans to perform necessary maintenance, as required by the milestone inspection report and SIRS report, without the prior approval of the condominium association's membership;
- Provides that the members of a unit-owner-controlled association may approve, by majority vote, a secured line of credit up to a certain amount to meet the reserve funding schedule recommended by the SIRS report;
- Permits an association's reserve accounts to be pooled for two or more required components of the SIRS;
- Provides that it is a conflict of interest for any person who performs a SIRS or milestone inspection to provide services for the repair of the condominium property that was the subject of such SIRS or milestone inspection, or to have a financial interest in the person or entity providing the repairs; and
- Requires DBPR to initiate certain rulemaking.

Fiscal or Economic Impact:

The bill has an indeterminate effect on state government and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Citizens Property Insurance Corporation

The bill prohibits Citizens Property Insurance Corporation from issuing or renewing an insurance policy for a condominium unit owner or a condominium association ***unless*** the condominium association has complied with the requirements in s. 553.899, F.S., relating to milestone inspections, and 718.112(2)(g), F.S., relating to structural integrity reserve studies (SIRS). (Section 1.)

Amendment to Association Declaration

The bill provides that the declaration of a nonresidential condominium formed after July 1, 2025, may be amended to change the configuration or size of a unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium, ***if*** the record owners of all affected units and all

record owners of liens on the affected units join in the execution of the amendment. The approval of the owners of nonaffected units is not required under the bill. (Section 2.)

Insurance Coverage for Associations

The bill clarifies that every condominium association must provide adequate property insurance, as determined under paragraph (11)(a) of s. 718.111, F.S., regardless of any requirement in the declaration of condominium for different coverage for the association. (Section 3.)

Further, the bill provides that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or update of a previous appraisal. The bill requires that the replacement cost of property covered must be determined every 3 years, at a minimum. (Section 3.)

Board of Administration Meetings

The bill clarifies that, at least four times each year, the meeting agenda for an association's board meeting must include an opportunity for members to ask questions of the board, ***including questions relating to the status of any construction or repair projects, the status of all revenue and expenditures during the current fiscal year, and any other issues affecting the condominium***. (Section 5.)

Pursuant to the above changes, the bill clarifies that the association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements ***and questions***. (Section 5.)

Additionally, the bill requires an association to post on its website the adopted minutes of all meetings of the association, the board of administration, and the unit owners over the preceding 7 years. This requirement, however, does not go into effect until January 1, 2025. (Section 4.)

Annual Budgets

For an annual budget adopted on or before December 31, 2027, the bill authorizes the members of a unit-owner-controlled association to approve, by a majority vote of the total voting interests of the association, the provision of a secured line of credit for up to 35 percent of the amount of the reserves required to meet the reserve funding schedule recommended by a SIRS with respect to items with an estimated remaining useful life of greater than 10 years. (Section 5.)

Structural Integrity Reserve Studies

The bill provides that it is a conflict of interest for any person who performs a SIRS or a milestone inspection to:

- Provide services for the repair or replacement of the condominium property that was the subject of such milestone inspection or SIRS, or
- To have a financial interest in the entity or person providing the repair or replacement services. (Section 5.)

The bill clarifies that four-family dwelling units are exempt from the SIRS requirements, similar to such units' exemption from the milestone inspection requirements. (Section 5.)

Additionally, the bill requires the Department of Business and Professional Regulation, by October 1, 2025, to initiate rulemaking to establish criteria for determining the estimated useful life of the building components that are subject to SIRS. (Section 5.)

The bill authorizes an association's reserve accounts for two or more required components to be pooled. The bill requires that the reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool, based on the most recent SIRS. (Section 5.)

The bill allows a board of an association to pause contributions to its reserves, without obtaining the prior approval of a majority of its members, if a local building official determines that a condominium building is uninhabitable due to a natural emergency.[1] (Section 5.)

Recall of Board Members

The bill significantly revises provisions relating to recalls of board members. Under the bill, a voting interest of the condominium may not be suspended when voting to recall a member of the board, and any prior suspension of voting rights pursuant to s. 718.303(5), F.S., has no effect on a recall vote. (Section 5.)

The bill also requires that a proposed recall agreement or a copy thereof must be served on the association by registered mail or in the manner authorized by ch. 48, F.S., and the Florida Rules of Civil Procedure (FRCP).[2] Methods of service that are not authorized by ch. 48, F.S., and FRCP are invalid and any service that does not comply with ch. 48, F.S., and FRCP is void. (Section 5.)

Under the bill, the rejection of a unit owner's recall agreement applies when the recall agreement:

- Was improperly served;
- Was executed by a person who was not a unit's record owner or designated voter;
- Was previously marked for the removal of any board member;
- Does not contain any markings that indicate the selection by a unit owner to either remove or retain a board member; or
- Does not contain the signature of the unit owner. (Section 5.)

The bill creates a rebuttable presumption that a unit owner executing a recall agreement is the designated voter for the unit. Additionally, the bill prohibits an association from enforcing a voting certificate requirement if the association has not enforced such requirement in all matters requiring the use of voting certificates in the year immediately preceding service of the recall agreement. (Section 5.)

Further, the bill requires that the rescission or revocation of a unit owner's recall agreement must be in writing and delivered to the association before the association is served with the written recall agreement. The bill requires these provisions be liberally construed to:

- Ensure a unit owner is not disenfranchised by an association in a recall; and
- Prevent an association from failing to certify a recall agreement on a technical omission which is not a part in the discharge of the unit owner's voting rights. (Section 5.)

Director or Officer Delinquencies

The bill clarifies due dates for purposes of director or officer delinquencies. A director or an officer is delinquent if a payment is not made by the due date specifically identified in the association's governing documents. In the absence of a due date specified in the governing documents, the due date is the first day of the assessment period. (Section 5.)

Hurricane Protection

The bill clarifies that, ***unless otherwise provided in an association's declaration***, a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if the removal is necessary for the maintenance, repair, or replacement of other condominium property for which the association is responsible. (Section 6.)

Accordingly, the board must determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association ***if the declaration does not specify who is responsible for such costs***. (Section 6.)

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[1] Natural emergency means an emergency caused by a natural event, including, but not limited to, a hurricane, storm, flood, severe wave action, drought, or earthquake. S. 252.34(8), F.S.

[2] *See* Fla. Rules of Court Procedure, Ch. 1: Rules of Civil Procedure (Jan. 1, 2025), https://www-media.floridabar.org/uploads/2025/01/Civil-Procedure-Rules-01-01-25-Corrected-Opinion.pdf (last visited Mar. 9, 2025).

The bill removes the ability of an association to assess a unit owner if the association removes or reinstalls hurricane protection in instances where the removal or reinstallation of hurricane protection is the responsibility of a unit owner. (Section 6.)

Board's Authority to Levy Special Assessments and Obtain Loans

The bill makes the following legislative findings:

- In some circumstances, an association's governing documents restrict the authority of its board to levy special assessments or obtain loans without the prior approval of its membership, which may preclude the association from obtaining immediate funding to carry out its obligations to perform necessary maintenance, repair, or replacement of the condominium property, as required by the milestone inspection report and SIRS report, in order to protect the health and safety of unit owners and tenants.
- It is contrary to the public policy of this state to limit the ability of an association to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property, as required by the reports referenced above, in order to protect unit owners and tenants.
- It is in the public interest to authorize an association's board to meet its fiduciary duty and levy special assessments or obtain loans to fund necessary maintenance, repair, or replacement of the condominium property, as required by the reports referenced above, to protect unit owners and tenants. (Sections 3 and 7.)

Notwithstanding any provision to the contrary in an association's governing documents, the bill authorizes a board of an association to levy special assessments or obtain loans to perform necessary maintenance, repair, or replacement of condominium property, as required by the milestone inspection report and SIRS report, without the prior approval of the membership in order to protect the health and safety of unit owners and tenants. This authorization applies to all condominiums in existence on or after July 1, 2025, which are not subject to control of the developer, a bulk assignee, or a bulk buyer. (Sections 3 and 7.)

Termination of a Condominium

The bill clarifies that a condominium form of ownership may be terminated if the total estimated cost of construction, replacement, or repairs necessary to construct or replace the intended improvements (or restore the improvements to bring them into compliance with the most recent version of the Florida Building Code or to bring them into compliance with applicable laws or regulations) plus the combined estimated fair market value of the units in the condominium before commencement of the construction, replacement, or repairs, exceeds the combined estimated fair market value of the units in the condominium after completion of such construction, replacement, or repairs. However, if at least 50 percent of the total voting interests are owned by a bulk owner, the termination of the condominium unit because of economic waste requires the approval of at least 80 percent of all the voting interests in the condominium. (Section 8.)

Additionally, for optional terminations under s. 718.117, F.S., the bill:

- Clarifies that if 5 percent or more of the total voting interests of the condominium have rejected a plan of termination by a negative vote or by providing written objections, the plan of termination may not proceed and a subsequent plan of termination may not be considered for 24 months after the date of the rejection;
- Provides that the requirements of paragraph (3)(c) apply only to residential condominiums; and
- Clarifies that the termination must be approved by the Division of Florida Condominiums, Timeshares, and Mobile Homes (Division) only after a plan of termination receives the requisite approval from the unit owners. (Section 8.)

The bill also provides that, notwithstanding any provision in an association's declaration to the contrary, the association may amend the declaration of condominium for the purpose of incorporating the provisions of s. 718.117, F.S., by the lowest percentage of voting interests necessary to amend the declaration or as otherwise provided in the declaration, whichever is less. (Section 8.)

Alternative Dispute Resolution

If an election or recall dispute is arbitrated by the Division, the bill provides that the Division's decision is binding on all parties to the arbitration, with certain exceptions. The bill clarifies that for all other disputes, the arbitration decision is binding on all parties only if the parties agree in writing to be so bound. (Section 9.)

Under the bill, if a challenge to an election or recall dispute is filed in circuit court, the challenge must be brought as a summary proceeding.[3] The bill allows the party filing the action to request the court to issue a temporary injunction to stay an upcoming election while the action is pending. The court must then set an immediate hearing when an action is filed pursuant to these provisions. (Section 9.)

Additionally, the bill:

- Allows the court to limit the time for taking testimony and the proximity of the date on which a succeeding election is scheduled, if applicable;
- Requires that an action filed pursuant to these provisions must be tried without a jury; and
- Provides that the prevailing party in an action filed pursuant to these provisions is entitled to recover reasonable attorney fees and costs. (Section 9.)

The bill also provides that a unit owner, recall representative, or an association may remove a petition for arbitration for an election or a recall dispute within 10 days after service of such petition by filing a notice of removal and complaint in the circuit court for the county in which the association is located. Failure to timely file such notice and complaint bars the parties from seeking a new trial or otherwise filing an action in circuit court. The bill provides requirements for filing the notice and complaint and the procedures to follow thereafter. (Section 9.)

Lastly, the bill provides that if the Division or a court in Florida renders a judgement against an association and in favor of the unit owner, the Division or court must order the association to pay all costs incurred by the unit owner in the action and the unit owner's reasonable attorney fees. Costs and attorney fees may not be recovered in any action involving the recall of directors except as provided in the bill's provisions relating thereto or if awarded as a sanction under s. 57.105, F.S.[4] (Section 9.)

Electronic Voting

The bill removes the requirement that a written notice of a meeting, at which a particular resolution will be considered, must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before such meeting. The bill also removes the related requirement that evidence of compliance with the 14-day notice must be made by an affidavit executed by the person providing the notice and filed with the official records of the association (Section 10.)

The bill creates an alternative method for an association to use electronic voting, in addition to the methods already allowed in s. 718.128, F.S. Under the bill, if at least 25 percent of the voting interests of a condominium petition the board to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt that resolution. As a prerequisite, the bill requires that the board receive such petition within 180 days after the date of the last scheduled annual meeting. (Section 10.)

Additionally, the bill:

- Requires an association to designate an email address for receipt of electronically submitted ballots, unless the association has adopted electronic voting in accordance with the other provisions of s. 718.128, F.S.;
- Allows a unit owner to electronically transmit a ballot to the email address designated by his or her association without complying with s. 718.112(2)(d)2., F.S., or the rules providing for the secrecy of ballots adopted by the Division;
- Requires an association to count completed ballots that are electronically transmitted to the designated email address, provided the completed ballot is valid under the bill's provisions;

[3] S. 51.011, F.S.

[4] S. 57.105, F.S. contain Florida's Rules of Civil Procedure relating to attorney's fees, sanctions for unsupported claims or defenses, certain exceptions, the service of motions, and damages for delay of litigation.

- Requires a unit owner to transmit his or her ballot to the email address designated by his or her association no later than the scheduled date and time of the meeting during which the matter is being voted on; and
- Creates a rebuttable presumption that an association has reviewed all folders associated with the email address designated by the association to receive ballots if a board member, an officer, an agent of the association, or a licensed community association manager[5] provides a sworn affidavit attesting to such review. (Section 10.)

Under the bill, a ballot that is electronically transmitted must include all of the following:

- A space for the unit owner to type in his or her unit number;
- A space for the unit owner to type in his or her first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot; and
- The following statement in capitalized letters and in a font size larger than any other font size used in the email from the association to the unit owners:

> WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH EMAIL TO THE ASSOCIATION, YOU WAIVE YOUR SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON. (Section 10.)

Insured Warranty Programs

The bill clarifies that nonresidential condominiums, not just residential condominiums, may be covered by an insured warranty program that is underwritten by a licensed insurance company registered in Florida, provided that the warranty program meets the minimum requirements. (Section 11.)

Transfer of Association Control

The bill provides that, beginning July 1, 2025, certain provisions relating to transfers of control do not apply to nonresidential condominiums that are comprised of 10 or fewer units, so that unit owners of such condominiums, other than the developer, will be entitled to elect at least a majority of the members of the board upon the first to occur of the following events:

- Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;
- When the developer files a petition seeking protection in bankruptcy; or
- When a receiver for the developer is appointed by a circuit court and is not discharged within 30 days after such appointment, unless the court determines within 30 days after appointment of the receiver that transfer of control would be detrimental to the association or its members. (Section 12.)

Agreements Entered into By the Association

The bill amends provisions relating to agreements entered into by an association to incorporate nonresidential condominiums consisting of 10 or fewer units. The bill provides that a grant, reservation, or contract may be cancelled by unit owners (other than the developer) as follows:

- If the association operates only one condominium and the unit owners (other than the developer) own at least 75 percent of the voting interests in the condominium, ***or 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units***, the cancellation must be by concurrence of the owners of at least 75 percent of the voting interests (other than the voting interests owned by the developer).
- If the association operates more than one condominium and the unit owners (other than the developer) have not assumed control of the association, and if unit owners (other than the developer) own at least 75 percent of the voting interests in the condominiums operated by the association or, ***beginning July 1,***

[5] Part VIII of ch. 468, F.S., governs the licensure and regulation of community association managers and community association management firms in the state. *See* s. 468.432, F.S. and s. 468.433, F.S.

2025, 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, any grant, reservation, or contract for maintenance, management, or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium may be cancelled by concurrence of the owners of at least 75 percent, or ***90 percent if the condominium is a nonresidential condominium consisting of 10 or fewer units***, of the voting interests in the condominium (other than the voting interests owned by the developer). (Section 13.)

Condominiums Created Within a Portion of a Building

The bill clarifies that a condominium association created within a portion of a building under s. 718.407, F.S., may inspect and copy the books and records upon which the costs for maintaining and operating any shared facilities are based, and ***must*** receive an annual budget with respect to such costs. (Section 14.)

Additionally, the bill requires that, within 60 days after the end of each fiscal year, a complete financial report of all costs for maintaining and operating the shared facilities must be provided to the association. This report must include copies of all receipts and invoices. The bill allows the association to challenge any apportionment of costs for the maintenance and operation of the shared facilities, provided that the challenge is made within 60 days after receipt of the financial report. A challenge under this provision will be governed by homeowners' associations dispute provisions.[6] (Section 14.)

Developer and Non-Developer Disclosures

The bill makes clarifying and conforming changes to required disclosures for developers and non-developers prior to the sale of a residential condominium unit. (Section 15.)

Section 31 of Ch. 2024-244, Laws of Fla.

The bill clarifies that certain amendments that were made to the Act in 2024[7] do not revive, reinstate, or retroactively apply to any right or interest in a matter pending adjudication before October 1, 2024. Effectively, the bill reopens the matters that were pending adjudication before October 1, 2024, that were closed by the 2024 legislation. (Section 16.)

The effective date of the bill (other than Section 4, which has an effective date of January 1, 2026) is July 1, 2025. (Section 17.)

RULEMAKING:

The bill requires the Department of Business and Professional Regulation, by October 1, 2025, to initiate rulemaking to establish criteria for determining the estimated useful life of the building components that are subject to SIRS.

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.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill has an indeterminate impact on state government. Under the bill, Citizens Property Insurance Corporation (Citizens) is prohibited from issuing policies to condominium associations or unit owners that have failed to comply with the milestone inspection and SIRS requirements. This will have an indeterminate positive impact on Citizens, as Citizens will no longer have to insure condominium associations or unit owners that do not have the necessary reserve funds to undertake appropriate repairs, replacements, or maintenance.

[6] S. 710.311, F.S., contain the provisions in Florida's Homeowners' Association Act that govern dispute resolutions.
[7] S. 31 of ch. 2024-244, Laws of Fla.

PRIVATE SECTOR:

The bill has an indeterminate impact on the private sector. Under the bill, Citizens is prohibited from issuing policies to condominiums or unit owners who do not complete a milestone inspection or SIRS. Because Citizens provides property insurance to those that are unable to find insurance coverage in the private market, the condominium associations and unit owners of associations that do not complete a milestone inspection or SIRS will likely not be able to find property insurance coverage elsewhere. In the event of a natural disaster, those condominiums could be significantly damaged and not have any recourse for repairing or rebuilding, which could cause some unit owners to lose their homes.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Division of Florida Condominiums, Timeshares, and Mobile Homes

The Division of Florida Condominiums, Timeshares, and Mobile Homes (Division), within the Department of Business and Professional Regulation (DBPR), provides consumer protection for Florida residents living in certain communities through education, complaint resolution, mediation, and arbitration.[8]

The Division has regulatory authority over the following business entities and individuals:

- Condominium associations;
- Cooperative associations;
- Mobile home parks;
- Timeshares; and
- Yacht and ship brokers and salespersons.[9]

Citizens Property Insurance Corporation

Citizens was created by the Florida Legislature in August 2002 as a non-profit, tax-exempt, government entity to provide property insurance to eligible Florida property owners unable to find insurance coverage in the private market.[10] Citizens is funded by policyholder premiums; however, Florida law also requires that Citizens levy assessments on most Florida policyholders if it experiences a deficit in the wake of a particularly devastating storm or series of storms.[11]

Citizens operates according to statutory requirements established by the Florida Legislature and is governed by a board of governors.[12] The board administers a Plan of Operation approved by the Florida Financial Services Commission, an oversight panel made up of the Governor, Chief Financial Officer, Attorney General and Commissioner of Agriculture.[13]

Structural Integrity Reserve Studies

A reserve study is a budget-planning tool for condominium associations. Generally, a reserve study consists of the following two parts: physical analysis and financial analysis.[14]

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[8] Department of Business and Professional Regulation, *Department Divisions & Offices: Division of Florida Condominiums, Timeshares, and Mobile Homes*, https://www2.myfloridalicense.com/about-us/department-divisions? (last visited February 4, 2025).

[9] Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes – Statutes & Rules*, https://www2.myfloridalicense.com/condominiums-and-cooperatives/division-of-condominiums-timeshares-and-mobile-homes-statutes-rules/ (last visited February 4, 2025).

[10] Citizens Property Insurance Corporation, *About Citizens*, https://www.citizensfla.com/who-we-are (last visited Mar. 7, 2025).

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] Cedar Management Group, *HOA Reserve Study: Why Does Your Community Need It?*, https://cedarmanagementgroup.com/hoa-reserve-study-community/#what (last visited Mar. 5, 2025); Kevin Leonard and

Under Florida law, "structural integrity reserve study" (SIRS) means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A SIRS may be performed by any person qualified to perform such study. However, the visual inspection portion of the SIRS must be performed or verified by a:[15]

- Licensed engineer;
- Licensed architect; or
- person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts (CAIAPRA).

At a minimum, a SIRS must:[16]

- Identify each item of the condominium property being visually inspected;
- State the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected; and
- Provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item.

The SIRS may recommend for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined or with an estimated remaining useful life of greater than 25 years:[17]

- That reserves do not need to be maintained; or
- A deferred maintenance expense amount for such item.

A condominium or cooperative must have a SIRS completed at least every 10 years after the condominium's or cooperative's creation for each building on the condominium or cooperative property that is three stories or higher in height which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:[18]

- Roof.
- Structure, including load-bearing walls and other primary structural members and primary structural systems.
- Fireproofing and fire protection systems.
- Plumbing.
- Electrical systems.
- Waterproofing and exterior painting.
- Windows and exterior doors.
- Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to replace or maintain such item negatively affects the items listed above as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.

The SIRS requirements do not apply to:[19]

- Buildings less than three stories in height;
- Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground;
- Any portion or component of a building that has not been submitted to the condominium form of ownership; or
- Any portion or component of a building that is maintained by a party other than the association.

Robert Nordlund, Understanding Reserves: A guide to your association's reserve fund & reserve study, 26-29 (1st ed. 2021); Community Associations Institute, *National Reserve Study Standards*, https://www.reservestudy.com/wp-content/uploads/2019/01/NRSS-998-CAI-version-updated-2016.pdf (last visited Mar. 5, 2025).

[15] S. 718.112(2)(g)2., F.S.

[16] S. 718.112(2)(g)3., F.S.

[17] *Id*.

[18] S. 718.112(2)(g)1., F.S.

[19] S. 718.112(2)(g)4., F.S.

Condominium or cooperative associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a SIRS completed by December 31, 2024, for each building on the condominium or cooperative property that is three stories or higher in height. However, an association that is required to complete a milestone inspection on or before December 31, 2026, may complete the SIRS simultaneously with the milestone inspection. In no event may the SIRS be completed after December 31, 2026.[20]

If a condominium or cooperative association willfully and knowingly fails to complete a SIRS, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners.[21]

Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report for each building on the condominium or cooperative property that is three stories or higher in height.[22]

Reserves

Every condominium and cooperative association must have a budget that sets forth the proposed expenditure of funds for the maintenance, management, and operation of the association. The budget is adopted for a 12-month period reflecting an association's fiscal year, and it must provide a detailed listing of the estimated revenues and expenses that the association reasonably projects for the coming fiscal year. The annual budget is made up of two parts, the part covering the regular operations of the association and the part covering the cost for capital expenses and deferred maintenance (reserves).[23]

Reserves are funds that are set aside for capital expenses and deferred maintenance. Reserves provide funds for major capital repairs or replacements that are needed intermittently such as replacing a roof. The reserves are designed to ensure that an association will have the funds when the repairs are needed and will not have to do a large special assessment.[24]

The amount of funds that must be placed in reserve is determined by the condominium or cooperative association's most recent SIRS. If the amount to be reserved for an item is not in the association's most recent SIRS or the association has not completed a SIRS, then the association may use the traditional formula or alternative formula to determine the amount of funds to reserve.

Current law also requires associations to have and fund reserve accounts for roof replacement, building painting, pavement resurfacing, and any item for which the deferred maintenance expense or replacement cost is greater than $10,000.[25] There are two methods of calculating these reserves.

The first is the traditional formula, and the second is the alternative formula. The traditional formula takes into account the estimated deferred maintenance or capital expenditure amount, estimated fund balance, and number of years remaining until deferred maintenance or a capital expenditure is needed.[26]

The alternative formula allows associations to maintain a pooled account for multiple reserve assets that are similar or related.

Waiver of Reserves

For a budget adopted on or after December 1, 2024, a unit-owner controlled association that must obtain a SIRS may not waive collecting reserves or collect less reserve funds than required for items that are required to be inspected in a SIRS for an association building that is three stories or higher in height. These items are included in

[20] S. 718.112(2)(g)6., F.S.
[21] S. 718.112(2)(g)8., F.S.
[22] S. 718.112(2)(g)5., F.S.
[23] S. 718.112(2)(f), F.S.
[24] *Id.*
[25] *Id.,* Rule 61B-76.005(1), F.A.C.
[26] *Id.*; Rules 61B-22.005(3), and 61B-76.005(1), F.A.C.

the list provided in s. 718.112(2)(g), F.S., related to structural components. In addition, unit-owner controlled associations may not use such reserve funds for purposes other than their intended purpose. Associations operating a multicondominium may provide no reserves or less reserves than required by the SIRS if such multicondominium uses an alternative funding method[27] approved by the Division. This is not applicable to cooperatives.

For reserves for non-SIRS items, unit owner-controlled associations may waive funding reserves for capital expenditures and deferred maintenance or provide funds that are less than the required amount by a majority of the voting interests present at a properly called meeting. The waiver of reserves by the membership is only for the current year, and a separate vote must be taken each year to waive the reserves or fund less than the required amount.[28]

Additionally, under current law, if a local building official[29] determines that an entire condominium is uninhabitable due to a natural emergency, the board, upon the approval of a majority of its members, may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable.[30]

Milestone Inspections

Residential condominium buildings that are three or four stories or more in height, as determined by the Florida Building Code, are required to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency will provide written notice of the required inspection to the association.[31] This requirement does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.[32]

Amendment to Association Declaration

Unless otherwise provided in the declaration as originally recorded, the Act currently prohibits an amendment to the declaration from changing the configuration or size of any unit in any material fashion, materially altering or modifying the appurtenances to the unit, or changing the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium, ***unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment***.[33]

Subsection (14) of s. 718.110, F.S., provides that, except for those portions of the common elements designed and intended to be used by all unit owners, a portion of the common elements serving only one unit or a group of units may be reclassified as a limited common element upon the vote required to amend the declaration as provided

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[27] "Alternative funding method" is defined as "a method approved by the Division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget."
[28] S. 718.112(2)(f), F.S.; Rule 61B-22.005(8), F.A.C.
[29] "Building official" means any of those employees 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. S. 468.603(2), F.S.
[30] S. 718.112(2)(f)2.a., F.S.
[31] S. 553.899(3), F.S.
[32] S. 553.899(4), F.S.
[33] S. 718.110(4), F.S.

therein or as required under paragraph (1)(a) of s. 718.110, F.S., and is not be considered an amendment to a declaration.[34]

Insurance Coverage for Associations

In order to protect the safety, health, and welfare of the people of the state and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, subsection (11) of s. 718.111, F.S., applies to every residential condominium in the state, regardless of the date of its declaration of condominium.[35] It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in that subsection.[36]

Currently, the Act requires that adequate property insurance, regardless of any requirement in the declaration of condominium for coverage by the association for full insurable value, replacement cost, or similar coverage, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal.[37] Further, the replacement cost must be determined at least once every 36 months.[38]

Board of Administration Meetings

Currently, the Act requires that a board of a residential condominium association of more than 10 units must meet at least once each quarter.[39] Additionally, at least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board.[40] Meetings of the board of administration at which a quorum of the members are present are open to all unit owners.[41]

The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items, and the right to ask questions relating to:

- reports on the status of construction or repair projects,
- the status of revenues and expenditures during the current fiscal year, and
- other issues affecting the condominium.[42]

The Act authorizes associations subject to the above requirements to adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.[43]

Requirement to Post Certain Information on Association's Website

Beginning January 1, 2026, an association managing a condominium with 25 or more units that does not contain timeshare units must post copies of specified documents on its website, or make such documents available through an application that can be downloaded on a mobile device.[44] The specified documents include, but are not limited to, the association's articles of incorporation, declaration, bylaws, and rules.[45]

Director or Officer Delinquencies

A director or officer more than 90 days delinquent in the payment of any monetary obligation due to the association is deemed to have abandoned the office, which creates a vacancy in the office to be filled according to the Act.[46]

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[34] S. 710.110(14), F.S.
[35] S. 718.111(11), F.S.
[36] *Id.*
[37] S. 718.111(11)(a), F.S.
[38] *Id.*
[39] S. 718.112(2)(c), F.S.
[40] *Id.*
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] *See* s. 8 of ch. 2024-244, Laws of Fla., which amends s. 718.111(12)(g), F.S., effective January 1, 2026.
[45] *Id.*
[46] S. 718.112(2)(p), F.S.

Hurricane Protection

To protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, all residential and mixed-use condominiums in the state must comply with the Act's requirements for those hurricane protections.[47]

Specifically, each board of a residential or mixed-use condominium in the state must adopt hurricane protection specifications for each building within each condominium operated by the association.[48] All specifications adopted by a board must comply with the applicable building code.[49] Further, the board may, with the approval of a majority of voting interests of the condominium, install or require that unit owners install hurricane protection that complies with or exceeds the applicable building code.[50]

Under current law, a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other property for which the association is responsible.[51]

However, the board must still determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association.[52] If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner.[53] Currently, if such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.[54]

Board's Authority to Levy Assessments

Prior to levying any special assessment, the special assessment must be approved in accordance with the condominium association's governing documents.[55] The specific purpose of the special assessment must be set forth in a written notice of the assessment that is sent or delivered to each unit owner.[56]

Further, the funds collected pursuant to a special assessment must be used only for the specific purpose set forth in the notice.[57] However, upon completion of such specific purpose, any excess funds will be considered common surplus, and may, at the discretion of the board, either be returned to the unit owners or applied as a credit toward future special assessments.[58]

Written notice of a meeting at which a nonemergency special assessment[59] or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting.[60] Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.[61]

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[47] S. 718.113(5), F.S.
[48] *Id.*
[49] *Id.*
[50] *Id.*
[51] *Id.*
[52] *Id.*
[53] *Id.*
[54] *Id.*
[55] S. 718.116(10), F.S.
[56] *Id.*
[57] *Id.*
[58] *Id.*
[59] Regardless of any provision to the contrary and even if such authority does not specifically appear in an association's governing documents, a board of an association may, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), F.S., for which a state of emergency is declared in the locale in which the condominium is located, levy special assessments without a vote of the owners. S. 718.1265(1)(l), F.S.
[60] S. 718.112(2)(c)1., F.S.
[61] *Id.*

Notice of any meeting in which special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments.[62]

Certain Defined Terms in the Act

"Developer" means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include:

- An owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy;
- A cooperative association that creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners are the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion;
- A bulk assignee or bulk buyer, as defined below; or
- A state, county, or municipal entity acting as a lessor and not otherwise named as a developer in the declaration of condominium.[63]

"Bulk assignee" means a person who is not a bulk buyer and who:

- Acquires more than seven condominium parcels in a single condominium as set forth in s. 718.707, F.S.; and
- Receives an assignment of any of the developer rights, other than or in addition to the rights that may be received by a bulk buyer, as set forth in the declaration of condominium or this chapter:
    - By a written instrument recorded as part of or as an exhibit to the deed;
    - By a separate instrument recorded in the public records of the county in which the condominium is located; or
    - Pursuant to a final judgment or certificate of title issued in favor of a purchaser at a foreclosure sale.[64]

"Bulk buyer" means a person who acquires more than seven condominium parcels in a single condominium as set forth in s. 718.707, F.S., but who does not receive an assignment of any developer rights, or receives only some or all of the following rights:

- The right to conduct sales, leasing, and marketing activities within the condominium;
- The right to be exempt from the payment of working capital contributions to the condominium association arising out of, or in connection with, the bulk buyer's acquisition of the units; and
- The right to be exempt from any rights of first refusal which may be held by the condominium association and would otherwise be applicable to subsequent transfers of title from the bulk buyer to a third-party purchaser concerning one or more units.[65]

Termination of a Condominium

Under the Act, it is against public policy in the state to require condominium operations to continue when doing so constitutes economic waste or is made impossible by law or regulation.[66] Further, the Act provides that it is in the best interest of the state to provide for termination of a condominium in certain circumstances in order to protect residents from health and safety hazards created by derelict, damaged, obsolete, or abandoned condominium properties.[67]

There are two primary grounds for termination, each governed by its own requirements.

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[62] S. 718.112(2)(c)3., F.S.
[63] S. 718.103(17), F.S.
[64] S. 718.703(1), F.S.
[65] S. 718.703(2), F.S.
[66] S. 718.117(1)(c), F.S.
[67] S. 718.117(1)(d), F.S.

First, a condominium may be terminated where there is economic waste or impossibility by a plan of termination approved by the lowest percentage of voting interests necessary to amend the condominium's declaration or as otherwise provided in the declaration for approval of termination.[68] A condominium may be terminated for "economic waste" if the total cost of construction or repairs necessary to construct the improvements or restore the improvements to their former condition or bring them into compliance with applicable laws or regulations exceeds the combined fair market value of the units in the condominium.[69] A condominium may be terminated for "impossibility" if it becomes impossible to operate or reconstruct a condominium to its prior physical configuration because of land use laws or regulations.[70]

Second, a condominium may be terminated at the discretion of the owners.[71] Referred to as "optional termination," a condominium may be terminated if the termination is approved by at least 80 percent of the total voting interests of the condominium and no more than five percent of the total voting interests of the condominium reject the termination.[72] The Division must confirm that the termination plan complies with the statutory requirements. If five percent or more of the total voting interests reject a plan of termination, another plan of optional termination may not be considered for 24 months after the date of rejection.[73]

Unless the declaration expressly provides for the allocation of the proceeds of sale of condominium property, the plan of termination may require separate valuations for the common elements.[74] However, in the absence of such provision, it is presumed that the common elements have no independent value, and that their value is incorporated into the valuation of the units.[75]

The plan must identify the termination trustee, usually the association,[76] and state the individual interests of each unit owner in the proceeds from the liquidation of the assets of the condominium upon its termination.[77] A copy of the plan must be provided to every unit owner at least 14 days before the meeting to approve the plan.[78]

Once the plan has been approved, it must be sent to every unit owner within 30 days of recording the plan with the clerk of court and to the Division within 90 days of recording the plan.[79]

Alternative Dispute Resolution

There is an alternative dispute resolution process under the Act for certain disputes between unit owners and condominium associations. Before initiating court litigation, a party to certain disputes must either petition the Division for nonbinding arbitration or initiate pre-suit mediation.[80] Alternative dispute resolution offers a more efficient, cost-effective option to court litigation, but alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.[81]

Alternative dispute resolution is required for any disagreement between two or more parties that involves:

- The authority of the board of directors to require an owner to take any action, or not to take any action, involving that owner's unit or the appurtenance thereto and the authority of the board of directors to alter or add to common areas or elements;

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[68] S. 718.117(2)(a), F.S.
[69] S. 718.117(2)(a)1., F.S.
[70] S. 718.117(2)(a)2., F.S.
[71] S. 718.117(3), F.S.
[72] *Id.*
[73] S. 718.117(3)(a)2., F.S.
[74] S. 718.117(12)(a), F.S.
[75] *Id.*
[76] The association serves as termination trustee unless another person is appointed in the plan of termination. If the association is unable, unwilling, or fails to act as trustee, any unit owner may petition the court to appoint a trustee. S. 718.117(13), F.S.
[77] S. 718.117(10)(c), F.S.
[78] S. 718.117(9), F.S.
[79] S. 718.117(15), F.S.
[80] S. 718.1255(4)(a), F.S.
[81] S. 718.1255(3)(b), F.S.

- The board of directors' failure to:
    - Properly conduct elections;
    - Give adequate notice of meetings or other actions;
    - Properly conduct meetings;
    - Provide access to association books and records; and
- A plan of termination.[82]

The Division does not have jurisdiction to arbitrate or mediate disputes that primarily involve:

- Title to any unit or common element;
- The interpretation or enforcement of any warranty;
- The levy of a fee or assessment, or the collection of an assessment levied against a party;
- The eviction or other removal of a tenant from a unit;
- Alleged breaches of fiduciary duty by one or more directors; or
- Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.[83]

Recall and election disputes in condominium, cooperative, and homeowners' associations are not eligible for pre-suit mediation and must be arbitrated by the Division or filed directly with a court of competent jurisdiction.[84]

Arbitration is binding on the parties if all parties in arbitration agree to be bound in a writing filed in the arbitration,[85] or if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days after the arbitration decision is rendered.[86]

The filing fee for a petition to the Division to initiate nonbinding arbitration or pre-suit mediation is $50.[87] The Division employs full-time arbitrators and may certify private attorneys to conduct mandatory nonbinding arbitration.

The Act also encourages parties to a condominium dispute to participate in voluntary mediation through a Citizen Dispute Settlement Center.[88,89]

Electronic Voting

The Act provides that an association may conduct elections and other unit owner votes through an internet-based online voting system if a unit owner consents, electronically or in writing, to online voting.[90] If the association uses the internet-based voting system, the association must also provide each unit owner with:

- A method to authenticate the unit owner's identity to the online voting system;
- For elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot; and
- A method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.[91]

Further, the association must use an online voting system that is:

- Able to authenticate the unit owner's identity;

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[82] S. 718.1255(1)(a)–(c), F.S.
[83] S. 718.1255(1), F.S.
[84] S. 718.1255(5), F.S.
[85] S. 718.1255(4)(a), F.S.
[86] S. 718.1255(4)(k), F.S.
[87] S. 718.1255(4)(a), F.S.
[88] Under Florida law, the chief judge of a judicial circuit, after consultation with the board of county commissioners of a county or with two or more boards of county commissioners of counties within the judicial circuit, may establish a Citizen Dispute Settlement Center for such county or counties, with the approval of the Chief Justice. S. 44.201(1), F.S.
[89] S. 718.1255(2), F.S.
[90] S. 718.128, F.S.
[91] S. 718.128(1), F.S.

- Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit;
- Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote;
- For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner; and
- Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.[92]

Under the Act, a unit owner that votes electronically pursuant to the provisions above must be counted as being in attendance at the meeting for purposes of determining a quorum.[93] When a quorum is established based on unit owners voting electronically, a substantive vote of the unit owners may not be taken on any issue other than the issues specifically identified in the electronic vote.[94]

Insured Warranty Programs

Currently, the Act allows ***residential*** condominiums to be covered by an insured warranty program that is underwritten by a licensed insurance company registered in Florida, provided that such warranty program meets the minimum requirements of the Act.[95] To the extent that the warranty does not meet the minimum requirements of the Act, the minimum requirements apply.[96]

Transfer of Association Control

Under the Act, if unit owners other than the developer own 15 percent or more of the units in a condominium that will ultimately be operated by an association, the unit owners other than the developer are entitled to elect at least one-third of the members of the association's board of administration.[97]

Additionally, upon the first to occur of the events described in paragraphs (a) through (g) below, unit owners (other than the developer) are entitled to elect at least a majority of the members of the association's board:

(a) Three years after 50 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;
(b) Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;
(c) When all the units that will ultimately be operated by the association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;
(d) When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business;
(e) When the developer files a petition seeking protection in bankruptcy;
(f) When a receiver for the developer is appointed by a circuit court and is not discharged within 30 days after such appointment, unless the court determines within 30 days after appointment of the receiver that transfer of control would be detrimental to the association or its members; or
(g) Seven years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e), F.S., or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first.[98,99]

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[92] S. 718.128(2), F.S.
[93] S. 718.128(3), F.S.
[94] *Id.*
[95] S. 718.203(7), F.S.
[96] *Id.*
[97] S. 718.301(1), F.S.
[98] For cases that involve an association that may ultimately operate more than one condominium, or cases that involve an association operating a phrase condominium created pursuant to s. 718.403, F.S., *see* s. 718.301(1)(g), F.S.
[99] S. 718.301(1)(a)–(g), F.S.

Agreements Entered into By the Association

The Act requires that any grant or reservation made by a declaration, lease, or other document, and any contract made by an association prior to assumption of control of the association by the unit owners (other than the developer), that provides for operation, maintenance, or management of an association or property serving the unit owners, must be fair and reasonable.[100]

Such grant, reservation, or contract may be canceled by unit owners (other than the developer) in the following manner:

- If the association operates only one condominium and the unit owners (other than the developer) ***have assumed control*** of the association, or if unit owners (other than the developer) own not less than 75 percent of the voting interests in the condominium, the cancellation must be by concurrence of the owners of not less than 75 percent of the voting interests other than the voting interests owned by the developer.[101]
- If the association operates more than one condominium and the unit owners (other than the developer) ***have not assumed control*** of the association, and if unit owners other than the developer own at least 75 percent of the voting interests in a condominium operated by the association, any grant, reservation, or contract for maintenance, management, or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium may be canceled by concurrence of the owners of at least 75 percent of the voting interests in the condominium other than the voting interests owned by the developer.[102]

Further, if an association operates more than one condominium and its unit owners (other than the developer) have assumed control of the association, the cancellation must be by concurrence of the owners of not less than 75 percent of the total number of voting interests in all condominiums operated by the association (other than the voting interests owned by the developer).[103]

Condominiums Created Within a Portion of a Building

Under the Act, a condominium may be created within a portion of a building or within a multiple parcel building.[104,105] The common elements of a condominium created as such are only those portions of the building that are submitted to the condominium form of ownership, excluding the units of that condominium.[106]

The declaration that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, and any other recorded instrument applicable to s. 718.407, F.S., must specify all of the following:

- The portions of the building which are included in the condominium and the portions that are excluded.
- The party responsible for maintaining and operating those portions of the building which are shared

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[100] S. 718.302(1), F.S.

[101] If a grant, reservation, or contract is so canceled and the unit owners other than the developer have not assumed control of the association, the association shall make a new contract or otherwise provide for maintenance, management, or operation in lieu of the canceled obligation, at the direction of the owners of not less than a majority of the voting interests in the condominium other than the voting interests owned by the developer. S. 718.302(1)(a), F.S.

[102] No grant, reservation, or contract for maintenance, management, or operation of recreational areas or any other property serving more than one condominium, and operated by more than one association, may be canceled. However, if the owners of units in a condominium have the right to use property in common with owners of units in other condominiums and those condominiums are operated by more than one association, no grant, reservation, or contract for maintenance, management, or operation of the property serving more than one condominium may be canceled until unit owners other than the developer have assumed control of all of the associations operating the condominiums that are to be served by the recreational area or other property, after which cancellation may be effected by concurrence of the owners of not less than 75 percent of the total number of voting interests in those condominiums other than voting interests owned by the developer. Ss. 718.302(1)(a), and (d), F.S.

[103] S. 718.302(1)(c), F.S.

[104] A "multiple parcel building" is a building, other than a building consisting entirely of a single condominium, timeshare, or cooperative, which contains separate parcels that are vertically located, in whole or in part, on or over the same land. S. 193.0237(1)(a), F.S.

[105] S. 718.407(1), F.S.

[106] S. 718.407(2), F.S.

facilities, including, but not limited to, the roof, the exterior of the building, the windows, the balconies, the elevators, the building lobby, the corridors, the recreational amenities, and the utilities.
- The party responsible for collecting the shared expenses.
- The rights and remedies that are available to enforce payment of the shared expenses.[107]

Notably, the documents must also specify the manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned.[108] An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association, as applicable to the portion of the building submitted to the condominium form of ownership, must approve any increase to the apportionment of expenses to such portion of the building.[109]

The apportionment of the expenses for the maintenance and operation of the shared facilities may be based on any of the following criteria or any combination thereof:[110]
- The area or volume of each portion of the building in relation to the total area or volume of the entire building, exclusive of the shared facilities.
- The initial estimated market value of each portion of the building in comparison to the total initial estimated market value of the entire building.
- The extent to which the unit owners are permitted to use various shared facilities.[111]

Developer and Non-Developer Disclosures

The Act requires that developers[112] and non-developer unit owners make certain disclosures prior to the sale of a residential condominium unit.[113] Among the required disclosures for developers are the milestone inspection report, the turnover inspection report, and the SIRS report.[114] Likewise, if a condominium association is required to have any of the reports but has not completed them, the developer is required to disclose the non-compliance.[115]

A unit owner who is not a developer must also comply with the Act's disclosure requirements before the sale of his or her unit.[116] Each prospective purchaser who has entered into a contract for the purchase of a unit is entitled, at

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[107] Ss. 718.407(3)(a), (b), (d), and (e), F.S.
[108] S. 718.407(3)(c)1., F.S.
[109] *Id.*
[110] An alternative apportionment of expenses is not precluded under the Act as long as such apportionment is stated in the declaration of condominium, the recorded instrument that creates the multiple parcel building, or any other applicable recorded instrument. S. 718.407(3)(c)2., F.S.
[111] S. 718.407(3)(c)1.a.–c., F.S.
[112] "Developer" means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include:
(a) an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy;
(b) a cooperative association that creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners are the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion;
(c) a bulk assignee or bulk buyer as defined in s. 718.703, F.S., or
(d) a state, county, or municipal entity acting as a lessor and not otherwise named as a developer in the declaration of condominium. S. 718.103(17), F.S.
[113] *See* s. 718.503, F.S.
[114] S. 718.503(1)(d), F.S.
[115] *Id.*
[116] S. 718.503(2)(a), F.S.

the seller's expense, to a current copy of all of the following:

- The declaration of condominium;
- The articles of incorporation of the association;
- The bylaws and rules of the association;
- An annual financial statement and annual budget of the association;
- A copy of the inspector-prepared summary of the milestone inspection report, if applicable;
- The association's most recent SIRS or a statement that the association has not completed a SIRS;
- A copy of the inspection report for a turnover inspection performed on or after July 1, 2023; and
- The document entitled "Frequently Asked Questions and Answers" required by s. 718.504, F.S.[117]

Section 31 of Ch. 2024-244, Laws of Fla.

The amendments made to ss. 718.103(14), and 718.202(3), and s. 718.407(1), (2), and (6), F.S., F.S., which were made by s. 31 of ch. 2024-244, Laws of Fla., were intended to clarify existing law and were required to be applied retroactively. Currently, s. 31 of ch. 2024-244, Laws of Fla., provides that such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/CS/HB 1021	Lopez, V.	Bradley	The 2024 legislation for condominium and cooperative associations.
2023	CS/CS/HB 1395	Lopez, V.	Bradley	The 2023 legislation for condominium and cooperative associations.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	18 Y, 0 N, As CS	3/11/2025	Curtin	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	• Required an association to post on its website the adopted minutes of all meetings of the association for the preceding 7 years (This change will not go into effect until January 1, 2026.) • Allowed a board to pause contributions to its reserves, without obtaining the prior approval of a majority of its members, if a local building official determines that a condominium building is uninhabitable. • Clarified that certain amendments that were made to Florida's Condominium Act in 2024 do not retroactively apply to any right or interest in a matter pending adjudication before October 1, 2024.			
Commerce Committee			Hamon	Fletcher

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

[117] S. 718.503(2)(a)1.–8., F.S.

A bill to be entitled

An act relating to condominium associations; amending s. 627.351, F.S.; prohibiting Citizens Property Insurance Corporation from issuing or renewing insurance policies to unit owners or associations under certain circumstances; amending s. 718.110, F.S.; providing that the declaration of a nonresidential condominium may be amended to change certain provisions if all affected record owners join in the execution of such amendment; requiring certain documents to be served at a unit owner's address as reflected in the association's official records; amending s. 718.111, F.S.; requiring, rather than authorizing, an association to provide adequate insurance coverage; revising the requisite intent necessary for criminal penalties; requiring associations to maintain the most recent annual financial statement and annual budget on the condominium property; removing the requirement for an association to provide a unit owner specified notice that the most updated financial report will be provided to the unit owner upon request; providing legislative findings; authorizing the board of an association to levy special assessments and obtain loans for certain purposes without approval of the

membership; providing applicability; requiring an association to post the adopted minutes of certain meetings on the association's website or application; amending s. 718.112, F.S.; authorizing an association to adopt written reasonable rules governing unit owner questions at a meeting; authorizing an association operating a nonresidential condominium to provide for different voting and election procedures; authorizing the board of an association to pause or reduce contributions to its reserves without requiring approval from the members of the association; authorizing a majority of the total voting interests of certain associations to approve the provision of a specified line of credit to be used for certain purposes; authorizing an association's reserve accounts to be pooled; specifying that a conflict of interest exists if the person conducting a structural integrity reserve study or milestone inspection provides or contracts to provide repair or replacement services on certain property; revising applicability; requiring the Department of Business and Professional Regulation to initiate rulemaking by a specified date for a certain purpose; prohibiting the suspension of a voting interest of a condominium when voting to recall a member of the board of administration; prohibiting

any prior suspension of voting rights from having any effect; removing certain provisions relating to the method for recalling members of the board; requiring that a recall agreement be served on the association by registered mail, rather than by certified mail or by personal service; providing that service must be provided in a specified manner to be valid; providing that a rejection of a unit owner's recall agreement applies under certain circumstances; providing that there is a rebuttable presumption that a unit owner executing a recall agreement is the designated voter for the unit; prohibiting an association from enforcing a voting certificate requirement under certain circumstances; requiring that a rescission or revocation of a unit owner's recall agreement be in writing and delivered to the association before an association is served with the written recall agreement; providing construction; revising the timeframe in which a certain petition or action must be filed; requiring that an association be named as the respondent in such petition or action; revising the timeframe in which the Division of Florida Condominiums, Timeshares, and Mobile Homes or a court may not accept a recall petition or a court action; providing that a director or an officer is delinquent

if payment is not made by a specified due date identified in the declarations, bylaws, or articles of incorporation; providing that a payment is delinquent on the first day of the assessment period if no specified due date is in the declarations, bylaws, or articles of incorporation; amending s. 718.113, F.S.; requiring the board to determine whose responsibility it is to pay for removal or reinstallation of hurricane protection; removing authorization for an association to enforce and collect certain charges as assessments; amending s. 718.116, F.S.; providing legislative findings; authorizing the board of an association to levy special assessments for certain purposes without approval of the membership; providing applicability; amending s. 718.117, F.S.; authorizing termination of a condominium if the estimated costs of replacement, in addition to certain construction or repair costs, exceed the estimated fair market value of the units; requiring approval for termination of a condominium by a specified percentage of the voting interests under certain circumstances; removing provision prohibiting a plan of termination if a certain percentage of the total voting interests reject the plan; specifying how members can reject a plan of termination; providing that certain provisions

relating to a plan of termination apply to residential condominiums only; requiring a plan of termination to be approved by the division; authorizing condominiums to amend their declarations by a specified vote to include certain provisions of statutory law; providing additional reasons a unit owner or lienor can contest the apportionment of proceed from a sale of the condominium; amending s. 718.1255, F.S.; providing requirements for bringing an action to challenge an election or a recall; authorizing certain persons to file a notice of removal and complaint in circuit court within a specified timeframe after service of a petition to arbitrate an election or recall disputes; barring actions that are not timely filed and rendering the arbitration decision final; providing requirements for filing a notice of removal and complaint and bringing an action to challenge the arbitration decision; specifying the sole method in which the division or court may award costs and attorney fees in a dispute involving the recall of a director; amending s. 718.128, F.S.; removing a requirement for written notice of certain meetings; requiring, after a specified percentage of voting interests adopts a resolution, a board to hold a meeting within a certain timeframe; requiring a board

to receive a petition to adopt a resolution within a certain timeframe; requiring an association to have a designated e-mail address for receipt of ballots transmitted electronically; providing requirements for electronically transmitting a ballot; providing a presumption; amending s. 718.203, F.S.; providing that all condominiums, not just residential, can be covered by an insured warranty program; amending s. 718.301, F.S.; providing that certain provisions of law relating to transfer of control of an association do not apply to certain residential condominiums beginning on a specified date; amending s. 718.302, F.S.; providing that if unit owners own a specified percentage of voting interests in certain condominiums that certain agreements may be cancelled by the unit owners; amending s. 718.407, F.S.; requiring that a specified report be provided to an association within a certain amount of time after the end of the fiscal year; requiring copies of receipts and invoices be included with the report; authorizing an association to challenge the apportionment of certain costs of the shared facilities within a certain amount of time; providing construction; amending s. 718.503, F.S.; requiring a developer or unit owner to provide one notice, instead of two, to a buyer before the sale of

a unit; requiring a unit owner to provide the most recent annual financial statement and annual budget to a buyer before the sale of a unit; amending ch. 2024-244, Laws of Florida; providing that certain amendments that were made to the Condominium Act do not revive, reinstate, or retroactively apply to a right or interest of a condominium unit owner or condominium association in a matter pending adjudication before a specified date; providing effective dates.

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

Section 1. Paragraph (a) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a) The public purpose of this subsection is to ensure that there is an orderly market for property insurance for residents and businesses of this state.

1. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic

health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends, therefore, that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, the corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a

catastrophic hurricane, it is the intent of the Legislature that the corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are entitled, but, in good faith, are unable to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner, mobile home owner, dwelling, tenant, condominium unit owner, and similar policies; and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. With respect to coverage for personal lines residential structures:

a. Effective January 1, 2017, a structure that has a dwelling replacement cost of $700,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $700,000 or more, is not eligible for coverage by the corporation.

b. The requirements of sub-subparagraph a. do not apply in counties where the office determines there is not a reasonable degree of competition. In such counties a personal lines residential structure that has a dwelling replacement cost of less than $1 million, or a single condominium unit that has a combined dwelling and contents replacement cost of less than $1 million, is eligible for coverage by the corporation.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It is also intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5.a. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris

region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of $750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure is deemed to comply with this sub-subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed.

b. Any major structure, as defined in s. 161.54(6)(a), that is newly constructed, or rebuilt, repaired, restored, or remodeled to increase the total square footage of finished area by more than 25 percent, pursuant to a permit applied for after July 1, 2015, is not eligible for coverage by the corporation if the structure is seaward of the coastal construction control line established pursuant to s. 161.053 or is within the Coastal Barrier Resources System as designated by 16 U.S.C. ss. 3501-3510.

6. With respect to wind-only coverage for commercial lines residential condominiums, effective July 1, 2014, a condominium shall be deemed ineligible for coverage if 50 percent or more of the units are rented more than eight times in a calendar year for a rental agreement period of less than 30 days.

7. The corporation may not issue or renew an insurance

policy for a condominium unit owner or a condominium association unless the condominium association has complied with the inspection requirements in ss. 553.899 and 718.112(2)(g).

Section 2. Subsections (4) and (10) of section 718.110, Florida Statutes, are amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4)(a) Subject to paragraph (b), unless otherwise provided in the declaration as originally recorded, an ~~no~~ amendment may not change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, and amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b) may not be considered ~~shall not be deemed to constitute~~ a material alteration or modification of the appurtenances to the units. Except as provided in paragraph (b),

a declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

(b) Notwithstanding subsection (14), the declaration of a nonresidential condominium formed on or after July 1, 2025, may be amended to change the configuration or size of a unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium, if the record owners of all affected units and all record owners of liens on the affected units join in the execution of the amendment. The approval of the record owners of the nonaffected units in such condominium is not required.

(10) If there is an omission or error in a declaration of condominium, or any other document required to establish the condominium, and the omission or error would affect the valid existence of the condominium, the circuit court may entertain a petition of one or more of the unit owners in the condominium, or of the association, to correct the error or omission, and the action may be a class action. The court may require that one or more methods of correcting the error or omission be submitted to the unit owners to determine the most acceptable correction. All unit owners, the association, and the mortgagees of a first

mortgage of record must be joined as parties to the action. Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and final decree of the court by certified mail, return receipt requested, at the unit owner's ~~last known residence~~ address as reflected in the association's official records. If an action to determine whether the declaration or another condominium document complies with the mandatory requirements for the formation of a condominium is not brought within 3 years of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, the declaration and other documents will effectively create a condominium, as of the date the declaration was recorded, regardless of whether the documents substantially comply with the mandatory requirements of law. However, both before and after the expiration of this 3-year period, the circuit court has jurisdiction to entertain a petition permitted under this subsection for the correction of the documentation, and other methods of amendment may be utilized to correct the errors or omissions at any time.

Section 3. Paragraph (a) of subsection (11), paragraphs (a) and (c) of subsection (12), and subsection (13) of section

718.111, Florida Statutes, are amended, and subsection (16) is added to that section, to read:

718.111 The association.—

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of the State of Florida and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

(a) Every condominium association must provide adequate property insurance as determined under this paragraph, regardless of any requirement in the declaration of condominium for certain coverage by the association ~~for full insurable value, replacement cost, or similar coverage, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal. The replacement cost must be determined at least once every 36 months~~.

1. An association or group of associations may provide adequate property insurance through a self-insurance fund that complies with the requirements of ss. 624.460-624.488.

2. The amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be

based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a previous appraisal. The replacement cost of property covered must be determined every 3 years, at a minimum.

3.~~2.~~ The association's obligation to obtain and ~~association may also~~ provide adequate property insurance coverage for a group of at least three communities created and operating under this chapter, chapter 719, chapter 720, or chapter 721 may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

a. Such probable maximum loss must be determined through the use of a competent model that has been accepted by the Florida Commission on Hurricane Loss Projection Methodology.

b. A policy or program providing such coverage may not be issued or renewed after July 1, 2008, unless it has been reviewed and approved by the Office of Insurance Regulation. The review and approval must include approval of the policy and related forms pursuant to ss. 627.410 and 627.411, approval of the rates pursuant to s. 627.062, a determination that the loss model approved by the commission was accurately and appropriately applied to the insured structures to determine the 250-year probable maximum loss, and a determination that complete and accurate disclosure of all material provisions is

provided to condominium unit owners before execution of the agreement by a condominium association.

4.~~3.~~ When determining the adequate amount of property insurance coverage, the association may consider deductibles as determined by this subsection.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).

2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A photocopy of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books that contain the minutes of all meetings of the association, the board of administration, and the unit owners.

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if

known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)4.e. ~~(c)5.e.~~, the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under

which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies

must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member

educational certificates.

20. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(c)1.a. The official records of the association are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member and of the person authorized by the association member as a representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, the association's bylaws and rules, and the inspection reports described in ss. 553.899 and 718.301(4)(p). The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on

the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

b. In response to a written request to inspect records, the association must simultaneously provide to the requestor a checklist of all records made available for inspection and copying. The checklist must also identify any of the association's official records that were not made available to the requestor. An association must maintain a checklist provided under this sub-subparagraph for 7 years. An association delivering a checklist pursuant to this sub-subparagraph creates a rebuttable presumption that the association has complied with this paragraph.

2. A director or member of the board or association or a community association manager who knowingly and~~,~~ willfully or intentionally~~, and repeatedly~~ violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and must be removed from office and a

vacancy declared. ~~For purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.~~

3. Any person who willfully and knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who willfully and knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; is personally subject to a civil penalty pursuant to s. 718.501(1)(d); and must be removed from office and a vacancy declared.

4. A person who willfully and knowingly or intentionally refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be removed from office and a vacancy declared.

5. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws,

and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and the most recent annual financial statement and annual budget ~~year-end financial information~~ required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

a. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in

anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

b. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this sub-subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner.

However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

f. Electronic security measures that are used by the association to safeguard data, including passwords.

g. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

h. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the

association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report~~, and a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner~~. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total

annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or

approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years.

If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division

within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) SPECIAL ASSESSMENTS AND OBTAINING LOANS.—

(a)1. The Legislature finds that:

a. Condominiums are created as authorized by statute and are subject to covenants that encumber the land and restrict the use of real property.

b. In some circumstances, the declaration, articles of incorporation, or bylaws of an association restrict the authority of the board of administration to levy special assessments or to obtain a loan without first receiving approval of the membership, which may preclude an association from obtaining immediate funding to carry out its obligations to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

c. It is contrary to the public policy of this state to limit the ability of an association to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

d. It is in the best interest of this state to provide a method for the boards of administration of associations to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

2. The Legislature further finds that authorizing the board of administration of an association to meet its fiduciary duty, to levy special assessments, and to obtain a loan for necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property is in the public interest; that requiring an association to obtain membership approval endangers the public safety; and that there is a compelling state interest in

enabling the board of administration of an association to levy special assessments and obtain loans to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(b) Notwithstanding any provision to the contrary contained in an association's declaration, articles of incorporation, or bylaws, the board of administration of an association may levy special assessments and obtain a loan to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(c) This section applies to all condominiums in existence on or after July 1, 2025, which are not controlled by the developer as defined in s. 718.103 or a bulk assignee or bulk buyer, as those terms are defined in s. 718.703.

Section 4. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by section 8 of 2024-244, Laws of Florida, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The adopted minutes of all meetings of the association, the board of administration, and the unit owners over the preceding 7 years.

f.~~e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of

the bids may be posted.

g.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

h.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

i.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

j.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

k.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

l.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda

at least 7 days before the meeting at which the document or the information within the document will be considered.

m.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

n.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

o.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

p.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or

restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 5. Paragraphs (c), (d), (f), (g), (l), and (p) of subsection (2) of section 718.112, Florida Statutes, are amended, and paragraph (m) of that subsection is republished, to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(c) Board of administration meetings.—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting ~~agenda~~ must include an opportunity for members to ask questions of the board, including questions relating to the status of any construction or repair projects, the status of all revenue and expenditures during the current fiscal year, and any other issues affecting the condominium. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association

matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items ~~and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium~~. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements and questions.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be

mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. If there is no condominium property at which notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting. In lieu of or in addition to the physical posting of the notice on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the

entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

3. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

4. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the

association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(d) Unit owner meetings.—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 45 miles of the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium.

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of

vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less

than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or

Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

3. The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit

owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. In lieu of, or in addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a

requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

4. The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or

elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of

the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such

documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational

certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board

action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

5. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

6. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (l); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

7. Unit owners have the right to participate in meetings

of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

8. A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

9. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (l) and rules adopted by the division.

10. This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium

association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy. Notwithstanding sub-subparagraph 4.a., an association operating a nonresidential condominium may provide for different voting and election procedures in its bylaws, or by an amendment to its bylaws, which may include alternative notice requirements and voting by limited or general proxy.

(f) Annual budget.—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of

common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based

on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association operating a multicondominium may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method has been approved by the division. If the local building official, as defined in s. 468.603, determines that the

entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board~~, upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

b. Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

c. For an annual budget adopted on or before December 31, 2027, the members of a unit-owner-controlled association may approve, by a majority vote of the total voting interests of the association, the provision of a secured line of credit for up to

35 percent of the amount of the reserves required to meet the reserve funding schedule recommended by a structural integrity reserve study with respect to items with an estimated remaining useful life of greater than 10 years.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g).

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or

reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

5. An association's reserve accounts may be pooled for two or more required components. Reserve funding for components listed in paragraph (g) may only be pooled with other components listed in paragraph (g). The reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the most recent structural integrity reserve study.

(g) Structural integrity reserve study.—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts. It is a conflict of interest for any person who performs a structural integrity reserve study or a milestone inspection under s. 553.899 to provide or contract to provide

services for the repair or replacement of the condominium property that was the subject of such structural integrity reserve study or milestone inspection, or to have a financial interest with the person or entity providing the repair or replacement services.

3. At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item.

4. This paragraph does not apply to buildings less than

three stories in height; single-family, two-family, ~~or~~ three-family, or four-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

5. Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

6. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

7. If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the

visual inspection portion of the structural integrity reserve study.

8. If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1).

9. Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

10. Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section.

The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

11. By October 1, 2025, the Department of Business and Professional Regulation shall initiate rulemaking to establish criteria for determining the estimated useful life of the building components identified in subparagraph 1.

(l) Recall of board members.—Subject to s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by ~~the vote or~~ agreement ~~in writing~~ by a majority of all the voting interests. A voting interest of the condominium may not be suspended when voting to recall a member of the board of administration and any prior suspension of voting rights pursuant to s. 718.303(5) shall have no effect on a recall vote ~~A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose~~.

~~1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall will be effective as provided in this paragraph. The board shall duly notice and~~

~~hold a board meeting within 5 full business days after the adjournment of the unit owner meeting to recall one or more board members. Such member or members shall be recalled effective immediately upon conclusion of the board meeting, provided that the recall is facially valid. A recalled member must turn over to the board, within 10 full business days after the vote, any and all records and property of the association in their possession.~~

1.~~2.~~ ~~If~~ The ~~proposed~~ recall ~~is by an agreement in writing by a majority of all voting interests, the~~ agreement ~~in writing~~ or a copy thereof must ~~shall~~ be served on the association by registered ~~certified~~ mail or ~~by personal service~~ in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. Methods of service that are not authorized by chapter 48 and the Florida Rules of Civil Procedure are invalid and any service that does not comply with this paragraph is void. The board of administration shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement by valid service as authorized under this paragraph ~~in writing~~. Such member or members must ~~shall~~ be recalled effective immediately upon the conclusion of the board meeting, provided that the recall is facially valid and the agreement was validly served. A recalled member must turn over to the board, within 10 full business days, ~~any and~~ all records and property of the association in his or her ~~their~~ possession.

2. Rejection of a unit owner's recall agreement under this section applies when the recall agreement:

a. Was improperly served;

b. Was executed by a person who was not a unit's record owner or designated voter;

c. Was previously marked for the removal of any board member;

d. Does not contain any markings that indicate the selection by a unit owner to either remove or retain a board member; or

e. Does not contain the signature of the unit owner.

3. There is a rebuttable presumption that a unit owner executing the recall agreement is the designated voter for the unit. An association may not enforce a voting certificate requirement if the association has not enforced such requirement in all matters requiring the use of voting certificates in the year immediately preceding service of the recall agreement.

4. A rescission or revocation of a unit owner's recall agreement must be in writing and delivered to the association before the association is served with the written recall agreement. This subparagraph must be liberally construed to ensure a unit owner is not disenfranchised by an association in a recall and to prevent an association from failing to certify a recall agreement on a technical omission which is not a part in the discharge of the unit owner's voting rights.

5.~~3.~~ If the board fails to duly notice and hold a board meeting within 5 full business days after service of an agreement in writing or within 5 full business days after the adjournment of the unit owner recall meeting, the recall is deemed effective and the board members so recalled shall turn over to the board within 10 full business days after the vote ~~any and~~ all records and property of the association.

6.~~4.~~ If the board fails to duly notice and hold the required meeting or at the conclusion of the meeting determines that the recall is not facially valid, the unit owner representative may file a petition or circuit court action under s. 718.1255 challenging the board's failure to act or challenging the board's determination on facial validity. The petition or action must be filed within 45 ~~60~~ days after the expiration of the applicable 5-full-business-day period. The review of a petition or action under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed. The association must be named as the respondent.

7.~~5.~~ If a vacancy occurs on the board as a result of a recall or removal and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this subsection. If vacancies occur on the board as a result of a recall and a

majority or more of the board members are removed, the vacancies must ~~shall~~ be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this subsection. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.

8.~~6.~~ A board member who has been recalled may file a petition or court action under s. 718.1255 challenging the validity of the recall. The petition or action must be filed within 45 ~~60~~ days after the recall. The association and the unit owner representative must ~~shall~~ be named as the respondents. The petition or action may challenge the facial validity of the written agreement or ballots filed or the substantial compliance with the procedural requirements for the recall. If the arbitrator or court determines the recall was invalid, the petitioning board member must ~~shall~~ immediately be reinstated and the recall is null and void. A board member who is successful in challenging a recall is entitled to recover reasonable attorney fees and costs from the respondents. The arbitrator or court may award reasonable attorney fees and costs to the respondents if they prevail, if the arbitrator or court makes a finding that the petitioner's claim is frivolous.

9.~~7.~~ The division or a court of competent jurisdiction may not accept for filing a recall petition or court action, whether

filed under subparagraph 1., ~~subparagraph 2., subparagraph 4., or~~ subparagraph 6., or subparagraph 8., when there are 45 ~~60~~ or fewer days until the scheduled reelection of the board member sought to be recalled or when 45 ~~60~~ or fewer days have elapsed since the election of the board member sought to be recalled.

(m) Alternative dispute resolution.—There must be a provision for alternative dispute resolution as provided for in s. 718.1255 for any residential condominium.

(p) Director or officer delinquencies.—A director or officer more than 90 days delinquent in the payment of any monetary obligation due the association is ~~shall be~~ deemed to have abandoned the office, creating a vacancy in the office to be filled according to law. For the purpose of this paragraph, a director or an officer is delinquent if a payment is not made by the due date as specifically identified in the declarations, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration, bylaws, or articles of incorporation, the due date is the first day of the assessment period.

Section 6. Paragraphs (d) and (e) of subsection (5) of section 718.113, Florida Statutes, are amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane protection; display of religious decorations.—

(5) To protect the health, safety, and welfare of the

people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, this subsection applies to all residential and mixed-use condominiums in the state, regardless of when the condominium is created pursuant to the declaration of condominium. Each board of administration of a residential condominium or mixed-use condominium must adopt hurricane protection specifications for each building within each condominium operated by the association which may include color, style, and other factors deemed relevant by the board. All specifications adopted by the board must comply with the applicable building code. The installation, maintenance, repair, replacement, and operation of hurricane protection in accordance with this subsection is not considered a material alteration or substantial addition to the common elements or association property within the meaning of this section.

(d) Unless otherwise provided in the declaration as originally recorded, or as amended, a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the association is responsible. The board shall determine if the removal or reinstallation of hurricane protection must be completed by the

unit owner or the association if the declaration as originally recorded, or as amended, does not specify who is responsible for such costs. If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.

~~(c) If the removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, is the responsibility of the unit owner and the association completes such removal or reinstallation and then charges the unit owner for such removal or reinstallation, such charges are enforceable as an assessment and may be collected in the manner provided under s. 718.116.~~

Section 7. Subsection (10) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(10)(a) The specific purpose or purposes of any special assessment, including any contingent special assessment levied in conjunction with the purchase of an insurance policy authorized by s. 718.111(11), approved in accordance with the

condominium documents shall be set forth in a written notice of such assessment sent or delivered to each unit owner. The funds collected pursuant to a special assessment shall be used only for the specific purpose or purposes set forth in such notice. However, upon completion of such specific purpose or purposes, any excess funds will be considered common surplus, and may, at the discretion of the board, either be returned to the unit owners or applied as a credit toward future assessments.

(b) The Legislature finds that:

1. In some circumstances, the declaration, articles of incorporation, or bylaws of an association restrict the authority of the board of administration to levy special assessments without first obtaining the approval of the membership, which may preclude an association from obtaining immediate funding to carry out its obligations to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

2. It is contrary to the public policy of this state to limit the ability of an association to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to

protect the unit owners and tenants of the property.

3. Authorizing the board of administration of an association to meet its fiduciary duty and levy special assessments to fund necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property is in the public interest; that requiring an association to obtain membership approval endangers the public safety; and that there is a compelling state interest in enabling the board of administration of an association to levy special assessments to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(c) Notwithstanding any provision to the contrary contained in an association's declaration, articles of incorporation, or bylaws, the board of administration of an association may levy special assessments to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit

owners and tenants of the property.

(d) Paragraph (c) applies to all condominiums in existence on or after July 1, 2025, which are not subject to control of the developer as defined in s. 718.103 or a bulk assignee or bulk buyer, as those terms are defined in s. 718.703.

Section 8. Paragraph (a) of subsection (2) and subsections (3), (4), and (16) of section 718.117, Florida Statutes, are amended to read:

718.117 Termination of condominium.—

(2) TERMINATION BECAUSE OF ECONOMIC WASTE OR IMPOSSIBILITY.—

(a) Notwithstanding any provision in the declaration, the condominium form of ownership of a property may be terminated by a plan of termination approved by the lesser of the lowest percentage of voting interests necessary to amend the declaration or as otherwise provided in the declaration for approval of termination if:

1. The total estimated cost of construction, replacement, or repairs necessary to construct or replace the intended improvements or restore the improvements to bring them into compliance with the most recent version of the Florida Building Code or to ~~their former condition or~~ bring them into compliance with applicable laws or regulations, plus the combined estimated fair market value of the units in the condominium before commencement of the construction, replacement, or repairs,

exceeds the combined estimated fair market value of the units in the condominium after completion of the construction, replacement, or repairs. However, if at least 50 percent of the total voting interests are owned by a bulk owner, as defined in paragraph (3)(c), termination of the condominium under this subsection requires the approval of at least 80 percent of all the voting interests in the condominium; or

2. It becomes impossible to operate or reconstruct a condominium to its prior physical configuration because of land use laws or regulations.

(3) OPTIONAL TERMINATION.—Subject to this subsection, the condominium form of ownership may be terminated for all or a portion of the condominium property pursuant to a plan of termination ~~meeting the requirements of this section and approved by the division. Before a residential association submits a plan to the division, the plan must be~~ approved by at least 80 percent of the total voting interests in ~~of~~ the condominium. ~~However, if 5 percent or more of the total voting interests of the condominium have rejected the plan of termination by negative vote or by providing written objections, the plan of termination may not proceed.~~

(a) The termination of the condominium form of ownership is subject to the following conditions:

1. The total voting interests of the condominium must include all voting interests for the purpose of considering a

plan of termination. A voting interest of the condominium may not be suspended for any reason when voting on termination pursuant to this subsection.

2. If 5 percent or more of the total voting interests of the condominium have rejected ~~reject~~ a plan of termination by a negative vote or by providing written objections, the plan of termination may not proceed and a subsequent plan of termination under ~~pursuant to~~ this subsection may not be considered for 24 months after the date of the rejection.

(b) This subsection does not apply to any condominium created pursuant to Part VI of this chapter until 5 years after the recording of the declaration of condominium, unless there is no objection to the plan of termination.

(c) The requirements of this paragraph apply to residential condominiums. For purposes of this paragraph ~~subsection~~, the term "bulk owner" means the single holder of such voting interests or an owner together with a related entity or entities that would be considered an insider, as defined in s. 726.102, holding such voting interests. If ~~the condominium association is a residential association proposed for termination pursuant to this section and~~, at the time of recording the plan of termination, at least 80 percent of the total voting interests of the condominium are owned by a bulk owner, the plan of termination is subject to the following conditions and limitations:

1. If the former condominium units are offered for lease to the public after the termination, each unit owner in occupancy immediately before the date of recording of the plan of termination may lease his or her former unit and remain in possession of the unit for 12 months after the effective date of the termination on the same terms as similar unit types within the property are being offered to the public. In order to obtain a lease and exercise the right to retain exclusive possession of the unit owner's former unit, the unit owner must make a written request to the termination trustee to rent the former unit within 90 days after the date the plan of termination is recorded. Any unit owner who fails to timely make such written request and sign a lease within 15 days after being presented with a lease is deemed to have waived his or her right to retain possession of his or her former unit and shall be required to vacate the former unit upon the effective date of the termination, unless otherwise provided in the plan of termination.

2. Any former unit owner whose unit was granted homestead exemption status by the applicable county property appraiser as of the date of the recording of the plan of termination shall be paid a relocation payment in an amount equal to 1 percent of the termination proceeds allocated to the owner's former unit. Any relocation payment payable under this subparagraph shall be paid by the single entity or related entities owning at least 80

percent of the total voting interests. Such relocation payment shall be in addition to the termination proceeds for such owner's former unit and shall be paid no later than 10 days after the former unit owner vacates his or her former unit.

3. For their respective units, all unit owners other than the bulk owner must be compensated at least 100 percent of the fair market value of their units. The fair market value shall be determined as of a date that is no earlier than 90 days before the date that the plan of termination is recorded and shall be determined by an independent appraiser selected by the termination trustee. For a person whose unit was granted homestead exemption status by the applicable county property appraiser, or was an owner-occupied operating business, as of the date that the plan of termination is recorded and who is current in payment of both assessments and other monetary obligations to the association as of the date the plan of termination is recorded, the fair market value shall be at least the original purchase price paid for the unit. For purposes of this subparagraph, the term "fair market value" means the price of a unit that a seller is willing to accept and a buyer is willing to pay on the open market in an arms-length transaction based on similar units sold in other condominiums, including units sold in bulk purchases but excluding units sold at wholesale or distressed prices. The purchase price of units acquired in bulk following a bankruptcy or foreclosure shall not

be considered for purposes of determining fair market value.

4. The plan of termination must provide for payment of a first mortgage encumbering a unit to the extent necessary to satisfy the lien, but the payment may not exceed the unit's share of the proceeds of termination under the plan. If the unit owner is current in payment of both assessments and other monetary obligations to the association and any mortgage encumbering the unit as of the date the plan of termination is recorded, the receipt by the holder of the unit's share of the proceeds of termination under the plan or the outstanding balance of the mortgage, whichever is less, shall be deemed to have satisfied the first mortgage in full.

5. Before a plan of termination is presented to the unit owners for consideration pursuant to this paragraph, the plan must include the following written disclosures in a sworn statement:

a. The identity of any person or entity that owns or controls 25 percent or more of the units in the condominium and, if the units are owned by an artificial entity or entities, a disclosure of the natural person or persons who, directly or indirectly, manage or control the entity or entities and the natural person or persons who, directly or indirectly, own or control 10 percent or more of the artificial entity or entities that constitute the bulk owner.

b. The units acquired by any bulk owner, the date each

unit was acquired, and the total amount of compensation paid to each prior unit owner by the bulk owner, regardless of whether attributed to the purchase price of the unit.

c. The relationship of any board member to the bulk owner or any person or entity affiliated with the bulk owner subject to disclosure pursuant to this subparagraph.

d. The factual circumstances that show that the plan complies with the requirements of this section and that the plan supports the expressed public policies of this section.

(d) If the members of the board of administration are elected by the bulk owner, unit owners other than the bulk owner may elect at least one-third of the members of the board of administration before the approval of any plan of termination.

(e) Termination must be approved by the division after a plan of termination receives the requisite approval from the unit owners. The division shall examine the plan of termination to determine its procedural sufficiency and, within 45 days after receipt of the initial filing, the division shall notify the association by mail of any procedural deficiencies or that the filing is accepted. If the notice is not given within 45 days after the receipt of the filing, the plan of termination is presumed to be accepted. If the division determines that the conditions required by this section have been met and that the plan complies with the procedural requirements of this section, the division shall authorize the termination, and the

termination may proceed pursuant to this section.

(f) Subsection (2) does not apply to optional termination pursuant to this subsection.

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4). In a partial termination, a plan of termination is not an amendment subject to s. 718.110(4) if the ownership share of the common elements of a surviving unit in the condominium remains in the same proportion to the surviving units as it was before the partial termination. Notwithstanding any provision in the declaration to the contrary, the association may amend the declaration of condominium for the purpose of incorporating this section by the lesser of the lowest percentage of voting interests necessary to amend the declaration or as otherwise provided in the declaration, whichever is less.

(16) RIGHT TO CONTEST.—A unit owner or lienor may contest a plan of termination by initiating a petition in accordance with s. 718.1255 within 90 days after the date the plan is recorded. A unit owner or lienor may only contest the fairness and reasonableness of the apportionment of the proceeds from the sale among the unit owners; that the liens of the first mortgages of unit owners other than the bulk owner have not or will not be satisfied to the extent required by subsection (3); that the combined estimated fair market value of the units in the condominium after completion of the construction,

replacement, or repairs contemplated by subparagraph (2)(a)1. exceeds the estimated value of the units before the construction, replacement, or repairs plus the cost of the construction, replacement, or repairs;~~,~~ or that the required vote to approve the plan was not obtained. A unit owner or lienor who does not contest the plan within the 90-day period is barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable or that the required vote was not obtained. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (12). If the petition is filed with the division for arbitration, the arbitrator shall determine the rights and interests of the parties in the apportionment of the sale proceeds. If the arbitrator determines that the apportionment of sales proceeds is not fair and reasonable, the arbitrator may void the plan or may modify the plan to apportion the proceeds in a fair and reasonable manner pursuant to this section based upon the proceedings and order the modified plan of termination to be implemented. If the arbitrator determines that the plan was not properly approved, or that the procedures to adopt the

plan were not properly followed, the arbitrator may void the plan or grant other relief it deems just and proper. The arbitrator shall automatically void the plan upon a finding that any of the disclosures required in subparagraph (3)(c)5. are omitted, misleading, incomplete, or inaccurate. Any challenge to a plan, other than a challenge that the required vote was not obtained, does not affect title to the condominium property or the vesting of the condominium property in the trustee, but shall only be a claim against the proceeds of the plan. In any such action, the prevailing party shall recover reasonable attorney fees and costs.

Section 9. Subsection (7) of section 718.1255, Florida Statutes, is renumbered as subsection (9), paragraph (a) of subsection (4) and subsection (6) are amended, and new subsections (7) and (8) are added to that section, to read:

718.1255 Alternative dispute resolution; mediation; nonbinding arbitration; applicability.—

(4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation may employ full-time attorneys to act as arbitrators to conduct the arbitration hearings provided by this chapter. The division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter. A person may not be employed by the department

as a full-time arbitrator unless he or she is a member in good standing of The Florida Bar. A person may only be certified by the division to act as an arbitrator if he or she has been a member in good standing of The Florida Bar for at least 5 years and has mediated or arbitrated at least 10 disputes involving condominiums in this state during the 3 years immediately preceding the date of application, mediated or arbitrated at least 30 disputes in any subject area in this state during the 3 years immediately preceding the date of application, or attained board certification in real estate law or condominium and planned development law from The Florida Bar. Arbitrator certification is valid for 1 year. An arbitrator who does not maintain the minimum qualifications for initial certification may not have his or her certification renewed. The department may not enter into a legal services contract for an arbitration hearing under this chapter with an attorney who is not a certified arbitrator unless a certified arbitrator is not available within 50 miles of the dispute. The department shall adopt rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator is final; however, a decision is not deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If judicial proceedings are initiated, the final decision of the arbitrator

is admissible in evidence in the trial de novo.

(a) Before the institution of court litigation, a party to a dispute, other than an election or recall dispute, shall either petition the division for nonbinding arbitration or initiate presuit mediation as provided in subsection (5). In an election or recall dispute that is arbitrated by the division, the arbitration decision is binding on the parties unless removed pursuant to subsection (7). For all other disputes, arbitration is binding on the parties if all parties in arbitration agree to be bound in a writing filed in arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(6) DISPUTES INVOLVING ELECTION IRREGULARITIES OR RECALL OF A DIRECTOR.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration or the recall of any director of the board of administration must be handled on an expedited basis in the manner provided by the division's rules for recall arbitration disputes. If a challenge to an election or recall dispute is filed in circuit court, the challenge must be brought in equity as a summary proceeding pursuant to s. 51.011. The party filing the action may request the court to issue a temporary injunction

to stay an upcoming election while the action is pending. The court must set an immediate hearing when an action is filed pursuant to this subsection. The court may limit the time for taking testimony based on the circumstances of the matter and the proximity of the date on which a succeeding election is scheduled, if applicable. An action filed pursuant to this subsection must be tried without a jury. The prevailing party in an action filed pursuant to this subsection shall recover reasonable attorney fees and costs.

(7) REMOVAL OF ELECTION AND RECALL ARBITRATION ACTIONS.—

(a) A unit owner, a recall representative, or an association may remove a petition for arbitration for an election or a recall dispute within 10 days after service of such petition by filing a notice of removal and complaint in the circuit court for the county in which the association is located. The failure to timely file a notice of removal and complaint bars the parties from seeking a trial de novo or otherwise filing an action in circuit court and the arbitration ruling by the division is final and binding on the parties.

(b) A notice of removal and complaint, as well as a copy of all process, pleadings, and orders served in an action, must be signed pursuant to the Florida Rules of Civil Procedure. The party that does not seek the removal of the arbitration decision does not need to consent to the filing of a notice of removal and complaint. The party filing the notice of removal and

complaint must simultaneously serve written notice to all parties and file a copy of such written notice with the division, which ceases any further action on the matter. The party filing the notice of removal and complaint must pay all applicable filing fees within 5 days after filing the notice of removal and complaint. An action or counterclaim filed after the filing of the notice of removal and complaint must be brought in equity as a summary proceeding pursuant to s. 51.011. The party filing the action may request the court to issue a temporary injunction to stay an upcoming election while the action is pending. The court must set an immediate hearing when an action is filed pursuant to this paragraph. The court may limit the time for taking testimony based on the circumstances of the matter and the proximity of the date on which a succeeding election is scheduled, if applicable. An action filed pursuant to this paragraph must be tried without a jury. Pursuant to subsection (8), reasonable attorney fees and costs may be awarded in disputes brought under this subsection.

(8) ATTORNEY FEES AND COSTS FOR DISPUTES INVOLVING A RECALL OF DIRECTORS.—If the division or a court of this state renders a judgment or decree against an association and in favor of the unit owner, the division, trial court, or, in the event of an appeal in which the unit owner prevails, the appellate court shall order the association to pay all costs incurred by the unit owner in the action and the unit owner's reasonable

attorney fees. The division or court may award such costs and attorney fees in the judgment or decree rendered in the action or such costs and attorney fees may be included in a separate judgment or decree. Costs and attorney fees may not be recovered in any action involving the recall of directors except as provided in this subsection or if awarded as a sanction under s. 57.105.

Section 10. Subsection (6) of section 718.128, Florida Statutes, is renumbered as subsection (8), subsection (4) is amended, and new subsections (6) and (7) are added to that section, to read:

718.128 Electronic voting.—The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements are met:

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent,

electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. ~~Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.~~

(6) If at least 25 percent of the voting interests of a condominium petition the board to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt such resolution. The board must receive the petition within 180 days after the date of the last scheduled annual meeting.

(7)(a) Unless the association has adopted electronic voting in accordance with subsections (1)-(6), the association must designate an e-mail address for receipt of electronically transmitted ballots. Electronically transmitted ballots must meet all the requirements of this subsection.

(b) A unit owner may electronically transmit a ballot to the e-mail address designated by the association without complying with s. 718.112(2)(d)2. or the rules providing for the

secrecy of ballots adopted by the division. The association must count completed ballots that are electronically transmitted to the designated e-mail address, provided the completed ballot complies with the requirements of this subsection.

(c) A ballot that is electronically transmitted to the association must include all of the following:

1. A space for the unit owner to type in his or her unit number.

2. A space for the unit owner to type in his or her first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot.

3. The following statement in capitalized letters and in a font size larger than any other font size used in the e-mail from the association to the unit owner:

WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE YOUR SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON.

(d) A unit owner must transmit his or her completed ballot

to the e-mail address designated by the association no later than the scheduled date and time of the meeting during which the matter is being voted on.

(e) There is a rebuttable presumption that an association has reviewed all folders associated with the e-mail address designated by the association to receive ballots if a board member, an officer, or an agent of the association, or a manager licensed under part VIII of chapter 468, provides a sworn affidavit attesting to such review.

Section 11. Subsection (7) of section 718.203, Florida Statutes, is amended to read:

718.203 Warranties.—

(7) ~~Residential~~ Condominiums may be covered by an insured warranty program underwritten by a licensed insurance company registered in this state, provided that such warranty program meets the minimum requirements of this chapter; to the degree that such warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

Section 12. Subsection (1) of section 718.301, Florida Statutes, is amended to read:

718.301 Transfer of association control; claims of defect by association.—

(1) If unit owners other than the developer own 15 percent or more of the units in a condominium that will be operated ultimately by an association, the unit owners other than the

developer are entitled to elect at least one-third of the members of the board of administration of the association. Unit owners other than the developer are entitled to elect at least a majority of the members of the board of administration of an association, upon the first to occur of any of the following events:

(a) Three years after 50 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(b) Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(c) When all the units that will be operated ultimately by the association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;

(d) When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business;

(e) When the developer files a petition seeking protection in bankruptcy;

(f) When a receiver for the developer is appointed by a circuit court and is not discharged within 30 days after such appointment, unless the court determines within 30 days after

appointment of the receiver that transfer of control would be detrimental to the association or its members; or

(g) Seven years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first; or, in the case of an association that may ultimately operate more than one condominium, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, for the first condominium it operates; or, in the case of an association operating a phase condominium created pursuant to s. 718.403, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first.

The developer is entitled to elect at least one member of the board of administration of an association as long as the

developer holds for sale in the ordinary course of business at least 5 percent, in condominiums with fewer than 500 units, and 2 percent, in condominiums with more than 500 units, of the units in a condominium operated by the association. After the developer relinquishes control of the association, the developer may exercise the right to vote any developer-owned units in the same manner as any other unit owner except for purposes of reacquiring control of the association or selecting the majority members of the board of administration. Beginning July 1, 2025, paragraphs (a), (c), (d), and (g) do not apply to nonresidential condominiums comprised of 10 or fewer units.

Section 13. Paragraphs (a) and (b) of subsection (1) of section 718.302, Florida Statutes, are amended to read:

718.302 Agreements entered into by the association.—

(1) Any grant or reservation made by a declaration, lease, or other document, and any contract made by an association prior to assumption of control of the association by unit owners other than the developer, that provides for operation, maintenance, or management of a condominium association or property serving the unit owners of a condominium shall be fair and reasonable, and such grant, reservation, or contract may be canceled by unit owners other than the developer:

(a) If the association operates only one condominium and the unit owners other than the developer have assumed control of the association, or if unit owners other than the developer own

at least ~~not less than~~ 75 percent of the voting interests in the condominium or 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, the cancellation must ~~shall~~ be by concurrence of the owners of at least ~~not less than~~ 75 percent of the voting interests other than the voting interests owned by the developer. If a grant, reservation, or contract is so canceled and the unit owners other than the developer have not assumed control of the association, the association must ~~shall~~ make a new contract or otherwise provide for maintenance, management, or operation in lieu of the canceled obligation, at the direction of the owners of not less than a majority of the voting interests in the condominium other than the voting interests owned by the developer.

(b) If the association operates more than one condominium and the unit owners other than the developer have not assumed control of the association, and if unit owners other than the developer own at least 75 percent of the voting interests in the condominiums ~~a condominium~~ operated by the association or, beginning July 1, 2025, 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, any grant, reservation, or contract for maintenance, management, or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium may be canceled by concurrence

of the owners of at least 75 percent, or 90 percent if the condominium is a nonresidential condominium consisting of 10 or fewer units, of the voting interests in the condominium other than the voting interests owned by the developer. A ~~No~~ grant, reservation, or contract for maintenance, management, or operation of recreational areas or any other property serving more than one condominium, and operated by more than one association, may not be canceled except pursuant to paragraph (d).

Section 14. Subsection (4) of section 718.407, Florida Statutes, is amended to read:

718.407 Condominiums created within a portion of a building or within a multiple parcel building.—

(4)(a) The association of a condominium subject to this section may inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based, and must ~~to~~ receive an annual budget with respect to such costs.

(b) Within 60 days after the end of each fiscal year, a complete financial report of all costs for maintaining and operating the shared facilities must be provided to the association. Such report must include copies of all receipts and invoices.

(c) Within 60 days after receipt of the financial report, the association may challenge any apportionment of costs for the

maintenance and operation of the shared facilities. A challenge under this paragraph is governed by s. 720.311.

Section 15. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall

contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or ~~and~~

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-

PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the

resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET ~~YEAR-END~~

~~FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as

appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or ~~and~~

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 16. Section 31 of chapter 2024-244, 2024 Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as created by this act, are intended to clarify existing law and

shall apply retroactively. However, such amendments do not revive, ~~or~~ reinstate, or retroactively apply to any right or interest of a condominium unit owner or condominium association in a matter pending adjudication ~~that has been fully and finally adjudicated as invalid~~ before October 1, 2024.

Section 17. Except as otherwise provided in this act, this act shall take effect July 1, 2025.

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: Commerce Committee
Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 163.212, Florida Statutes, is created to read:

163.212 Structural building safety.—

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

(a) "Division" means the Florida Division of Condominiums, Timeshares, and Mobile Homes.

(b) "Local government" means a county or municipality of this state.

(c) "Milestone inspection" means a structural inspection of condominium property as required under s. 553.899, including an inspection of load-bearing elements and the primary

structural members and primary structural systems, as those terms are defined in s. 627.706(2).

(d) "Structural integrity reserve study" means a study of a condominium association's reserve funds required for future major repairs and replacement of condominium property as required under s. 718.112(2)(g).

(2) CONFIRMATION OF STATUTORY REQUIREMENTS.—On or before October 1, 2025, each local government that has authorized and permitted the construction of a building that is three habitable stories or more in height and subject to the condominium form of ownership as a residential condominium under chapter 718 must confirm with each condominium association that the structural integrity reserve study and milestone inspection have been completed for each building on the condominium property subject to such requirement and that the study and inspection report has been filed with the division, or that the condominium association has failed to complete and file the requisite structural integrity reserve study or milestone inspection report.

(3) REPORTING REQUIREMENTS.—On or before December 31, 2025, each local government shall report to the division its findings on whether each condominium association within the local government's jurisdiction has completed or has failed to complete the structural integrity reserve study or milestone inspection.

Section 2. Subsections (12) and (13) of section 553.899, Florida Statutes, are renumbered as subsections (14) and (15), respectively, subsection (11) of that section is amended, and new subsections (12) and (13) are added to that section, to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(11)(a) A board of county commissioners or municipal governing body may adopt an ordinance requiring that a ~~condominium or~~ cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(b) A board of county commissioners or municipal governing body shall adopt an ordinance requiring that a condominium association schedule or commence repairs for substantial structural deterioration within a specified timeframe after the

local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) On or before October 1, 2025, and on or before December 31 each year thereafter, the local enforcement agency responsible for milestone inspections conducted on buildings three stories or more in height which are subject to the condominium form of ownership under chapter 718 must provide all of the following information to the Department of Business and Professional Regulation, in an electronic format determined by the department:

(a) The number of buildings required to have a milestone inspection within the local enforcement agency's jurisdiction.

(b) The number of buildings for which a phase one milestone inspection has been completed.

(c) The number of buildings granted an extension under paragraph (3)(c).

(d) The number of buildings required to have a phase two milestone inspection.

(e) The number of buildings for which a phase two milestone inspection has been completed.

(f) The number, type, and value of permits applied for to complete repairs based on a phase two milestone inspection.

(g) A list of buildings deemed to be unsafe or uninhabitable based on a milestone inspection.

(h) The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

(13) The Department of Business and Professional Regulation shall provide to the Office of Program Policy Analysis and Government Accountability (OPPAGA) all information obtained from the local enforcement agencies under subsection (12) by the date specified, and in a manner prescribed by OPPAGA. OPPAGA may request from a local enforcement agency any additional information necessary to complete the report.

Section 3. Subsection (1) of section 718.103, Florida Statutes, is amended to read:

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

(1) "Alternative funding method" means a method approved by the division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association ~~operating at least 25 condominiums~~ which may reasonably be expected to fully satisfy the association's

reserve funding obligations by the allocation of funds in the annual operating budget.

Section 4. Subsections (4) and (10) of section 718.110, Florida Statutes, are amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4)(a) Subject to paragraph (b), unless otherwise provided in the declaration as originally recorded, an ~~no~~ amendment may not change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, and amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b) may not be considered ~~shall not be deemed to constitute~~ a material alteration or modification of the appurtenances to the units. Except as provided in paragraph (b), a declaration recorded after April 1, 1992, may not require the

approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

(b) Notwithstanding subsection (14), the declaration of a nonresidential condominium formed on or after July 1, 2025, may be amended to change the configuration or size of a unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium, if the record owners of all affected units and all record owners of liens on the affected units join in the execution of the amendment. The approval of the record owners of the nonaffected units in such condominium is not required.

(10) If there is an omission or error in a declaration of condominium, or any other document required to establish the condominium, and the omission or error would affect the valid existence of the condominium, the circuit court may entertain a petition of one or more of the unit owners in the condominium, or of the association, to correct the error or omission, and the action may be a class action. The court may require that one or more methods of correcting the error or omission be submitted to the unit owners to determine the most acceptable correction. All unit owners, the association, and the mortgagees of a first mortgage of record must be joined as parties to the action.

Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and final decree of the court by certified mail, return receipt requested, at the unit owner's ~~last known residence~~ address as reflected in the association's official records. If an action to determine whether the declaration or another condominium document complies with the mandatory requirements for the formation of a condominium is not brought within 3 years of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, the declaration and other documents will effectively create a condominium, as of the date the declaration was recorded, regardless of whether the documents substantially comply with the mandatory requirements of law. However, both before and after the expiration of this 3-year period, the circuit court has jurisdiction to entertain a petition permitted under this subsection for the correction of the documentation, and other methods of amendment may be utilized to correct the errors or omissions at any time.

Section 5. Paragraph (a) of subsection (11), paragraphs (a) and (c) of subsection (12), and subsection (13) of section

718.111, Florida Statutes, are amended, and subsection (16) is added to that section, to read:

718.111 The association.—

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of the State of Florida and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

(a) Every condominium association must provide adequate property insurance as determined under this paragraph, regardless of any requirement in the declaration of condominium for certain coverage by the association ~~for full insurable value, replacement cost, or similar coverage, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal. The replacement cost must be determined at least once every 36 months~~.

1. An association or group of associations may provide adequate property insurance through a self-insurance fund that complies with the requirements of ss. 624.460-624.488.

2. The amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be

based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a previous appraisal. The replacement cost of property covered must be determined every 3 years, at a minimum.

3.~~2.~~ The association's obligation to obtain and ~~association may also~~ provide adequate property insurance coverage for a group of at least three communities created and operating under this chapter, chapter 719, chapter 720, or chapter 721 may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

a. Such probable maximum loss must be determined through the use of a competent model that has been accepted by the Florida Commission on Hurricane Loss Projection Methodology.

b. A policy or program providing such coverage may not be issued or renewed after July 1, 2008, unless it has been reviewed and approved by the Office of Insurance Regulation. The review and approval must include approval of the policy and related forms pursuant to ss. 627.410 and 627.411, approval of the rates pursuant to s. 627.062, a determination that the loss model approved by the commission was accurately and appropriately applied to the insured structures to determine the 250-year probable maximum loss, and a determination that complete and accurate disclosure of all material provisions is

provided to condominium unit owners before execution of the agreement by a condominium association.

4.~~3.~~ When determining the adequate amount of property insurance coverage, the association may consider deductibles as determined by this subsection.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).

2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A photocopy of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books that contain the minutes of all meetings of the association, the board of administration, and the unit owners.

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if

known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)4.e. ~~(c)5.e.~~, the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under

which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies

must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

20. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(c)1.a. The official records of the association are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member and of the person authorized by the association member as a representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, the association's bylaws and rules, and the inspection reports described in ss. 553.899 and 718.301(4)(p). The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum

damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

b. In response to a written request to inspect records, the association must simultaneously provide to the requestor a checklist of all records made available for inspection and copying. The checklist must also identify any of the association's official records that were not made available to the requestor. An association must maintain a checklist provided under this sub-subparagraph for 7 years. An association delivering a checklist pursuant to this sub-subparagraph creates a rebuttable presumption that the association has complied with this paragraph.

2. A director or member of the board or association or a community association manager who knowingly and~~,~~ willfully or intentionally~~, and repeatedly~~ violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083, and must be removed from office and a vacancy declared. ~~For purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.~~

3. Any person who willfully and knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who willfully and knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; is personally subject to a civil penalty pursuant to s. 718.501(1)(d); and must be removed from office and a vacancy declared.

4. A person who willfully and knowingly or intentionally refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be removed from office and a vacancy declared.

5. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and the most recent annual financial statement and annual budget ~~year-end financial information~~ required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

a. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which

was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

b. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this sub-subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print

and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

f. Electronic security measures that are used by the association to safeguard data, including passwords.

g. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

h. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the

third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report~~, and a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner~~. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements

in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures,

deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a

copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) SPECIAL ASSESSMENTS AND OBTAINING LOANS.—

(a)1. The Legislature finds that:

a. Condominiums are created as authorized by statute and are subject to covenants that encumber the land and restrict the use of real property.

b. In some circumstances, the declaration, articles of incorporation, or bylaws of an association restrict the authority of the board of administration to levy special assessments or to obtain a loan without first receiving approval of the membership, which may preclude an association from obtaining immediate funding to carry out its obligations to perform necessary maintenance, repair, or replacement of the

condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

c. It is contrary to the public policy of this state to limit the ability of an association to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

d. It is in the best interest of this state to provide a method for the boards of administration of associations to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

2. The Legislature further finds that authorizing the board of administration of an association to meet its fiduciary duty, to levy special assessments, and to obtain a loan for necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect

the health and safety of the unit owners and tenants of the property is in the public interest; that requiring an association to obtain membership approval endangers the public safety; and that there is a compelling state interest in enabling the board of administration of an association to levy special assessments and obtain loans to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(b) Notwithstanding any provision to the contrary contained in an association's declaration, articles of incorporation, or bylaws, the board of administration of an association may levy special assessments and obtain a loan to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(c) This section applies to all condominiums in existence on or after July 1, 2025, which are not controlled by the developer as defined in s. 718.103 or a bulk assignee or bulk buyer, as those terms are defined in s. 718.703.

Section 6. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by section 8 of 2024-244, Laws of Florida, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all meetings of the board of administration over the preceding 12 months.

f.~~e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services

has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

g.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

h.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

i.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

j.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

k.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

l.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled

"Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

m.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

n.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

o.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

p. Copies of all assessments and special assessments for the previous 2 years and an itemized list indicating which assessments and special assessments are related to the milestone inspection report as provided under s. 553.899 and which assessments and special assessments are related to the association's most recent structural integrity reserve study, if applicable.

q.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 7. Paragraphs (c), (d), (f), (g), (l), and (p) of subsection (2) of section 718.112, Florida Statutes, are amended, and paragraph (m) of that subsection is republished, to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(c) Board of administration meetings.—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting ~~agenda~~ must include an opportunity for members to ask questions of the board, including questions relating to the status of any construction or repair projects, the status of all revenue and expenditures during the current fiscal year, and any other issues affecting the condominium. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items ~~and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium~~. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements and questions.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted

conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. If there is no condominium property at which notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting. In lieu of or in addition to the physical

posting of the notice on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

3. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

4. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(d) Unit owner meetings.—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 45 miles of the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium.

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not

serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to

have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

3. The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an

annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. In lieu of, or in addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four

times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to

the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

4. The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to

the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates

this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to

any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

5. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement

without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

6. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (l); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

7. Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

8. A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

9. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative,

a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (l) and rules adopted by the division.

10. This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy. Notwithstanding sub-subparagraph 4.a., an association operating a nonresidential condominium may provide for different

1181 voting and election procedures in its bylaws, or by an amendment
1182 to its bylaws, which may include alternative notice requirements
1183 and voting by limited or general proxy.
1184 (f) Annual budget.—
1185 1. The proposed annual budget of estimated revenues and
1186 expenses must be detailed and must show the amounts budgeted by
1187 accounts and expense classifications, including, at a minimum,
1188 any applicable expenses listed in s. 718.504(21). The board
1189 shall adopt the annual budget at least 14 days before the start
1190 of the association's fiscal year. In the event that the board
1191 fails to timely adopt the annual budget a second time, it is
1192 deemed a minor violation and the prior year's budget shall
1193 continue in effect until a new budget is adopted. A
1194 multicondominium association must adopt a separate budget of
1195 common expenses for each condominium the association operates
1196 and must adopt a separate budget of common expenses for the
1197 association. In addition, if the association maintains limited
1198 common elements with the cost to be shared only by those
1199 entitled to use the limited common elements as provided for in
1200 s. 718.113(1), the budget or a schedule attached to it must show
1201 the amount budgeted for this maintenance. If, after turnover of
1202 control of the association to the unit owners, any of the
1203 expenses listed in s. 718.504(21) are not applicable, they do
1204 not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 ~~$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If the total voting interests of the association vote to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for

such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association operating a multicondominium may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method has been approved by the division. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board~~,~~ ~~upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association

may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

b. Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

c. The members of a unit-owner-controlled association may approve, by a majority vote of the total voting interests of the association, the provision of a secured line of credit to meet the reserve funding schedule recommended by a structural integrity reserve study. Before voting to secure a line of credit as authorized in this sub-subparagraph, the association must provide notice to each member of the association indicating that the association will charge the members an assessment in the future if the members decline to annually fund all reserves and instead secure a line of credit. Such notice must provide

the projected amount of such assessment in each future year. The department shall adopt rules to implement this sub-subparagraph.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g). A vote of the members is not required to create the reserve account or accounts in accordance with the most recent structural integrity reserve study.

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or

reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

5. An association's reserve accounts may be pooled for two or more required components. Reserve funding for components listed in paragraph (g) may only be pooled with other components listed in paragraph (g). The reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the most recent structural integrity reserve study.

(g) Structural integrity reserve study.—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three habitable stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study. The base amount of the expense or replacement cost referenced in this sub-subparagraph must be modified annually based on the Consumer Price Index for All Urban Consumers released in January. By February 1 of each year, the department must conspicuously post on its website the revised expense or replacement cost for all items that must be included in the structural integrity reserve study pursuant to this sub-subparagraph.

2. A structural integrity reserve study is based on a visual inspection of the condominium property. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of

the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts. It is a conflict of interest for any person who performs a structural integrity reserve study or a milestone inspection under s. 553.899 to provide or contract to provide services for the repair or replacement of the condominium property that was the subject of such structural integrity reserve study or milestone inspection, or to have a financial interest with the person or entity providing the repair or replacement services.

3. At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and

an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item.

4. This paragraph does not apply to buildings less than three stories in height; single-family, two-family, ~~or~~ three-family, or four-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

5. Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

6. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with

s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

7. If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

8. If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

9. Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice

requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

10. Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

11. By October 1, 2025, the Department of Business and Professional Regulation shall initiate rulemaking to:

a. Adopt by rule, in coordination with the Florida Building Commission, the form to be used for the structural integrity reserve study.

b. Adopt by rule criteria for determining the estimated useful life of the building components identified in subparagraph 1.

(l) Recall of board members.—Subject to s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by ~~the vote or~~ agreement ~~in writing~~ by a majority of all the voting interests.

A voting interest of the condominium may not be suspended when voting to recall a member of the board of administration and any prior suspension of voting rights pursuant to s. 718.303(5) shall have no effect on a recall vote ~~A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose~~.

~~1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall will be effective as provided in this paragraph. The board shall duly notice and hold a board meeting within 5 full business days after the adjournment of the unit owner meeting to recall one or more board members. Such member or members shall be recalled effective immediately upon conclusion of the board meeting, provided that the recall is facially valid. A recalled member must turn over to the board, within 10 full business days after the vote, any and all records and property of the association in their possession.~~

1.~~2.~~ ~~If~~ The ~~proposed~~ recall ~~is by an agreement in writing by a majority of all voting interests, the~~ agreement ~~in writing~~ or a copy thereof must ~~shall~~ be served on the association by

registered ~~certified~~ mail or ~~by personal service~~ in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. Methods of service that are not authorized by chapter 48 and the Florida Rules of Civil Procedure are invalid and any service that does not comply with this paragraph is void. The board of administration shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement by valid service as authorized under this paragraph ~~in writing~~. Such member or members must ~~shall~~ be recalled effective immediately upon the conclusion of the board meeting, provided that the recall is facially valid and the agreement was validly served. A recalled member must turn over to the board, within 10 full business days, ~~any and~~ all records and property of the association in his or her ~~their~~ possession.

2. Rejection of a unit owner's recall agreement under this section applies when the recall agreement:

a. Was improperly served;

b. Was executed by a person who was not a unit's record owner or designated voter;

c. Was previously marked for the removal of any board member;

d. Does not contain any markings that indicate the selection by a unit owner to either remove or retain a board member; or

e. Does not contain the signature of the unit owner.

3. There is a rebuttable presumption that a unit owner executing the recall agreement is the designated voter for the unit. An association may not enforce a voting certificate requirement if the association has not enforced such requirement in all matters requiring the use of voting certificates in the year immediately preceding service of the recall agreement.

4. A rescission or revocation of a unit owner's recall agreement must be in writing and delivered to the association before the association is served with the written recall agreement. This subparagraph must be liberally construed to ensure a unit owner is not disenfranchised by an association in a recall and to prevent an association from failing to certify a recall agreement on a technical omission which is not a part in the discharge of the unit owner's voting rights.

5.~~3.~~ If the board fails to duly notice and hold a board meeting within 5 full business days after service of an agreement in writing or within 5 full business days after the adjournment of the unit owner recall meeting, the recall is deemed effective and the board members so recalled shall turn over to the board within 10 full business days after the vote ~~any and~~ all records and property of the association.

6.~~4.~~ If the board fails to duly notice and hold the required meeting or at the conclusion of the meeting determines that the recall is not facially valid, the unit owner representative may file a petition or circuit court action under

s. 718.1255 challenging the board's failure to act or challenging the board's determination on facial validity. The petition or action must be filed within 45 ~~60~~ days after the expiration of the applicable 5-full-business-day period. The review of a petition or action under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed. The association must be named as the respondent.

7.~~5.~~ If a vacancy occurs on the board as a result of a recall or removal and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this subsection. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies must ~~shall~~ be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this subsection. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.

8.~~6.~~ A board member who has been recalled may file a petition or court action under s. 718.1255 challenging the validity of the recall. The petition or action must be filed within 45 ~~60~~ days after the recall. The association and the unit

owner representative must ~~shall~~ be named as the respondents. The petition or action may challenge the facial validity of the written agreement or ballots filed or the substantial compliance with the procedural requirements for the recall. If the arbitrator or court determines the recall was invalid, the petitioning board member must ~~shall~~ immediately be reinstated and the recall is null and void. A board member who is successful in challenging a recall is entitled to recover reasonable attorney fees and costs from the respondents. The arbitrator or court may award reasonable attorney fees and costs to the respondents if they prevail, if the arbitrator or court makes a finding that the petitioner's claim is frivolous.

9.~~7.~~ The division or a court of competent jurisdiction may not accept for filing a recall petition or court action, whether filed under subparagraph 1., ~~subparagraph 2., subparagraph 4., or~~ subparagraph 6., or subparagraph 8., when there are 45 ~~60~~ or fewer days until the scheduled reelection of the board member sought to be recalled or when 45 ~~60~~ or fewer days have elapsed since the election of the board member sought to be recalled.

(m) Alternative dispute resolution.—There must be a provision for alternative dispute resolution as provided for in s. 718.1255 for any residential condominium.

(p) Director or officer delinquencies.—A director or officer more than 90 days delinquent in the payment of any monetary obligation due the association is ~~shall be~~ deemed to

have abandoned the office, creating a vacancy in the office to be filled according to law. For the purpose of this paragraph, a director or an officer is delinquent if a payment is not made by the due date as specifically identified in the declarations, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration, bylaws, or articles of incorporation, the due date is the first day of the assessment period.

Section 8. Paragraphs (d) and (e) of subsection (5) of section 718.113, Florida Statutes, are amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane protection; display of religious decorations.—

(5) To protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, this subsection applies to all residential and mixed-use condominiums in the state, regardless of when the condominium is created pursuant to the declaration of condominium. Each board of administration of a residential condominium or mixed-use condominium must adopt hurricane protection specifications for each building within each condominium operated by the association which may include color, style, and other factors deemed relevant by the board. All specifications adopted by the board must comply with the

applicable building code. The installation, maintenance, repair, replacement, and operation of hurricane protection in accordance with this subsection is not considered a material alteration or substantial addition to the common elements or association property within the meaning of this section.

(d) Unless otherwise provided in the declaration as originally recorded, or as amended, a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the association is responsible. The board shall determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association if the declaration as originally recorded, or as amended, does not specify who is responsible for such costs. If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.

~~(c) If the removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, is the responsibility of the unit owner and the association completes such removal or reinstallation and then charges the unit owner for such removal or reinstallation, such charges are enforceable as an assessment and may be collected in the manner provided under s. 718.116.~~

Section 9. Subsection (10) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(10)(a) The specific purpose or purposes of any special assessment, including any contingent special assessment levied in conjunction with the purchase of an insurance policy authorized by s. 718.111(11), approved in accordance with the condominium documents shall be set forth in a written notice of such assessment sent or delivered to each unit owner. The funds collected pursuant to a special assessment shall be used only for the specific purpose or purposes set forth in such notice. However, upon completion of such specific purpose or purposes, any excess funds will be considered common surplus, and may, at the discretion of the board, either be returned to the unit owners or applied as a credit toward future assessments.

(b) The Legislature finds that:

1. In some circumstances, the declaration, articles of incorporation, or bylaws of an association restrict the authority of the board of administration to levy special assessments without first obtaining the approval of the membership, which may preclude an association from obtaining immediate funding to carry out its obligations to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

2. It is contrary to the public policy of this state to limit the ability of an association to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the unit owners and tenants of the property.

3. Authorizing the board of administration of an association to meet its fiduciary duty and levy special assessments to fund necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property is in the public interest; that requiring an association to obtain membership

approval endangers the public safety; and that there is a compelling state interest in enabling the board of administration of an association to levy special assessments to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(c) Notwithstanding any provision to the contrary contained in an association's declaration, articles of incorporation, or bylaws, the board of administration of an association may levy special assessments to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(d) Paragraph (c) applies to all condominiums in existence on or after July 1, 2025, which are not subject to control of the developer as defined in s. 718.103 or a bulk assignee or bulk buyer, as those terms are defined in s. 718.703.

Section 10. Paragraph (a) of subsection (2) and subsections (3), (4), and (16) of section 718.117, Florida Statutes, are amended to read:

718.117 Termination of condominium.—

(2) TERMINATION BECAUSE OF ECONOMIC WASTE OR IMPOSSIBILITY.—

(a) Notwithstanding any provision in the declaration, the condominium form of ownership of a property may be terminated by a plan of termination approved by the lesser of the lowest percentage of voting interests necessary to amend the declaration or as otherwise provided in the declaration for approval of termination if:

1. The total estimated cost of construction, replacement, or repairs necessary to construct or replace the intended improvements or restore the improvements to bring them into compliance with the most recent version of the Florida Building Code or to ~~their former condition or~~ bring them into compliance with applicable laws or regulations, plus the combined estimated fair market value of the units in the condominium before commencement of the construction, replacement, or repairs, exceeds the combined estimated fair market value of the units in the condominium after completion of the construction, replacement, or repairs. However, if at least 50 percent of the total voting interests are owned by a bulk owner, as defined in paragraph (3)(c), termination of the condominium under this subsection requires the approval of at least 80 percent of all the voting interests in the condominium; or

2. It becomes impossible to operate or reconstruct a condominium to its prior physical configuration because of land use laws or regulations.

(3) OPTIONAL TERMINATION.—Subject to this subsection, the condominium form of ownership may be terminated for all or a portion of the condominium property pursuant to a plan of termination ~~meeting the requirements of this section and approved by the division. Before a residential association submits a plan to the division, the plan must be~~ approved by at least 80 percent of the total voting interests in ~~of~~ the condominium. ~~However, if 5 percent or more of the total voting interests of the condominium have rejected the plan of termination by negative vote or by providing written objections, the plan of termination may not proceed.~~

(a) The termination of the condominium form of ownership is subject to the following conditions:

1. The total voting interests of the condominium must include all voting interests for the purpose of considering a plan of termination. A voting interest of the condominium may not be suspended for any reason when voting on termination pursuant to this subsection.

2. If 5 percent or more of the total voting interests of the condominium have rejected ~~reject~~ a plan of termination by a negative vote or by providing written objections, the plan of termination may not proceed and a subsequent plan of termination

under ~~pursuant to~~ this subsection may not be considered for 24 months after the date of the rejection.

(b) This subsection does not apply to any condominium created pursuant to Part VI of this chapter until 5 years after the recording of the declaration of condominium, unless there is no objection to the plan of termination.

(c) The requirements of this paragraph apply to residential condominiums. For purposes of this paragraph ~~subsection~~, the term "bulk owner" means the single holder of such voting interests or an owner together with a related entity or entities that would be considered an insider, as defined in s. 726.102, holding such voting interests. If ~~the condominium association is a residential association proposed for termination pursuant to this section and~~, at the time of recording the plan of termination, at least 80 percent of the total voting interests of the condominium are owned by a bulk owner, the plan of termination is subject to the following conditions and limitations:

1. If the former condominium units are offered for lease to the public after the termination, each unit owner in occupancy immediately before the date of recording of the plan of termination may lease his or her former unit and remain in possession of the unit for 12 months after the effective date of the termination on the same terms as similar unit types within the property are being offered to the public. In order to obtain

a lease and exercise the right to retain exclusive possession of the unit owner's former unit, the unit owner must make a written request to the termination trustee to rent the former unit within 90 days after the date the plan of termination is recorded. Any unit owner who fails to timely make such written request and sign a lease within 15 days after being presented with a lease is deemed to have waived his or her right to retain possession of his or her former unit and shall be required to vacate the former unit upon the effective date of the termination, unless otherwise provided in the plan of termination.

2. Any former unit owner whose unit was granted homestead exemption status by the applicable county property appraiser as of the date of the recording of the plan of termination shall be paid a relocation payment in an amount equal to 1 percent of the termination proceeds allocated to the owner's former unit. Any relocation payment payable under this subparagraph shall be paid by the single entity or related entities owning at least 80 percent of the total voting interests. Such relocation payment shall be in addition to the termination proceeds for such owner's former unit and shall be paid no later than 10 days after the former unit owner vacates his or her former unit.

3. For their respective units, all unit owners other than the bulk owner must be compensated at least 100 percent of the fair market value of their units. The fair market value shall be

determined as of a date that is no earlier than 90 days before the date that the plan of termination is recorded and shall be determined by an independent appraiser selected by the termination trustee. For a person whose unit was granted homestead exemption status by the applicable county property appraiser, or was an owner-occupied operating business, as of the date that the plan of termination is recorded and who is current in payment of both assessments and other monetary obligations to the association as of the date the plan of termination is recorded, the fair market value shall be at least the original purchase price paid for the unit. For purposes of this subparagraph, the term "fair market value" means the price of a unit that a seller is willing to accept and a buyer is willing to pay on the open market in an arms-length transaction based on similar units sold in other condominiums, including units sold in bulk purchases but excluding units sold at wholesale or distressed prices. The purchase price of units acquired in bulk following a bankruptcy or foreclosure shall not be considered for purposes of determining fair market value.

4. The plan of termination must provide for payment of a first mortgage encumbering a unit to the extent necessary to satisfy the lien, but the payment may not exceed the unit's share of the proceeds of termination under the plan. If the unit owner is current in payment of both assessments and other monetary obligations to the association and any mortgage

encumbering the unit as of the date the plan of termination is recorded, the receipt by the holder of the unit's share of the proceeds of termination under the plan or the outstanding balance of the mortgage, whichever is less, shall be deemed to have satisfied the first mortgage in full.

5. Before a plan of termination is presented to the unit owners for consideration pursuant to this paragraph, the plan must include the following written disclosures in a sworn statement:

a. The identity of any person or entity that owns or controls 25 percent or more of the units in the condominium and, if the units are owned by an artificial entity or entities, a disclosure of the natural person or persons who, directly or indirectly, manage or control the entity or entities and the natural person or persons who, directly or indirectly, own or control 10 percent or more of the artificial entity or entities that constitute the bulk owner.

b. The units acquired by any bulk owner, the date each unit was acquired, and the total amount of compensation paid to each prior unit owner by the bulk owner, regardless of whether attributed to the purchase price of the unit.

c. The relationship of any board member to the bulk owner or any person or entity affiliated with the bulk owner subject to disclosure pursuant to this subparagraph.

d. The factual circumstances that show that the plan complies with the requirements of this section and that the plan supports the expressed public policies of this section.

(d) If the members of the board of administration are elected by the bulk owner, unit owners other than the bulk owner may elect at least one-third of the members of the board of administration before the approval of any plan of termination.

(e) Termination must be approved by the division after a plan of termination receives the requisite approval from the unit owners. The division shall examine the plan of termination to determine its procedural sufficiency and, within 45 days after receipt of the initial filing, the division shall notify the association by mail of any procedural deficiencies or that the filing is accepted. If the notice is not given within 45 days after the receipt of the filing, the plan of termination is presumed to be accepted. If the division determines that the conditions required by this section have been met and that the plan complies with the procedural requirements of this section, the division shall authorize the termination, and the termination may proceed pursuant to this section.

(f) Subsection (2) does not apply to optional termination pursuant to this subsection.

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4). In a partial termination, a plan of termination is not an amendment subject to s. 718.110(4) if the

ownership share of the common elements of a surviving unit in the condominium remains in the same proportion to the surviving units as it was before the partial termination. Notwithstanding any provision in the declaration to the contrary, the association may amend the declaration of condominium for the purpose of incorporating this section by the lesser of the lowest percentage of voting interests necessary to amend the declaration or as otherwise provided in the declaration, whichever is less.

(16) RIGHT TO CONTEST.—A unit owner or lienor may contest a plan of termination by initiating a petition in accordance with s. 718.1255 within 90 days after the date the plan is recorded. A unit owner or lienor may only contest the fairness and reasonableness of the apportionment of the proceeds from the sale among the unit owners; ~~,~~ that the liens of the first mortgages of unit owners other than the bulk owner have not or will not be satisfied to the extent required by subsection (3); that the combined estimated fair market value of the units in the condominium after completion of the construction, replacement, or repairs contemplated by subparagraph (2)(a)1. exceeds the estimated value of the units before the construction, replacement, or repairs plus the cost of the construction, replacement, or repairs; ~~,~~ or that the required vote to approve the plan was not obtained. A unit owner or lienor who does not contest the plan within the 90-day period is

barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable or that the required vote was not obtained. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (12). If the petition is filed with the division for arbitration, the arbitrator shall determine the rights and interests of the parties in the apportionment of the sale proceeds. If the arbitrator determines that the apportionment of sales proceeds is not fair and reasonable, the arbitrator may void the plan or may modify the plan to apportion the proceeds in a fair and reasonable manner pursuant to this section based upon the proceedings and order the modified plan of termination to be implemented. If the arbitrator determines that the plan was not properly approved, or that the procedures to adopt the plan were not properly followed, the arbitrator may void the plan or grant other relief it deems just and proper. The arbitrator shall automatically void the plan upon a finding that any of the disclosures required in subparagraph (3)(c)5. are omitted, misleading, incomplete, or inaccurate. Any challenge to a plan, other than a challenge that the required vote was not

obtained, does not affect title to the condominium property or the vesting of the condominium property in the trustee, but shall only be a claim against the proceeds of the plan. In any such action, the prevailing party shall recover reasonable attorney fees and costs.

Section 11. Subsection (7) of section 718.1255, Florida Statutes, is renumbered as subsection (9), paragraph (a) of subsection (4) and subsection (6) are amended, and new subsections (7) and (8) are added to that section, to read:

718.1255 Alternative dispute resolution; mediation; nonbinding arbitration; applicability.—

(4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation may employ full-time attorneys to act as arbitrators to conduct the arbitration hearings provided by this chapter. The division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter. A person may not be employed by the department as a full-time arbitrator unless he or she is a member in good standing of The Florida Bar. A person may only be certified by the division to act as an arbitrator if he or she has been a member in good standing of The Florida Bar for at least 5 years and has mediated or arbitrated at least 10 disputes involving condominiums in this state during the 3 years immediately

preceding the date of application, mediated or arbitrated at least 30 disputes in any subject area in this state during the 3 years immediately preceding the date of application, or attained board certification in real estate law or condominium and planned development law from The Florida Bar. Arbitrator certification is valid for 1 year. An arbitrator who does not maintain the minimum qualifications for initial certification may not have his or her certification renewed. The department may not enter into a legal services contract for an arbitration hearing under this chapter with an attorney who is not a certified arbitrator unless a certified arbitrator is not available within 50 miles of the dispute. The department shall adopt rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator is final; however, a decision is not deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If judicial proceedings are initiated, the final decision of the arbitrator is admissible in evidence in the trial de novo.

(a) Before the institution of court litigation, a party to a dispute, other than an election or recall dispute, shall either petition the division for nonbinding arbitration or initiate presuit mediation as provided in subsection (5). In an election or recall dispute that is arbitrated by the division,

the arbitration decision is binding on the parties unless removed pursuant to subsection (7). For all other disputes, arbitration is binding on the parties if all parties in arbitration agree to be bound in a writing filed in arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(6) DISPUTES INVOLVING ELECTION IRREGULARITIES OR RECALL OF A DIRECTOR.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration or the recall of any director of the board of administration must be handled on an expedited basis in the manner provided by the division's rules for recall arbitration disputes. If a challenge to an election or recall dispute is filed in circuit court, the challenge must be brought in equity as a summary proceeding pursuant to s. 51.011. The party filing the action may request the court to issue a temporary injunction to stay an upcoming election while the action is pending. The court must set an immediate hearing when an action is filed pursuant to this subsection. The court may limit the time for taking testimony based on the circumstances of the matter and the proximity of the date on which a succeeding election is scheduled, if applicable. An action filed pursuant to this

subsection must be tried without a jury. The prevailing party in an action filed pursuant to this subsection shall recover reasonable attorney fees and costs.

(7) REMOVAL OF ELECTION AND RECALL ARBITRATION ACTIONS.—

(a) A unit owner, a recall representative, or an association may remove a petition for arbitration for an election or a recall dispute within 10 days after service of such petition by filing a notice of removal and complaint in the circuit court for the county in which the association is located. The failure to timely file a notice of removal and complaint bars the parties from seeking a trial de novo or otherwise filing an action in circuit court and the arbitration ruling by the division is final and binding on the parties.

(b) A notice of removal and complaint, as well as a copy of all process, pleadings, and orders served in an action, must be signed pursuant to the Florida Rules of Civil Procedure. The party that does not seek the removal of the arbitration decision does not need to consent to the filing of a notice of removal and complaint. The party filing the notice of removal and complaint must simultaneously serve written notice to all parties and file a copy of such written notice with the division, which ceases any further action on the matter. The party filing the notice of removal and complaint must pay all applicable filing fees within 5 days after filing the notice of removal and complaint. An action or counterclaim filed after the

filing of the notice of removal and complaint must be brought in equity as a summary proceeding pursuant to s. 51.011. The party filing the action may request the court to issue a temporary injunction to stay an upcoming election while the action is pending. The court must set an immediate hearing when an action is filed pursuant to this paragraph. The court may limit the time for taking testimony based on the circumstances of the matter and the proximity of the date on which a succeeding election is scheduled, if applicable. An action filed pursuant to this paragraph must be tried without a jury. Pursuant to subsection (8), reasonable attorney fees and costs may be awarded in disputes brought under this subsection.

(8) ATTORNEY FEES AND COSTS FOR DISPUTES INVOLVING A RECALL OF DIRECTORS.—If the division or a court of this state renders a judgment or decree against an association and in favor of the unit owner, the division, trial court, or, in the event of an appeal in which the unit owner prevails, the appellate court shall order the association to pay all costs incurred by the unit owner in the action and the unit owner's reasonable attorney fees. The division or court may award such costs and attorney fees in the judgment or decree rendered in the action or such costs and attorney fees may be included in a separate judgment or decree. Costs and attorney fees may not be recovered in any action involving the recall of directors except as

provided in this subsection or if awarded as a sanction under s. 57.105.

Section 12. Subsection (6) of section 718.128, Florida Statutes, is renumbered as subsection (8), subsection (4) is amended, and new subsections (6) and (7) are added to that section, to read:

718.128 Electronic voting.—The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements are met:

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. ~~Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit~~

~~owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.~~

(6) If at least 25 percent of the voting interests of a condominium petition the board to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt such resolution. The board must receive the petition within 180 days after the date of the last scheduled annual meeting.

(7)(a) Unless the association has adopted electronic voting in accordance with subsections (1)-(6), the association must designate an e-mail address for receipt of electronically transmitted ballots. Electronically transmitted ballots must meet all the requirements of this subsection.

(b) A unit owner may electronically transmit a ballot to the e-mail address designated by the association without complying with s. 718.112(2)(d)2. or the rules providing for the secrecy of ballots adopted by the division. The association must count completed ballots that are electronically transmitted to the designated e-mail address, provided the completed ballot complies with the requirements of this subsection.

(c) A ballot that is electronically transmitted to the association must include all of the following:

1. A space for the unit owner to type in his or her unit number.

2. A space for the unit owner to type in his or her first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot.

3. The following statement in capitalized letters and in a font size larger than any other font size used in the e-mail from the association to the unit owner:

WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE YOUR SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON.

(d) A unit owner must transmit his or her completed ballot to the e-mail address designated by the association no later than the scheduled date and time of the meeting during which the matter is being voted on.

(e) There is a rebuttable presumption that an association has reviewed all folders associated with the e-mail address designated by the association to receive ballots if a board member, an officer, or an agent of the association, or a manager licensed under part VIII of chapter 468, provides a sworn affidavit attesting to such review.

Section 13. Subsection (7) of section 718.203, Florida Statutes, is amended to read:

718.203 Warranties.—

(7) ~~Residential~~ Condominiums may be covered by an insured warranty program underwritten by a licensed insurance company registered in this state, provided that such warranty program meets the minimum requirements of this chapter; to the degree that such warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

Section 14. Subsection (1) of section 718.301, Florida Statutes, is amended to read:

718.301 Transfer of association control; claims of defect by association.—

(1) If unit owners other than the developer own 15 percent or more of the units in a condominium that will be operated ultimately by an association, the unit owners other than the developer are entitled to elect at least one-third of the members of the board of administration of the association. Unit owners other than the developer are entitled to elect at least a

majority of the members of the board of administration of an association, upon the first to occur of any of the following events:

(a) Three years after 50 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(b) Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(c) When all the units that will be operated ultimately by the association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;

(d) When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business;

(e) When the developer files a petition seeking protection in bankruptcy;

(f) When a receiver for the developer is appointed by a circuit court and is not discharged within 30 days after such appointment, unless the court determines within 30 days after appointment of the receiver that transfer of control would be detrimental to the association or its members; or

(g) Seven years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first; or, in the case of an association that may ultimately operate more than one condominium, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, for the first condominium it operates; or, in the case of an association operating a phase condominium created pursuant to s. 718.403, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first.

The developer is entitled to elect at least one member of the board of administration of an association as long as the developer holds for sale in the ordinary course of business at least 5 percent, in condominiums with fewer than 500 units, and

2 percent, in condominiums with more than 500 units, of the units in a condominium operated by the association. After the developer relinquishes control of the association, the developer may exercise the right to vote any developer-owned units in the same manner as any other unit owner except for purposes of reacquiring control of the association or selecting the majority members of the board of administration. Beginning July 1, 2025, paragraphs (a), (c), (d), and (g) do not apply to nonresidential condominiums comprised of 10 or fewer units.

Section 15. Paragraphs (a) and (b) of subsection (1) of section 718.302, Florida Statutes, are amended to read:

718.302 Agreements entered into by the association.—

(1) Any grant or reservation made by a declaration, lease, or other document, and any contract made by an association prior to assumption of control of the association by unit owners other than the developer, that provides for operation, maintenance, or management of a condominium association or property serving the unit owners of a condominium shall be fair and reasonable, and such grant, reservation, or contract may be canceled by unit owners other than the developer:

(a) If the association operates only one condominium and the unit owners other than the developer have assumed control of the association, or if unit owners other than the developer own at least ~~not less than~~ 75 percent of the voting interests in the condominium or 90 percent of the voting interests if the

condominium is a nonresidential condominium consisting of 10 or fewer units, the cancellation must ~~shall~~ be by concurrence of the owners of at least ~~not less than~~ 75 percent of the voting interests other than the voting interests owned by the developer. If a grant, reservation, or contract is so canceled and the unit owners other than the developer have not assumed control of the association, the association must ~~shall~~ make a new contract or otherwise provide for maintenance, management, or operation in lieu of the canceled obligation, at the direction of the owners of not less than a majority of the voting interests in the condominium other than the voting interests owned by the developer.

(b) If the association operates more than one condominium and the unit owners other than the developer have not assumed control of the association, and if unit owners other than the developer own at least 75 percent of the voting interests in the condominiums ~~a condominium~~ operated by the association or, beginning July 1, 2025, 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, any grant, reservation, or contract for maintenance, management, or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium may be canceled by concurrence of the owners of at least 75 percent, or 90 percent if the condominium is a nonresidential condominium consisting of 10 or

fewer units, of the voting interests in the condominium other than the voting interests owned by the developer. A ~~No~~ grant, reservation, or contract for maintenance, management, or operation of recreational areas or any other property serving more than one condominium, and operated by more than one association, may not be canceled except pursuant to paragraph (d).

Section 16. Subsection (4) of section 718.407, Florida Statutes, is amended to read:

718.407 Condominiums created within a portion of a building or within a multiple parcel building.—

(4)(a) The association of a condominium subject to this section may inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based, and must ~~to~~ receive an annual budget with respect to such costs.

(b) Within 60 days after the end of each fiscal year, the owner of a portion of a building that is not submitted to the condominium form of ownership must provide to the association a complete financial report of all costs for maintaining and operating the shared facilities. Such report must include copies of all receipts and invoices. If such owner fails to provide the report and copies of the receipts and invoices to the condominium association within the 60-day period, the division

may impose penalties and otherwise enforce and ensure compliance with this subsection.

(c) Within 60 days after receipt of the financial report, the association may challenge any apportionment of costs for the maintenance and operation of the shared facilities. A challenge under this paragraph is governed by s. 720.311.

Section 17. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the procedural completion of milestone inspections under s. 553.899~~. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g) and the milestone inspections conducted under s. 553.899.

8. The completion of repairs required by a milestone inspection conducted under s. 553.899.

9.~~8.~~ Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an insurance policy or fidelity bond for all persons who control or disperse funds of the association under s. 718.111(11)(h).

11. The board member education requirements under s. 718.112(2)(d)5.b.

12. The reporting requirements for structural integrity reserve studies under subsection (3) and s. 718.112(2)(g)12.

(b)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the

financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

(c) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(d) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.

(e) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to

believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement

entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the

enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the

division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed $5,000. The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative

intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least $500 but no more than $5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

(f) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(g) The division may adopt rules to administer and enforce this chapter.

(h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review

and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

(l) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of

paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division

may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or

2. Accept grants-in-aid from any source.

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and rules and common administrative practices.

(s) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

(t) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(u) If the division receives a complaint regarding access to official records on the association's website or through an application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but

need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)

(d) Each condominium association must create and maintain an online account with the division. Board members of each association must maintain accurate contact information on file with the division. The division shall adopt rules to implement this paragraph.

(3)~~(a)~~ On or before October 1, 2025, all ~~January 1, 2023,~~ condominium associations must provide specified information in an electronic format determined by the division. The information in paragraphs (a), (b), and (c) must be updated within 15 days after any changes are made to the information. The information

that must be provided to the division includes, but is not limited to:

(a) The contact information for the association which includes all of the following:

1. The name of the association.

2. The mailing address of the association and the county in which the association is located.

3. The e-mail address and telephone number for the association.

4. The name, board title, and e-mail address for each member of the association's board of directors.

5. The name and contact information of the community association manager or community association management firm of the association, if applicable.

6. The name and contact information of each person or community association management firm responsible for remitting any payment to the division.

7. The hyperlink or website address to the association's website, if applicable.

(b) The total ~~existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The~~ number of buildings on the condominium property and for each building the following information:

1. The physical address of the building.

2. The total number of stories in each building on the condominium property, including both habitable and uninhabitable stories ~~that are three stories or higher in height~~.

3.~~2.~~ The total number of units in all such buildings.

4. The age of each building on the property based on the association's certificate of occupancy.

5. Any construction that was commenced on the common elements within the previous 12 months.

(c) The association's assessments, including all of the following information:

1. The amount of the assessments or special assessments, including for reserves, by unit type.

2. The purpose of the assessments or special assessments.

3. The name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the division, which must be provided within 5 business days after such request and in a manner prescribed by the division.

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the condominium property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 18. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural

integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or ~~and~~

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER

INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, A COPY OF ALL CURRENT LINE OF CREDIT AGREEMENTS AND LINE OF CREDIT LOAN DOCUMENTS, A COPY OF ALL ASSESSMENTS FROM THE PREVIOUS 2 YEARS, AND A COPY OF THE FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, A COPY OF ALL CURRENT LINE OF CREDIT AGREEMENTS AND LINE OF CREDIT LOAN DOCUMENTS, A COPY OF ALL ASSESSMENTS FROM THE PREVIOUS 2 YEARS, AND A COPY OF THE FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, ~~AND~~ A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, A COPY OF ALL CURRENT LINE OF CREDIT AGREEMENTS AND LINE OF CREDIT LOAN DOCUMENTS, A COPY OF ALL ASSESSMENTS FROM THE PREVIOUS 2 YEARS, ~~YEAR-END FINANCIAL INFORMATION~~ AND A COPY OF THE FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract

entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or ~~and~~

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED

WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 19. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as created by this act, are intended to clarify existing law and shall apply retroactively. However, such amendments do not revive, ~~or~~ reinstate, or retroactively apply to any right or interest of a condominium unit owner or condominium association

in a matter pending adjudication ~~that has been fully and finally adjudicated as invalid~~ before October 1, 2024.

Section 20. Subsection (3) of section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of this ~~the~~ state, ~~or~~ a political subdivision of this ~~the~~ state, ~~or~~ the Commission on Ethics, or the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.

Section 21. Except as otherwise provided in this act, this act shall take effect July 1, 2025.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to condominium associations; creating s. 163.212, F.S.; providing definitions; requiring certain local governments to confirm by a specified date whether a structural integrity reserve study and milestone inspection have been completed for certain buildings and if the study and inspection report has

been filed with the Florida Division of Condominiums, Timeshares, and Mobile Homes; requiring each local government to submit a certain report to the division by a specified date; amending s. 553.899, F.S.; requiring local enforcement agencies to provide specified information to the Department of Business and Professional Regulation by a specified date and annually thereafter; requiring the department to provide certain information to the Office of Program Policy and Government Accountability (OPPAGA); authorizing OPPAGA to request additional information; amending s. 718.103, F.S.; revising the definition of the term "alternative funding method"; amending s. 718.110, F.S.; providing that the declaration of a nonresidential condominium may be amended to change certain provisions if all affected record owners join in the execution of such amendment; requiring certain documents to be served at a unit owner's address as reflected in the association's official records; amending s. 718.111, F.S.; requiring, rather than authorizing, an association to provide adequate insurance coverage; revising the requisite intent necessary for criminal penalties; requiring associations to maintain the most recent annual financial statement and annual budget on the

condominium property; removing the requirement for an association to provide a unit owner specified notice that the most updated financial report will be provided to the unit owner upon request; providing legislative findings; authorizing the board of an association to levy special assessments and obtain loans for certain purposes without approval of the membership; providing applicability; requiring an association to post the adopted minutes of certain meetings and certain information relating to assessments and special assessments on the association's website or application; amending s. 718.112, F.S.; authorizing an association to adopt written reasonable rules governing unit owner questions at a meeting; authorizing an association operating a nonresidential condominium to provide for different voting and election procedures; revising the dollar amount of the deferred maintenance expense or replacement cost threshold; authorizing members to waive the maintenance of reserves if the total voting interests of the association have voted to terminate the condominium; authorizing the board of an association to pause or reduce contributions to its reserves without requiring approval from the members of the association; authorizing a majority of the

total voting interests of certain associations to approve the provision of a specified line of credit to be used for certain purposes; requiring an association to provide specified notice to its members before voting to secure a line of credit; requiring the department to adopt rules; providing that an association may create reserve accounts in accordance with the most recent structural integrity reserve study without a vote of the members; authorizing an association's reserve accounts to be pooled; requiring a structural integrity reserve study for buildings that have at least three habitable stories; revising the dollar amount of the deferred maintenance expense or replacement cost threshold; requiring certain expenses or costs to be modified annually; requiring the department to post revised expenses or costs on its website by a specified date; specifying that a conflict of interest exists if the person conducting a structural integrity reserve study or milestone inspection provides or contracts to provide repair or replacement services on certain property; revising applicability; requiring officers and directors to sign a specified affidavit; requiring the department to initiate rulemaking by a specified date for certain purposes; prohibiting the suspension of a voting

interest of a condominium when voting to recall a member of the board of administration; prohibiting any prior suspension of voting rights from having any effect; removing certain provisions relating to the method for recalling members of the board; requiring that a recall agreement be served on the association by registered mail, rather than by certified mail or by personal service; providing that service must be provided in a specified manner to be valid; providing that a rejection of a unit owner's recall agreement applies under certain circumstances; providing that there is a rebuttable presumption that a unit owner executing a recall agreement is the designated voter for the unit; prohibiting an association from enforcing a voting certificate requirement under certain circumstances; requiring that a rescission or revocation of a unit owner's recall agreement be in writing and delivered to the association before an association is served with the written recall agreement; providing construction; revising the timeframe in which a certain petition or action must be filed; requiring that an association be named as the respondent in such petition or action; revising the timeframe in which the Division of Florida Condominiums, Timeshares, and Mobile Homes or a court

may not accept a recall petition or a court action; providing that a director or an officer is delinquent if payment is not made by a specified due date identified in the declarations, bylaws, or articles of incorporation; providing that a payment is delinquent on the first day of the assessment period if no specified due date is in the declarations, bylaws, or articles of incorporation; amending s. 718.113, F.S.; requiring the board to determine whose responsibility it is to pay for removal or reinstallation of hurricane protection; removing authorization for an association to enforce and collect certain charges as assessments; amending s. 718.116, F.S.; providing legislative findings; authorizing the board of an association to levy special assessments for certain purposes without approval of the membership; providing applicability; amending s. 718.117, F.S.; authorizing termination of a condominium if the estimated costs of replacement, in addition to certain construction or repair costs, exceed the estimated fair market value of the units; requiring approval for termination of a condominium by a specified percentage of the voting interests under certain circumstances; removing provision prohibiting a plan of termination if a certain percentage of the total voting interests

reject the plan; specifying how members can reject a plan of termination; providing that certain provisions relating to a plan of termination apply to residential condominiums only; requiring a plan of termination to be approved by the division; authorizing condominiums to amend their declarations by a specified vote to include certain provisions of statutory law; providing additional reasons a unit owner or lienor can contest the apportionment of proceed from a sale of the condominium; amending s. 718.1255, F.S.; providing requirements for bringing an action to challenge an election or a recall; authorizing certain persons to file a notice of removal and complaint in circuit court within a specified timeframe after service of a petition to arbitrate an election or recall disputes; barring actions that are not timely filed and rendering the arbitration decision final; providing requirements for filing a notice of removal and complaint and bringing an action to challenge the arbitration decision; specifying the sole method in which the division or court may award costs and attorney fees in a dispute involving the recall of a director; amending s. 718.128, F.S.; removing a requirement for written notice of certain meetings; requiring, after a specified percentage of voting

interests adopts a resolution, a board to hold a meeting within a certain timeframe; requiring a board to receive a petition to adopt a resolution within a certain timeframe; requiring an association to have a designated e-mail address for receipt of ballots transmitted electronically; providing requirements for electronically transmitting a ballot; providing a presumption; amending s. 718.203, F.S.; providing that all condominiums, not just residential, can be covered by an insured warranty program; amending s. 718.301, F.S.; providing that certain provisions of law relating to transfer of control of an association do not apply to certain residential condominiums beginning on a specified date; amending s. 718.302, F.S.; providing that if unit owners own a specified percentage of voting interests in certain condominiums that certain agreements may be cancelled by the unit owners; amending s. 718.407, F.S.; requiring that a specified report be provided to an association within a certain amount of time after the end of the fiscal year; requiring copies of receipts and invoices be included with the report; authorizing the division to impose penalties under certain circumstances; authorizing an association to challenge the apportionment of certain costs of the shared

facilities within a certain amount of time; providing construction; amending s. 718.501, F.S.; authorizing the division to review records and investigate certain complaints; requiring each association to create and maintain an online account with the division with specified information; requiring the division to adopt rules; requiring associations to provide specified information in electronic format to the division by a specified date; requiring such information be updated within a specified timeframe; removing requirements for certain information to be provided to the division; amending s. 718.503, F.S.; revising specified notices; requiring a developer or unit owner to provide one notice, instead of two, to a buyer before the sale of a unit; requiring a unit owner to provide the most recent annual financial statement and annual budget to a buyer before the sale of a unit; amending ch. 2024-244, Laws of Florida; providing that certain amendments that were made to the Condominium Act do not revive, reinstate, or retroactively apply to a right or interest of a condominium unit owner or condominium association in a matter pending adjudication before a specified date; amending s. 914.21, F.S.; revising the definition of the term "official investigation"; providing effective dates.

Amendment No. 1a

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: Commerce Committee

Representative Basabe offered the following:

Amendment to Amendment (248991) by Representative Lopez, V.

Remove line 2914 of the amendment and insert:

~~adjudicated as invalid~~ before December ~~October~~ 1, 2024.

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 987	**COMPANION BILL:** None
TITLE: Transportation Facility Designations	**LINKED BILLS:** None
SPONSOR(S): Brannan, Nix	**RELATED BILLS:** SB 654, SB 1408

Committee References

Economic Infrastructure
17 Y, 0 N, As CS

➤

Commerce

SUMMARY

Effect of the Bill:

The bill designates transportation facilities across the state for memorial purposes and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each designation.

Fiscal or Economic Impact:

The bill will have an insignificant negative impact on state government expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires FDOT to erect suitable markers for the following transportation facility designations: (Section 1).

Heroes Memorial Overpass
That portion of the overpass on S.R. 100 between S Temple Avenue and E South Street in Bradford County is designated as "Heroes Memorial Overpass."

Sergeant Elio Diaz Memorial Highway
That portion of U.S. 41 between Melbourne Street and Church Street in Charlotte County is designated as "Sergeant Elio Diaz Memorial Highway."

Palm Beach County Sheriff's Office (PBSO) Motorman Highway
That portion of Southern Boulevard between 18000 Southern Boulevard (Lion Country Safari Road) and Royal Palm Beach Boulevard in Palm Beach County is designated as "PBSO Motorman Highway."

Staff Sergeant Matthew Sitton Memorial Highway
That portion of S.R. 688/Ulmerton Road between 122nd Avenue N./125th Street and Walsingham Road in Pinellas County is designated as "Staff Sergeant Matthew Sitton Memorial Highway."

Sheriff Gary S. Borders Memorial Highway
That portion of S.R. 19 and County Road 48 in Howey-In-The-Hills within Lake County is designated as "Sheriff Gary S. Borders Memorial Highway."

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will have an insignificant negative impact on state government expenditures. FDOT estimates a cost of $2,400 per designation for the appropriate markers, which provides for two signs per designation at $1,200 per

sign.[1] Therefore, the bill has an estimated negative fiscal impact of $12,000 to the State Transportation Trust Fund. This cost can be absorbed within existing FDOT resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Legislative Designation of Transportation Facilities

The Legislature may designate a transportation facility, such as a bridge or a portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not officially change the existing names of facilities and do not require local governments or private parties to change street signs, mailing addresses, or 911 emergency telephone number system listings.[2]

Unless specifically provided by law, public facilities such as buildings, parks, roads, bridges, and other similar facilities may not be named for any living person.[3]

Transportation Facility Markers

Following a legislative designation, FDOT is required to place markers at the termini or intersections specified for each highway segment or bridge designated and may place other markers it deems as appropriate.[4] Before markers may be erected, the appropriate city or county commission must pass a resolution in support of the particular honorary designation. If the designated bridge or road segment is located in more than one city or county, there must be resolutions supporting the designation from each affected local government before markers may be erected.[5]

Biographical Information

Heroes Memorial Overpass
The Heroes Memorial Overpass recognizes the bravery, dedication, and sacrifice of military service members, first responders, and other heroes who have served to protect the City of Starke community.

Sergeant Elio Diaz Memorial Highway
On December 15, 2024, Sergeant Elio Diaz was shot and killed during a traffic stop in Charlotte Harbor. Sergeant Diaz had served with the Charlotte County Sheriff's Office for over 11 years.

Palm Beach County Sheriff's Office (PBSO) Motorman Highway
On November 2024, three motor deputies were killed in Palm Beach County after being struck by a car. This designation not only pays tribute to the three motormen, but it also recognizes the role of all first responders who serve the community.

Staff Sergeant Matthew Sitton Memorial Highway
On August 2, 2012, Staff Sergeant Matthew Sitton was killed in action in Kandahar, Afghanistan during Operation Enduring Freedom. A native of Largo, he served with distinction in the United States Army. Throughout his service, he earned numerous commendations, including the Bronze Star Medal, Purple Heart, Army Commendation Medal with oak leaf cluster, Army Achievement Medal, Army Good Conduct Medal with knot, National Defense Service Medal, Expert Infantryman Badge, and the Parachutist Badge.

Sheriff Gary S. Borders Memorial Highway

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[1] Email from Jack Rogers, Director of Legislative Affairs, Department of Transportation, RE: Road Designations Review (Feb. 13, 2025).
[2] S. 334.071(1), F.S.
[3] S. 267.062(1), F.S.
[4] S. 334.071(2), F.S.
[5] S. 334.071(3), F.S.

Sheriff Gary S. Borders was appointed as Lake County sheriff in 2006 and he was later elected in 2008 and 2012. In addition to his law duties, Sheriff Borders served on numerous boards, including the Board of Directors for the Florida Sheriff's Association and the Educational Foundation of Lake County. He received many awards throughout his career, including the Florida DARE Sheriff of the Year and the Lake County Community of Distinction Award. Sheriff Borders retired in 2017 and passed on November 16, 2021.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	17 Y, 0 N, As CS	3/12/2025	Keating	Garcia
THE CHANGES ADOPTED BY THE COMMITTEE:	Added transportation facility designations not included in the original bill.			
Commerce Committee			Hamon	Garcia

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

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of the overpass on S.R. 100 between S. Temple Avenue and E. South Street in Bradford County is designated as "Heroes Memorial Overpass."

(2) That portion of U.S. 41 between Melbourne Street and Church Street in Charlotte County is designated as "Sergeant Elio Diaz Memorial Highway."

(3) That portion of Southern Boulevard between 18000 Southern Boulevard/Lion Country Safari Road and Royal Palm Beach Boulevard in Palm Beach County is designated as "PBSO Motorman Highway."

(4) That portion of S.R. 688/Ulmerton Road between 122nd Avenue N./125th Street and Walsingham Road in Pinellas County is designated as "Staff Sergeant Matthew Sitton Memorial Highway."

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

(5) That portion of S.R. 19 and C.R. 48 in Howey-in-the-Hills in Lake County is designated as "Sheriff Gary S. Borders Memorial Highway."

(6) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

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

COMMERCE COMMITTEE

CS/HB 987 by Rep. Brannan
Transportation Facility Designations

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Brannan (line 29):

- Directs the Department of Transportation to erect suitable markers designating:
  - That portion of U.S. 27 within the municipal boundaries of Minneola in Lake County as "Master Deputy Bradley Link Memorial Highway."
  - That portion of S.R. 400 east of the Central Parkway Bridge and the E. E. Williamson Bridge in the City of Longwood in Seminole County as “Sergeant Karl Strohsal Memorial Highway.”

Amendment 2 by Rep. Hunschofsky (line 29):

- Directs the Department of Transportation to erect suitable markers designating the bridge on S.R. 7 over Sample Road in Broward County as "SPC Daniel J. Agami Bridge."

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: Commerce Committee

Representative Brannan offered the following:

Amendment

Remove line 29 and insert:

(6) That portion of U.S. 27 within the municipal boundaries of Minneola in Lake County is designated as "Master Deputy Bradley Link Memorial Highway."

(7) That portion of S.R. 400 east of the Central Parkway Bridge and the E. E. Williamson Bridge in the City of Longwood in Seminole County is designated as "Sergeant Karl Strohsal Memorial Highway."

(8) The Department of Transportation is directed to erect

Amendment No. 2

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: Commerce Committee

Representative Hunschofsky offered the following:

Amendment

Remove line 29 and insert:

(6) The bridge on S.R. 7 over Sample Road in Broward County is designated as "SPC Daniel J. Agami Bridge."

(7) The Department of Transportation is directed to erect

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 991	**COMPANION BILL:** SB 1242 (McClain)
TITLE: Community Redevelopment Agencies	**LINKED BILLS:** None
SPONSOR(S): Giallombardo	**RELATED BILLS:** None

Committee References

State Affairs	➤	Commerce
17 Y, 8 N, As CS		

SUMMARY

Effect of the Bill:

The bill prohibits the creation of new community redevelopment agencies (CRAs) on or after July 1, 2025. The bill also revises the current schedule for termination of existing CRAs to provide that CRAs in existence as of July 1, 2025, terminate at the earlier of September 30, 2045, or the date provided in the CRA's charter. The bill eliminates the ability of counties and municipalities to approve the continued existence of CRAs and prohibits CRAs from initiating new projects or issuing new debt.

Fiscal or Economic Impact:

The bill will have a positive fiscal impact on counties, municipalities, and special districts that currently contribute to the redevelopment trust fund of a CRA by allowing those governments to retain funds that would otherwise be deposited in the redevelopment trust fund.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill prohibits the creation of new community redevelopment agencies (CRAs) on or after July 1, 2025. (Section 1)

The bill revises the current schedule for termination of existing CRAs to provide that CRAs in existence as of July 1, 2025, terminate on the earlier of the date provided in the CRA's charter as of July 1, 2025, or September 30, 2045 (instead of September 30, 2039), whichever date is earlier. The bill removes the ability of the governing body of a county or municipality that created the CRA to approve its continued existence by a majority vote. (Section 1)

The bill prohibits a CRA from initiating new projects or issuing new debt on or after October 1, 2025. The bill defines a "new project" as any project for which a CRA has not appropriated funds in its budget for the fiscal year ending September 30, 2025, or for which the CRA does not retain redevelopment trust fund monies as authorized by law for the fiscal year ending September 30, 2025. (Section 1)

The bill provides that if a CRA has outstanding bonds that will not mature until after the earlier of its dissolution date or September 30, 2045, the CRA will remain in existence until the bonds mature. A CRA operating in this manner on or after September 30, 2045, is prohibited from extending the maturity date of any outstanding bonds. The bill revises the current requirement for counties or municipalities that created a CRA that has outstanding bonds that mature after the dissolution deadline to issue a new finding of necessity to instead require those local governments to issue an amended community redevelopment plan. (Section 1)

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

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill will have a positive fiscal impact on counties, municipalities, and special districts that currently contribute to the redevelopment trust fund of a CRA by allowing those local governments to retain funds that would otherwise be deposited in the redevelopment trust fund.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Community Redevelopment Agencies (CRAs)

The Community Redevelopment Act of 1969 authorizes each county or municipality to create a CRA as a means for redeveloping slums and blighted areas in the community.[1] An area is considered a slum if it has elevated rates of disease, infant mortality, juvenile delinquency, poverty, or crime due to the large number of buildings or improvements in the area in a poor state of repair and has at least one of the following factors present:

- Inadequate ventilation, light, air, sanitation, or open spaces;
- High population density (compared to adjacent areas within the county or municipality) and overcrowding (as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code); or
- The existence of conditions that endanger life or property by fire or other causes.[2]

An area is considered blighted if there are a substantial number of deteriorated or deteriorating buildings that are causing economic distress or endangering the life or property of others and where two or more of the following factors are present:

- Inadequate or defective transportation facilities, including street layout, parking, roads, and bridges;
- Aggregate property values for property tax purposes have not increased in the past five years;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary or unsafe conditions;
- Deterioration of property improvements;
- Inadequate and outdated building density patterns;
- Falling lease rates for office, commercial, or industrial space compared to the rest of the county or municipality;
- Tax or special assessment delinquency that exceeds the fair market value of the land;
- Residential and commercial vacancy rates higher in the area than in the rest of the county or municipality;
- Higher crime rates than the rest of the county or municipality;
- Higher volume of fire and emergency medical service calls than the rest of the county or municipality;
- Greater number of violations of the Florida Building Code than the number of violations recorded in the remainder of the county or municipality;
- Diversity of ownership or defective or unusual conditions of title that prevent the free alienability of land within the area;
- Governmentally-owned property with adverse environmental conditions caused by a public or private entity; or
- A substantial number or percentage of properties damaged by sinkhole activity that have not been adequately repaired or stabilized.[3]

An area also may be classified as blighted if one of the above factors is present and all taxing authorities with jurisdiction over the area have agreed that the area is blighted by interlocal agreement or by passage of a resolution by the governing bodies.[4]

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[1] S. 163.356, F.S. A charter county with a population less than or equal to 1.6 million may create more than one CRA if approved by a vote of a majority plus one of the entire governing body of the charter county. S. 163.356(1), F.S.
[2] S. 163.340(7), F.S.
[3] S. 163.340(8), F.S.
[4] *Id.*

As of February 25, 2025, there are 213 CRAs in operation.[5]

Creation of a CRA

Before creating a CRA, a county or municipal government must adopt a resolution with a "finding of necessity."[6] The resolution must contain legislative findings supported by data and analysis that the area to be included in the CRA's jurisdiction is either blighted or a slum area and that redevelopment of the area is necessary to promote the public health, safety, morals, or welfare of residents.[7]

A county or municipality may create a CRA upon the adoption of a finding of necessity and a finding that a CRA is necessary for carrying out the community redevelopment goals.[8] A CRA created by a county may only operate within the boundaries of a municipality when the municipality has concurred by resolution with the community redevelopment plan adopted by the county. A CRA created by a municipality may not include more than 80 percent of the municipality if it was created after July 1, 2006.[9]

The ability to create, expand, or modify a CRA is also determined by the county's status as a charter or non-charter county. In a charter county, the county possesses the authority to create CRAs within the county, but may delegate that authority to a municipality by interlocal agreement.[10] In non-charter counties, the county does not have authority over the creation of CRAs by municipalities, including any modification of the redevelopment plan or expansion of CRA boundaries. [11]

Scheduled Termination of CRAs

Current law provides for the dissolution of CRAs in existence on October 1, 2019, at the earlier of September 30, 2039, or the date provided in their respective charters as of October 1, 2019.[12] However, the governing body of the county or municipality that created the CRA may approve its continued existence beyond those dates by a majority vote. If a county or municipality does not approve the continued existence of a CRA, and the CRA has outstanding bonds that will not mature until after the agency's dissolution date, the CRA remains in existence until the bonds mature.[13] A CRA operating until its bonds mature may not extend the maturity date of any outstanding bonds on or after September 30, 2039, and the county or municipality that created the CRA must issue a new finding of necessity limited to timely meeting the remaining bond obligations of the agency.

Redevelopment Trust Fund

CRAs are not authorized to levy or collect taxes. Instead, the county or municipality that created the CRA may establish a community redevelopment trust fund that is funded through tax increment financing (TIF).[14] The amount of TIF available to the CRA in a given year is equal to 95 percent of the difference between:

- The amount of ad valorem taxes levied in the current year by each taxing authority,[15] excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area; and
- The amount of ad valorem taxes that would have been produced by levying the current year's millage rate for each taxing authority, excluding any debt service millage, on taxable real property within the

[5] *See* Florida Department of Commerce, *Official List of Special Districts* (last visited Feb. 25, 2025).
[6] S. 163.355, F.S.
[7] *Id.*
[8] S. 163.356(1), F.S.
[9] S. 163.340(10), F.S.
[10] S. 163.410, F.S. If a municipality in a charter county created a CRA before the adoption of the county charter, the CRA continues to operate under provisions applicable for non-charter counties.
[11] S. 163.415, F.S.
[12] S. 163.3755(1), F.S.
[13] S. 163.3755(2), F.S.
[14] S. 163.387, F.S.
[15] A "taxing authority" is defined as any "public body that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area," excluding school districts. S. 163.340, F.S. In addition to school districts, special districts that levy ad valorem taxes in more than one county, special districts funded solely by ad valorem taxation, library districts (unless the CRA had validated bonds as of April 30, 1984), neighborhood improvement districts, metropolitan transportation authorities, water management districts, and hospital districts (if the CRA was created on or after July 1, 2016) are exempt from contributing to the redevelopment trust fund. In addition, CRAs may exempt other special districts following a specified procedure. S. 163.387(2)(c)-(d), F.S.

boundaries of the community redevelopment area at the total assessed value of the taxable real property prior to the effective date of the ordinance providing for the redevelopment trust fund.[16]

For CRAs created on or after October 1, 2019, or a CRA created by Miami-Dade County on or after July 1, 1994, the governing body of the county or municipality may lower the TIF percentage, with a floor of 50 percent.[17]

Each taxing authority must transfer TIF funds to the redevelopment trust fund of the CRA by January 1 of each year.[18] For CRAs created before July 1, 2002, each taxing authority must make an annual appropriation to the trust fund for a period of no more than 60 years from when the community redevelopment plan was adopted or no more than 30 years from when the plan was amended, whichever is less. For CRAs created on or after July 1, 2002, each taxing authority must make an annual appropriation to the trust fund for no more than 40 years from when the community redevelopment plan was adopted.[19] If there are any outstanding loans, advances, or indebtedness at the conclusion of these periods, the local governing body that created the CRA must continue transfers to the redevelopment trust fund until the debt has been retired.[20]

If a taxing authority does not transfer the TIF funds to the redevelopment trust fund, the taxing authority is required to pay a penalty of 5 percent of the TIF amount to the trust fund as well as 1 percent interest per month for the outstanding amount.[21] A CRA may choose to waive these penalties in whole or in part.

Money in the redevelopment trust fund may only be spent pursuant to an annual budget adopted by the CRA board and may be used to pay for the following expenses:

- Administrative and overhead expenses necessary to implement a community redevelopment plan adopted by the CRA.
- Expenses of redevelopment planning, surveys, and financial analysis, including reimbursement of the governing body or the CRA for such expenses incurred before the redevelopment plan was approved and adopted.
- Acquisition of real property in the redevelopment area.
- Clearance and preparation of any redevelopment area for redevelopment and relocation of residents.
- Repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.
- Expenses related to the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness.
- Development of affordable housing within the community redevelopment area.
- Development of community policing innovations.[22]
- Any expenses that are necessary to exercise the powers that have been granted to counties and municipalities for community redevelopment that have been delegated to the CRA.[23]

If any money remains in the redevelopment trust fund at the end of a fiscal year, the CRA must:

- Return the money to each taxing authority in proportion to its contribution for that year;
- Use the funds to reduce the amount of any indebtedness to which increment revenues are pledged;
- Deposit the funds into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or
- Appropriate the funds to a specific redevelopment project pursuant to an approved community redevelopment plan.[24]

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[16] S. 163.387(1), F.S.
[17] *See* ch. 2019-163, s. 8, Laws of Fla.
[18] S. 163.387(2)(a), F.S.
[19] S. 163.387(2)(a), F.S.
[20] S. 163.387(3)(a), F.S.
[21] S. 163.387(2)(b), F.S.
[22] A "community policing innovation" is a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol. S. 163.340(23), F.S.
[23] S. 163.387(6), F.S.

If the funds are appropriated for a specific project, the funds may not be used for another purpose unless the project is amended, redesigned, or delayed, in which case the funds must be re-appropriated pursuant to the next annual budget adopted by the CRA board.[25]

Revenue Bonds

A county, municipality, or CRA may issue revenue bonds for the purpose of financing redevelopment projects and may issue refunding bonds for the repayment or retirement of bonds or other obligations previously issued.[26] Any revenue bonds or other obligation issued by a CRA must mature within 40 years for CRAs created on or after July 1, 2002, or 60 years for CRAs created before July 1, 2002, after the end of the fiscal year in which the community redevelopment plan was initially adopted, but no later than the expiration date of the plan in effect at the time the bond or obligation was issued.

Any revenue bonds issued by the CRA are payable from revenues pledged to and received by the CRA and deposited into the redevelopment trust fund.[27] If increment revenues are pledged to repay any bond or other obligation, the maturity date of the bonds may not exceed 30 years from the fiscal year in which the first increment revenues were deposited in the trust fund for CRAs created before July 1, 2002, or 40 years for CRAs created on or after July 1, 2002.[28] The lien created by the revenue bonds does not attach to the funds until the revenues are deposited in the redevelopment trust fund and do not grant bondholders any right to require taxation in order to retire the bond.[29]

Revenue bonds issued by a CRA are not a liability of the state or any political subdivision of the state, and this status must be made clear on the face of the bond.[30]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
State Affairs Committee	17 Y, 8 N, As CS	3/13/2025	Williamson	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	• Provides a definition for "new project." • Revises the requirement for counties or municipalities that created a CRA that has outstanding bonds that mature after the dissolution deadline to issue a new finding of necessity to instead issue an amended community redevelopment plan.			
Commerce Committee			Hamon	Keating

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

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[24] S. 163.387(7), F.S.
[25] S. 163.387(7)(d), F.S.
[26] S. 163.385(1)(a), F.S.
[27] S. 163.387(4), F.S.
[28] S. 163.385(1)(a), F.S.
[29] S. 163.387(4), F.S.
[30] S. 163.387(5), F.S.

A bill to be entitled

An act relating to community redevelopment agencies; amending s. 163.3755,F.S.; providing for the termination of community redevelopment agencies on a specified date; removing an exception; prohibiting community redevelopment agencies from performing certain actions on or after a specified date; defining the term "new project"; revising provisions relating to any outstanding bonds of a community redevelopment agency; prohibiting the creation of community redevelopment agencies on or after a specified date; authorizing existing agencies to continue to operate; providing an effective date.

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

Section 1. Section 163.3755, Florida Statutes, is amended to read:

163.3755 Termination of community redevelopment agencies; prohibition on future creation.—

(1) A community redevelopment agency in existence on July 1, 2025 ~~October 1, 2019~~, shall terminate on the expiration date provided in the agency's charter on July 1, 2025 ~~October 1, 2019~~, or on September 30, 2045 ~~September 30, 2039~~, whichever is earlier~~, unless the governing body of the county or municipality~~

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

~~that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body~~.

(2) A community redevelopment agency may not initiate any new projects or issue any new debt on or after October 1, 2025. For purposes of this subsection, the term "new project" means any project for which there is no appropriation in the community redevelopment agency's budget for the fiscal year ending on September 30, 2025, or for which the community redevelopment agency has not retained appropriated funds pursuant to s. 163.387(7)(d) for the fiscal year ending on September 30, 2025.

(3) ~~(2)~~ (a) Notwithstanding subsection (1) ~~If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members~~, a community redevelopment agency with outstanding bonds as of July 1, 2025 ~~October 1, 2019~~, that do not mature until after the termination date of the agency or September 30, 2045 ~~September 30, 2039~~, whichever is earlier, remains in existence until the date the bonds mature.

(b) A community redevelopment agency operating under this subsection on or after September 30, 2045 ~~September 30, 2039~~, may not extend the maturity date of any outstanding bonds.

(c) The county or municipality that created the community redevelopment agency must issue an amended community

redevelopment plan ~~a new finding of necessity~~ limited to timely meeting the remaining bond obligations of the community redevelopment agency.

(4) A community redevelopment agency may not be created on or after July 1, 2025. A community redevelopment agency in existence before July 1, 2025, may continue to operate as provided in this part.

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

COMMERCE COMMITTEE

CS/HB 991 by Rep. Giallombardo
Community Redevelopment Agencies

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Giallombardo (line 29):

- Provides the following exceptions to the bill's prohibition on initiation of new projects and issuance of new debt by community redevelopment agencies (CRA):
    - A CRA may initiate a new project if the project is completed before the CRA's termination date.
    - A CRA may issue new debt to finance a new project if the debt matures on or before the CRA's termination date.

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: Commerce Committee
Representative Giallombardo offered the following:

Amendment (with title amendment)

Remove lines 29-36 and insert:

(2) A community redevelopment agency may not initiate any new projects or issue any new debt on or after October 1, 2025, unless:

(a) The new project initiated is completed by the agency's termination date.

(b) Any new debt issued to finance a new project matures on or before the agency's termination date.

For purposes of this subsection, the term "new project" means any project for which there is no appropriation in the community redevelopment agency's budget for the fiscal year ending on

September 30, 2025, or for which the community redevelopment agency has not retained appropriated funds pursuant to s. 163.387(7)(d) for the fiscal year ending on September 30, 2025.

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

Remove lines 5-8 and insert:
specified date; removing an exception; authorizing community redevelopment agencies to perform certain actions provided certain requirements are met; defining the term "new project"; revising provisions relating

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

Committee References

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

SUMMARY

Effect of the Bill:

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

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

Fiscal or Economic Impact:

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

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill revises the definition of "single-trade inspection" to include plans review. The bill explicitly includes solar energy and energy storage installations or alterations as an applicable single construction trade. (Section 1)

The bill clarifies that an owner or contractor's notice of intent to use a private provider after construction has commenced may specify whether any scheduled inspection will be conducted in person or virtually. (Section 1)

The bill allows the use of a private provider for the inspection of work related to a single-trade inspection of a single-family or two-family dwelling after work on the project has commenced, regardless if the local building official is able to provide inspection services within a timely manner. (Section 1)

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

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

Florida Building Code. The bill revises the required contents of a permit application to include plans reviewed by such software. (Section 1)

The bill reduces the time period for a local building department to issue a building permit for applications reviewed by private providers and related to a single-trade plans review for a single-family or two-family dwelling from 20 business days to two business days. (Section 1).

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

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

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

PRIVATE SECTOR:

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

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

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

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

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

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

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

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

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

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

- Inspections of door or window replacements;
- Fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing;
- Stucco or plastering;
- Reroofing with no structural alteration;
- HVAC replacements; ductwork or fan replacements;
- Alteration or installation of wiring, lighting, and service panels;
- Water heater changeouts;
- Sink replacements; and
- Repiping.

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

Notice of Intent

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

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

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

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

Plans Review

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

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

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

Automated or Software-Based Plan Review Programs

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

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

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

OTHER RESOURCES:

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

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

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	16 Y, 0 N, As CS	3/19/2025	Anstead	Brackett
THE CHANGES ADOPTED BY THE COMMITTEE:	• Provided that if an automated or software-based plans review program is used for a single-trade plans review, such program must be familiar with the Florida Building Code and any local amendments.			
Intergovernmental Affairs Subcommittee	16 Y, 0 N, As CS	4/1/2025	Darden	Burgess
THE CHANGES ADOPTED BY THE COMMITTEE:	• Authorized the use of private providers for inspection services for work related to a single-trade inspection of a single-family or two-family dwelling. • Reduced the change in time period for the issuance of a building permit for applications reviewed by private providers and related to a single-trade plans review for a single-family or two-family dwelling from five business days to two business days. • Revised the required contents of a permit application to include the use of automated plans review.			
Commerce Committee			Hamon	Brackett

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

A bill to be entitled

An act relating to alternative plans reviews and inspections; amending s. 553.791, F.S.; revising the definition of the terms "permit application" and "single-trade inspection"; authorizing a private provider to inspect work relating to a single-trade inspection of certain dwellings; authorizing a private provider to use specified review systems for single-trade plans reviews; requiring certain actions by the local building official within a specified timeframe for certain permits; authorizing single-trade inspections to be performed in person or virtually; providing an effective date.

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

Section 1. Paragraphs (l) and (q) of subsection (1) and subsections (5) through (8) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider or, in the

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

case of a single-trade plans review in which the private provider uses an automated or software-based plans review system as authorized in subsection (6), the information review by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

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

(5) After construction has commenced and either ~~if~~ the local building official is unable to provide inspection services

in a timely manner or the work subject to the inspection is related to a single-trade inspection for a single-family or two-family dwelling, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

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

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and

may be submitted electronically to the local building official.

(7)(a) No more than 20 business days, or if the permit is related to a single-trade plans review for a single-family or two-family dwelling, no more than 2 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 20-day or 2-day period, the permit application shall be deemed approved as a matter of law, and the permit must ~~shall~~ be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day or 2-day period, the ~~20-day~~ period is ~~shall be~~ tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled time ~~20-day~~ period plus 5 business days after ~~from~~ the date of resubmittal

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

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

(8) A private provider performing required inspections under this section shall inspect each phase of construction as

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

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

COMMERCE COMMITTEE

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

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Benarroch (line 79): The amendment increases the time period in the bill, from two business days to five business days, that building departments have to review building permit applications for single-trade plans for a single-family or two-family dwelling.

COMMITTEE/SUBCOMMITTEE ACTION

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

Committee/Subcommittee hearing bill: Commerce Committee
Representative Benarroch offered the following:

Amendment

Remove lines 79-93 and insert:

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

and the permit must ~~shall~~ be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day or 5-day period, the ~~20-day~~ period is ~~shall be~~

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 1097	**COMPANION BILL:** SB 114 (Trumbull)
TITLE: Insurance Research	**LINKED BILLS:** None
SPONSOR(S): Canady	**RELATED BILLS:** None

Committee References

Insurance & Banking	➤	Budget	➤	Commerce
16 Y, 0 N		26 Y, 0 N, As CS		

SUMMARY

Effect of the Bill:

The bill renames the existing "Florida Catastrophic Storm Risk Management Center" to the "Florida Center for Excellence in Insurance and Risk Management" (Center) located at Florida State University (FSU). The bill expands the purpose, duties, and interests of the Center. The bill requires the Center to collaborate with the Office of Insurance Regulation (OIR) on a variety of tasks.

The bill transfers all of the duties, powers, functions, funds, existing contracts, and other issues associated with or related to the public hurricane loss production model from Florida International University to FSU.

Fiscal or Economic Impact:

Implementation of the bill is subject to funding in the General Appropriations Act.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill renames Florida State University's Florida Catastrophic Storm Risk Management Center to the Florida Center for Excellence in Insurance and Risk Management (Center). The bill expands the scope of the Center from catastrophic storms to broadening its purpose to insurance and risk management.

The bill changes the purpose of the Center:

- to develop, conduct, and evaluate accurate and timely research issues related to Florida's insurance market and risk management;
- to assist the Legislature in developing and evaluating evidence-based policy options and making recommendations related to insurance and risk management in Florida;
- to identify emerging issues in the insurance market; and
- to provide insight regarding accessibility and affordability of insurance products.

The bill does not change the Center's purpose to assist in identifying and developing education and research grant funding opportunities among higher education institution in this state and the private sector.

The bill aligns the Center's purpose consistent with this change. The Center is to conduct research responsive to inquiries from the President of the Senate and the Speaker of the House of Representatives. The bill permits the Center to conduct research upon the request of Office of Insurance Regulation (OIR). (Section 1).

The Center and OIR

Conducting Research
The bill requires the Center to cooperate with the OIR on conducting research. The bill provides that areas of research may include:

- storm forecasting and loss modeling;
- Florida's insurance-related consumer protections;
- insurer claims-handling and adjudication practices in this state in comparison with insurer practices in other states;
- cost factors in the reinsurance, catastrophe bond, and insurance-linked securities markets;
- the Florida Hurricane Catastrophe Fund;
- the effectiveness of the My Safe Florida Home Program;
- risk management strategies, particularly for catastrophic risk; or
- health insurance, life insurance, workers' compensation, motor vehicle insurance, or any other type of insurance sold within this state. (Section 1).

Producing Report
The bill requires the Center to collaborate with OIR to create and to produce a report examining the property insurance market in Florida by forecasting what the market will look like in 1 year, 5 years, 10 years, and 20 years. The report must include recommendations on improving the availability and affordability of property insurance, and this state's preparation and response to catastrophic events. (Section 1).

The bill requires the Center to publish the initial report on or before January 1, 2026, and update the report at least every 2 years. (Section 1).

Developing a Program to Encourage Students to Work for Public Sector
The bill requires the Center to collaborate with OIR and the Actuarial Science Program of the Florida State University (FSU) Department of Mathematics to develop a program to encourage actuarial science students to work in the public sector in the field of risk management insurance. (Section 1).

The Florida Public Hurricane Loss Model
The bill mandates OIR to contract with the Center to manage the public hurricane loss model, and the Center to work with other entities and universities, including Florida International University (FIU), to develop the public model. The bill removes FIU as the lead institution for developing and operating the public model, and replaces parts in the statutes to reflect FSU's Center instead of FIU. (Section 2).

The bill transfers[1] all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and any other funds relating to the public hurricane loss projection model from FIU to FSU. (Section 3).

Annual Report on Hurricane Loss Data and Associated Exposure Data
The bill requires the FSU Center instead of FIU to annually publish a report summarizing the hurricane loss data and associated exposure data connected[2] to and collected from residential property insurers and licensed rating and advisory organizations. The bill directs the FSU Center to annually submit such report on or before October 1st to the Governor, the President of the Senate, and the Speaker of the House of Representatives. (Section 4).

[1]The bill states that such transfer is a type two transfer, as defined in s. 20.06(2), F.S. A type two transfer allows the state to move a program and functions of an existing agency to another agency.
[2]S. 627.06292(2) defines "loss data and associated exposure data" as the type, age, wind mitigation features, and location of each property insured; the amount and type of coverage written on each of those properties; the amount, date, and type of damage paid for by the insurer on each property; and the amount of any reserves held by an insurer for future payments or expenses on damages associated with the date or dates of occurrence of hurricanes.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The operational costs of the Hurricane Loss Model at Florida State University will be subject to funding by the General Appropriations Act (GAA).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Office of Insurance Regulation

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers, and other risk bearing entities in Florida.[3] The Financial Services Commission (FSC), composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the OIR for purposes of rulemaking. Further, the FSC appoints the OIR commissioner.

As part of their regulatory oversight, the OIR may suspend or revoke an insurer's certificate of authority under certain conditions.[4] The OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each insurer that holds a certificate of authority to transact insurance business in Florida.[5] As part of the examination process, all persons being examined must make available to the OIR the accounts, records, documents, files, information, assets, and matters in their possession or control that relate to the subject of the examination.[6] The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Insurance Code.[7]

Florida Catastrophic Storm Risk Management Center

In 2007, the Florida Legislature created the Florida Catastrophic Storm Management Center. The Florida Catastrophic Storm Management Center is housed within the Department of Risk Management in the College of Business located at FSU.[8] The Florida Catastrophic Storm Management Center's primary focus is to support the state's ability to prepare for, respond to, and recover from catastrophic storms. The support the Florida Catastrophic Storm Management Center provides includes:[9]

- Coordinating and disseminating research efforts that are expected to have an immediate impact on policy and practices related to catastrophic storm preparedness.
- Coordinating and disseminating information related to catastrophic storm risk management, including but not limited to research and information that benefits business, consumers and public policy makers.
- Facilitating Florida's preparedness and responsiveness to catastrophic storms and collaborating with other public and private institutions.
- Creating and promoting studies that enhance the educational options available to risk management and insurance students.
- Publishing and disseminating findings primarily related to risk management.
- Organizing and sponsoring conferences, symposiums, and workshops to educate consumers and policymakers.

The Florida Public Hurricane Loss Model

In 2000, the Florida Legislature authorized the creation of a public hurricane loss projection model (public model) and the OIR contracted with FIU to develop the model in 2001.[10] In March 2006 the public model was activated and

[3] S. 20.121(3)(a), F.S.
[4] S. 624.418, F.S.
[5] S. 624.316(1)(a), F.S.
[6] S. 624.318(2), F.S.
[7] The Code is comprised of chs. 624-632, 634-636, 641, 642, 648, and 651, F.S. *See* S. 624.3161, F.S.
[8] S. 1004.647, F.S.
[9] *Id*.
[10] Summary information on the Florida Public Hurricane Loss Projection Model obtained from Office of Program Policy Analysis and Government Accountability. Report No. 11-25: *Steps Could Be Taken to Reduce the Public Hurricane Loss*

in August 2007 it was first found acceptable by the Florida Commission on Hurricane Loss Projection Methodology. The public model was built to assess hurricane risk and predict annual expected insured residential losses in Florida for an insurance company, zip code, county, or for the entire state. The OIR uses the public model as an independent tool to facilitate its review of the reasonableness of property insurance rates proposed by insurers. Without the public model, the OIR's basis for rate determinations would be each insurer's own selected private model and corresponding loss data and the OIR would not have a way to corroborate the accuracy of this data. The FIU is the lead institution for developing and operating the public model, but it collaborates with several other public and private Florida universities (including FSU, the Florida Institute of Technology, the University of Florida, and the University of Miami), University of Missouri-Kansas City, and the U.S. National Oceanic and Atmospheric Administration.[11]

Annual Report on Hurricane Loss data and Associated Exposure Data

Currently, FIU is required to annually publish a report summarizing the hurricane loss data and associated exposure data connected to and collected from residential property insurers and licensed rating and advisory organizations. FIU must annually submit such report on or before October 1st to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include a summary of the data supplied by residential property insurers and licensed rating and advisory organizations from September 1 of the prior year to August 31st of the current year, and must include certain information.[12]

FIU International Hurricane Research Center

FIU has a specific center that focuses on minimizing hurricane damage and loss of life. The International Hurricane Center studies include: [13]

- household mitigation and evacuation;
- storm hazard and vulnerability mapping, long-term community recovery; and
- economic loss modeling.

Previously, the National Science Foundation (NSF), the Federal Emergency Agency (FEMA), OIR, and the Florida Division of Emergency Management (DEM) have assisted with these studies. [14] The International Hurricane Center has four research laboratories[15] focused on different aspects of hurricane damage and resiliency.

OTHER RESOURCES:

FIU Hurricane Research Center
Florida Public Hurricane Loss Model

Projection Model's Reliance on State Funding (December 2011). Available at: http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1125rpt.pdf.

[11] *What Is the FPHLM?* Florida Public Hurricane Loss Model, Florida International University International Hurricane Research Center, https://fphlm.cs.fiu.edu/ (last visited Mar. 6, 2025).

[12] S. 627.06292(3), F.S.

[13] *History*, International Hurricane Research Center, Florida International University, www.ihrc.fiu.edu/about/history/ (last visited Mar. 7, 2025).

[14] *Id*.

[15] The four research laboratories include the laboratory for coastal research, laboratory for insurance, financial and economic research, laboratory for social science research, and laboratory for wind engineering research.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee	16 Y, 0 N	3/13/2025	Lloyd	Herrera
Budget Committee	26 Y, 0 N, As CS	3/27/2025	Pridgeon	Perez
THE CHANGES ADOPTED BY THE COMMITTEE:	• Removed the appropriation of $5 million recurring funds and $1.5 million nonrecurring funds from the General Revenue Fund.			
Commerce Committee			Hamon	Herrera

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

A bill to be entitled

An act relating to insurance research; amending s. 1004.647, F.S.; renaming the Florida Catastrophic Storm Risk Management Center to the Florida Center for Excellence in Insurance and Risk Management; revising the purpose of the center; revising the duties of the center; providing areas of interest for research; requiring the center to collaborate with the Office of Insurance Regulation to produce an annual report analyzing the property insurance market in this state; requiring that the report be published by a specified date and updated at least biennially; requiring the center to develop a program with the office and the Actuarial Science Program at the Florida State University for a specified purpose; requiring the center to use the public hurricane loss projection model when necessary; requiring the center to conduct research in response to inquiries from the Legislature; authorizing the center to conduct research in response to requests from the office; amending s. 627.06281, F.S.; requiring the office to contract with the center to manage the public hurricane loss projection model; requiring the center to update the model; providing that certain fees charged for access and use of the model do not apply

to the Florida Center for Excellence in Insurance and Risk Management; providing for a type two transfer of the public hurricane loss projection model from Florida International University to Florida State University; amending s. 627.06292, F.S.; making conforming changes; providing an effective date.

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

Section 1. Section 1004.647, Florida Statutes, is amended to read:

1004.647 Florida Center for Excellence in Insurance and ~~Catastrophic Storm~~ Risk Management ~~Center~~.—The Florida Center for Excellence in Insurance and ~~Catastrophic Storm~~ Risk Management ~~Center~~ is created at the Florida State University, College of Business, Department of Risk Management. The purpose of the center is to develop, conduct, evaluate, promote, and disseminate accurate and timely research on issues related to this state's insurance market and risk management, to assist the Legislature in developing and evaluating evidence-based policy options and making recommendations related to insurance and risk management in this state, to identify emerging issues in the insurance market, to provide insight regarding accessibility and affordability of insurance products, ~~catastrophic storm loss~~ and to assist in identifying and developing education and research

grant funding opportunities among higher education institutions in this state and the private sector. ~~The purpose of the activities of the center is to support the state's ability to prepare for, respond to, and recover from catastrophic storms~~. The center shall do all of the following:

(1) Conduct, coordinate, and disseminate research efforts and information that would benefit businesses, consumers, and public policy makers or that are expected to have an immediate impact on policy and practices related to this state's insurance markets or catastrophic event ~~storm~~ preparedness. The center shall cooperate with the Office of Insurance Regulation in conducting research. Areas of research may include:

(a) Storm forecasting and loss modeling;

(b) This state's insurance-related consumer protections;

(c) Insurer claims-handling and adjudication practices in this state in comparison with insurer practices in other states;

(d) Cost factors in the reinsurance, catastrophe bond, and insurance-linked securities markets;

(e) The resilience of building construction and mitigation techniques;

(f) The Florida Hurricane Catastrophe Fund;

(g) The effectiveness of the My Safe Florida Home Program;

(h) Risk management strategies, particularly for catastrophic risk; or

(i) Health insurance, life insurance, workers'

compensation, motor vehicle insurance, or any other type of insurance sold within this state.

(2) Collaborate with the Office of Insurance Regulation to create a report analyzing the property insurance market in this state, projecting the outlook for the property insurance market over 1 year, 5 years, 10 years, and 20 years. The report must include recommendations for improving the availability and affordability of property insurance in this state and for facilitating this state's preparedness for and responsiveness to catastrophic events. The center shall work with the Office of Insurance Regulation to produce the report. The office shall cooperate with the center in providing data necessary to complete the report. The center shall publish the initial report on or before January 1, 2026, and update the report at least once every 2 years. ~~Coordinate and disseminate information related to catastrophic storm risk management, including, but not limited to, research and information that would benefit businesses, consumers, and public policy makers. Areas of interest may include storm forecasting, loss modeling, building construction and mitigation, and risk management strategies. Through its efforts, the center shall facilitate Florida's preparedness for and responsiveness to catastrophic storms and collaborate with other public and private institutions.~~

(3) Create and promote studies and opportunities that enhance the educational options available to risk management and

insurance students.

(4) Develop a program in collaboration with the Office of Insurance Regulation and the Actuarial Science Program of the Department of Mathematics at Florida State University to encourage actuarial science students to practice in the public sector in the fields of risk management and insurance.

(5) Publish and disseminate findings.

(6) ~~(5)~~ Organize and sponsor conferences, symposia, and workshops to educate consumers and policymakers.

(7) Use the public hurricane loss projection model under s. 627.06281 when needed to meet the center's obligations under this section.

(8) Conduct research responsive to joint or individual inquiries from the President of the Senate and the Speaker of the House of Representatives regarding insurance or risk management. The center may also conduct research responsive to requests made by the Office of Insurance Regulation.

Section 2. Section 627.06281, Florida Statutes, is amended to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—

(1) The Office of Insurance Regulation shall contract with the Florida Center for Excellence in Insurance and Risk Management to manage the public hurricane loss projection model developed under this section. The center shall cooperate with

other entities and universities, including Florida International University, to develop and maintain the public model. The center shall constantly evaluate and update the public model so that it will have the same functionalities as other models approved by the Florida Commission on Hurricane Loss Projection Methodology. The center may use the public model, including all assumptions and factors and all detailed loss results, for the purpose of meeting its obligations under s. 1004.647. Within 30 days after a written request for loss data and associated exposure data by the office or the center ~~Florida International University center established to study mitigation~~, residential property insurers and licensed rating and advisory organizations that compile residential property insurance loss data shall provide loss data and associated exposure data for residential property insurance policies to the office or the ~~Florida International University~~ center ~~established to study mitigation~~, as directed by the office, for the purposes of developing, maintaining, and updating the ~~a~~ public model ~~for hurricane loss projections~~. The loss data and associated exposure data provided must ~~shall~~ be in writing.

(2) The public model must be submitted to the Florida Commission on Hurricane Loss Projection Methodology for review under s. 627.0628 ~~by March 1, 2007~~. The office may continue to use the public model for its review of rate filings pursuant to ss. 627.062 and 627.351 until such time as the Florida

Commission on Hurricane Loss Projection Methodology determines that the public model is not accurate or reliable pursuant to the same process and standards as the commission uses for the review of other hurricane loss projection models.

(3)(a) A residential property insurer may have access to and use the public ~~hurricane loss projection~~ model, including all assumptions and factors and all detailed loss results, for the purpose of calculating rate indications in a rate filing and for analytical purposes, including any analysis or evaluation of the public model required under actuarial standards of practice.

(b) The fees charged for private sector access and use of the public model must ~~shall~~ be the reasonable costs associated with the operation and maintenance of the public model by the office. Such fees do not apply to access and use of the public model by the office or the Florida Center for Excellence in Insurance and Risk Management.

Section 3. All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and any other funds relating to the public hurricane loss projection model are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from Florida International University to Florida State University.

Section 4. Subsection (3) of section 627.06292, Florida

Statutes, is amended to read:

627.06292 Reports of hurricane loss data and associated exposure data; public records exemption.—

(3) Each year, on October 1, the Florida State ~~International~~ University center that develops, maintains, and updates the public model for hurricane loss projections shall publish a report summarizing loss data and associated exposure data collected from residential property insurers and licensed rating and advisory organizations. The Florida State ~~International~~ University center shall submit the report annually, on or before October 1, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(a) Such report must include a summary of the data supplied by residential property insurers and licensed rating and advisory organizations from September 1 of the prior year to August 31 of the current year, and must include the following information:

1. The total amount of insurance written by county.

2. The number of property insurance policies by county.

3. The number of property insurance policies by county and by construction type.

4. The number of property insurance policies by county and by decade of construction.

5. The number of property insurance policies by county and by deductible amount.

6. The number of property insurance policies by county and by wind mitigation features when the information is supplied by the residential property insurer or licensed rating and advisory organization.

7. The total amount of hurricane losses by county and by decade of construction.

8. The total amount of hurricane losses by county and by deductible amount.

9. The total amount of hurricane losses by county and by wind mitigation features when the information is supplied by the residential property insurer or licensed rating and advisory organization.

(b) Separate compilations of the data obtained shall be presented in order to use the public model for calculating rate indications and to update, validate, or calibrate the public model. Additional detail and a description of the operation and maintenance of the public model may be included in the report.

(c) The report may not contain any information that identifies a specific insurer or policyholder.

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

HB 1165

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 1165	**COMPANION BILL:** CS/SB 1502 (Collins)
TITLE: Mobile Cranes and Accessory Support Vehicles	**LINKED BILLS:** None
SPONSOR(S): Owen	**RELATED BILLS:** None

Committee References

Economic Infrastructure 17 Y, 0 N	➤ Transportation & Economic Development Budget 13 Y, 0 N	➤ Commerce

SUMMARY

Effect of the Bill:

The bill authorizes the Florida Department of Transportation (FDOT) to issue special blanket permits that allow:

- Mobile cranes and accessory support vehicles up to a specified size to travel on and off the Interstate Highway System at all hours, subject to local curfews.
- Mobile cranes operating on and off Interstate highways to tow certain motor vehicles, subject to a combined weight limit.
- Mobile cranes and accessory support vehicles which, due to their design for use, exceed established weight limits for travel on and off Interstate highways.

Fiscal or Economic Impact:

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill authorizes FDOT to issue a special blanket permit to mobile cranes and accessory support vehicles to travel on and off the Interstate Highway System at all hours. To receive such a permit, mobile crane and accessory support vehicle dimensions must not exceed 12 feet wide, 14 feet 6 inches high, and 100 feet long. Any local travel-related curfews still apply. (Section 2).

The bill also allows FDOT to issue a special blanket permit to mobile cranes operating on and off the Interstate Highway System to tow certain motor vehicles. (Section 2).

The bill allows FDOT to issue a special blanket permit to mobile cranes and accessory support vehicles which exceed the weight limits established under s. 316.535 to travel on and off the Interstate Highway System. (Section 2).

Additionally, the bill revises the definition of "special mobile equipment" to include mobile cranes, accessory support vehicles, and self-propelled earthmoving equipment. (Section 1).

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Special Mobile Equipment

Florida law defines "special mobile equipment" as any vehicle not designated or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway. Special mobile equipment includes, but is not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment.

Special mobile equipment does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.[1]

Special Permits for Oversize or Overweight Vehicles

FDOT has jurisdiction to control traffic over all state roads throughout Florida. FDOT has the authority to regulate, warn, or guide traffic as it deems necessary.[2] No vehicle or combination of vehicles exceeding established gross weight provisions are permitted to travel on the public highways of the state unless specifically provided by law.[3] Local authorities do not have the power to alter this limitation unless the Legislature has expressly granted authority under ch. 316, F.S.[4]

To operate on public roads, oversized or overweight vehicles must obtain a special permit from the appropriate governing jurisdiction.[5] FDOT or the local authority may, at its discretion, issue or withhold a permit. If a permit is issued, FDOT or the local authority may limit or prescribe the conditions of operation of such vehicle or vehicles.[6] Under DOT guidelines, blanket permits are issued to cover multiple trips for a period not to exceed 12 months.[7]

Current Law

Special permits may authorize a self-propelled truck crane operating off the Interstate Highway System to tow certain vehicles.[8]

For nighttime movement, when FDOT's criteria for issuing a permit are met, FDOT must issue a permit provided that:

- Nighttime travel is recommended by the appropriate FDOT District Traffic Engineering office or determined to be a permit requirement.
- Law enforcement escorts are used.
- Warning lights delineate the load's shape and size.
- The sides and rear of trailers and loads are as prescribed in state law and federal regulations.[9]

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[1] S. 316.003(83), F.S.
[2] S. 316.006(1), F.S.
[3] The gross weight imposed on the highway by the wheels of any one axle of a vehicle cannot exceed 20,000 pounds. S. 316.535, F.S.
[4] S. 316.500, F.S.
[5] S. 316.550(1), F.S.
[6] S. 316.550(2), F.S.
[7] Florida Department of Transportation, *WHEN DO YOU NEED A PERMIT*, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/maintenance/str/owodp/when-do-you-need-a-permit.pdf?sfvrsn=45e8edf1_0 (last visited March 17, 2025).
[8] The towed motor vehicle may not weigh more than 5,000 pounds if the combined weight of the crane and the vehicle does not exceed 95,000 pounds. S. 316.550(3), F.S.; Florida Department of Transportation, *Blanket Permit Movement Conditions*, blanket-permit-movement-conditions-02-13-2020.pdf (last visited March 17, 2025).
[9] Rule 14-26.012(5)(f), F.A.C.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	17 Y, 0 N	3/19/2025	Keating	Garcia
Transportation & Economic Development Budget Subcommittee	13 Y, 0 N	4/2/2025	Davis	McAuliffe
Commerce Committee			Hamon	Garcia

A bill to be entitled

An act relating to mobile cranes and accessory support vehicles; amending s. 316.003, F.S.; revising the definition of the term "special mobile equipment"; amending s. 316.550, F.S.; authorizing the Department of Transportation to issue a special blanket permit for a mobile crane operating on and off the Interstate Highway System to tow a certain motor vehicle; authorizing the department to issue a special blanket permit for a mobile crane and accessory support vehicle of certain dimensions to travel on and off the Interstate Highway System at all hours, subject to local restrictions; authorizing the department to issue a special blanket permit for a mobile crane and accessory support vehicle exceeding certain weight limits to travel on and off the Interstate Highway System; providing an effective date.

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

Section 1. Subsection (83) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context

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

otherwise requires:

(83) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, mobile ~~and self-propelled~~ cranes and accessory support vehicles, and self-propelled earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, ~~cranes or shovels,~~ or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Section 2. Subsection (3) of section 316.550, Florida Statutes, is amended to read:

316.550 Operations not in conformity with law; special permits.—

(3)(a) The Department of Transportation may issue a mobile crane special blanket permit to authorize a mobile ~~A permit may authorize a self-propelled truck~~ crane operating on and off the Interstate Highway System to tow a motor vehicle which does not weigh more than 5,000 pounds if the combined weight of the crane

and such motor vehicle does not exceed 95,000 pounds. Notwithstanding s. 320.01(7) or (12), truck cranes that tow another motor vehicle under ~~the provision of~~ this subsection shall be taxed under ~~the provisions of~~ s. 320.08(5)(b).

(b) The Department of Transportation may issue a mobile crane special blanket permit to authorize a mobile crane and accessory support vehicle of up to 12 feet wide, 14 feet 6 inches high, and 100 feet long to travel on and off the Interstate Highway System at all hours except as restricted under local travel-related curfews.

(c) The Department of Transportation may issue a mobile crane special blanket permit to authorize a mobile crane and accessory support vehicle which, due to its design for use, exceeds the weight limits established in s. 316.535 to travel on and off the Interstate Highway System.

Section 3. 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 #: CS/CS/HB 1219	**COMPANION BILL:** CS/CS/SB 922 (Leek)
TITLE: Employment Agreements	**LINKED BILLS:** None
SPONSOR(S): Koster	**RELATED BILLS:** None

Committee References

Industries & Professional Activities 11 Y, 5 N	➤	Judiciary 18 Y, 0 N, As CS	➤	Commerce

SUMMARY

Effect of the Bill:

The bill creates the Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act to protect confidential information and client relationships by creating two types of agreements: covered garden leave agreements and covered noncompete agreements. The agreements protect the confidentiality of information and client relationships for up to 4 years, either while the covered employee remains employed (covered garden leave agreement) or after the covered employee has left employment (covered noncompete agreement). The bill creates a framework for such agreements and provides that such agreements do not violate public policy or antitrust laws when used under certain narrow conditions.

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

Fiscal or Economic Impact:

The bill may have a positive economic impact on the state by encouraging businesses to relocate or form in Florida under Florida laws in order to utilize garden leave and noncompete agreements in certain limited situations.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

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

Covered Garden Leave Agreements

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

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

to effectively bar the employee from the information, assets, facilities, and other employees of the covered employer, while still keeping the employee on the payroll through the duration of the garden leave period. (Section 2).

Pursuant to the provisions of the bill, covered garden leave agreements do not violate public policy as restraint of trade or an attempt to monopolize trade or commerce in this state provided that:

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

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

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

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

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

The provisions of the bill apply to a covered leave agreement with a covered employer whose principal place of business is in Florida, or a covered employee who maintains a primary place of work in this state. (Section 2).

Covered Noncompete Agreements

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

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

Under the bill, covered noncompete agreements do not violate public policy as restraint of trade or an attempt to monopolize trade or commerce in this state provided that:

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

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

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

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

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

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

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

When enforcing either type of agreement, a reduction in salary or benefits or other appropriate action during the noncompete or notice period due to gross misconduct by the covered employee may not be considered a breach of the noncompete or garden leave agreement. In addition to injunctive relief, a prevailing covered employer is entitled to recover all available monetary damages for all available claims. (Section 2).

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

The provisions of the bill apply to a covered noncompete agreement with a covered employer who maintains a primary place of business in Florida. (Section 2).

The effective date of the bill is July 1, 2025. (Section 22).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have a positive economic impact on the state by encouraging businesses to relocate or establish under Florida law in order to utilize into garden leave and noncompete agreements.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Noncompete Agreements (Florida)

Generally, a contract in restraint of trade or commerce in Florida is unlawful.[3] However, non-competition restrictive covenants[4] contained in employment agreements that are reasonable in time, area, and line of business, are not prohibited.[5] In any action concerning enforcement of a restrictive covenant, a court may not enforce a restrictive covenant unless it is set forth in a writing signed by the person against whom enforcement is sought, and the person seeking enforcement of a restrictive covenant must prove the existence of one or more legitimate business interests justifying the restrictive covenant.[6] The term "legitimate business interest" includes, but is not limited to:

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

Any restrictive covenant not supported by a legitimate business interest is unlawful and is void and unenforceable.[9] A person seeking enforcement of a restrictive covenant must prove that the contractually specified restraint is reasonably necessary to protect the legitimate business interest or interests justifying the restriction.[10]

Garden Leave Agreements

The term "garden leave" generally refers to agreements in which the worker remains employed and receives the same total annual compensation and benefits, but their access to co-workers and company facilities is restricted.[11] Such agreements are not considered to be "post-employment restrictions."[12] As such, when an employee subject to

[3] S. 542.18, F.S.
[4] S. 542.335, F.S. employs the term "restrictive covenants" and includes all contractual restrictions such as noncompetition/non-solicitation agreements, confidentiality agreements, exclusive dealing agreements, and all other contractual restraints of trade. *See Henao v. Prof'l Shoe Repair, Inc.,* 929 So.2d 723, 726 (Fla. 5th DCA 2006).
[5] S. 542.335(1), F.S.
[6] *Id*.
[7] S. 688.002(4), F.S., defines a "trade secret" as information, including a formula, pattern, compilation, program, device, method, technique, or process that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
[8] S. 542.335(1)(b), F.S.
[9] *Id*.
[10] S. 542.335(1)(c), F.S.
[11] 16 C.F.R. §910 and §912 (2024).
[12] *Id.*

a Garden Leave Agreement resigns or is terminated from his or her employment, the employer must continue to pay the employee during the garden leave period. However, the employer is not obligated to assign work, and the employee is prohibited from working for competitors. Garden Leave Agreements may be particularly useful in industries which rely on proprietary information and data, or in which an employee's departure will expose the business to substantial risk.

Florida Antitrust Laws

Florida law provides protections against anticompetitive practices. Chapter 542, F.S., the Florida Antitrust Act of 1980, intended to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition.[13] The Florida Antitrust Act outlaws every contract, combination, or conspiracy in restraint of trade or commerce in Florida[14] and any person from monopolizing or attempting or conspiring to monopolize any part of trade.[15]

Trade Secrets

Section 812.081, F.S., defines a "trade secret" as the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The term includes any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof, whether tangible or intangible, and regardless of whether or how it is stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

- Secret;
- Of value;
- For use or in use by the business; and
- Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.[16]

Penalties Associated with Trade Secrets

Florida law criminalizes the disclosure or theft of trade secrets. For example:

- S. 815.04, F.S., makes it a third-degree felony[17] for a person to willfully, knowingly, and without authorization disclose or take data, programs, or supporting documentation that are trade secrets that reside or exist internal or external to a computer, computer system, computer network, or electronic device.[18]
- S. 812.081(2), F.S., makes it a third-degree felony for a person to willfully and without authorization, obtain or use, or endeavor to obtain or use, a trade secret with the intent to either temporarily or permanently:
  - Deprive or withhold from the trade secret's owner the control or benefit of a trade secret; or
  - Appropriate a trade secret to his or her own use or to the use of another person not entitled to the trade secret.
- S. 812.081(3), F.S., makes it a second-degree felony[19] for a person who traffics in, or endeavors to traffic in, a trade secret that he or she knows or should know was obtained or used without authorization.

Restrictive Covenants in Florida Healthcare

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[13] S. 542.16, F.S.
[14] S. 542.18, F.S.
[15] S. 542.19, F.S.
[16] S. 812.081(1)(f), F.S.
[17] A third-degree felony is punishable by up to 5 years in prison and up to a $5,000 fine. *See* ss. 775.082, F.S., and 775.083, F.S.
[18] The offense is a second-degree felony if committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain property.
[19] A second-degree felony is punishable by up to 15 years in prison and up to a $10,000 fine. *See* ss. 775.082 and 775.083, F.S.

Under s. 542.336, F.S., a restrictive covenant entered into with a physician who practices a medical specialty in a county where one entity employs or contracts with all physicians who practice that specialty in that county, is not supported by a legitimate business interest and is void and unenforceable.[20] The restrictive covenant remains void and unenforceable until three years after the date on which a second entity that employs or contracts with one or more physicians who practice that specialty begins serving patients in that county.[21]

In *21st Century Oncology, Inc.*, the plaintiff sought a preliminary injunction to enjoin the application and enforcement of s. 542.336, F.S. In August of 2019, the U.S. District Court for the Northern District of Florida denied the injunction. While s. 542.336, F.S., was found to impair the plaintiff's employment contracts within the meaning of the Contracts Clause, the court held that the degree of impairment did not outweigh the statute's significant, legitimate public purpose.[22]

Federal Treatment of Noncompete Agreements

History of Federal Antitrust Laws

In 1890, Congress passed the first antitrust law, the Sherman Act, as a comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade. Congress subsequently passed two additional antitrust laws in 1914: The Federal Trade Commission Act, which created the Federal Trade Commission (FTC), and the Clayton Act. Under current Federal Law, the Sherman Act, the FTC Act,[23] and the Clayton Act[24] govern federal antitrust matters.[25]

The Sherman Act

The Sherman Act outlaws every contract, combination, or conspiracy in restraint of trade, and any monopolization, attempted monopolization, or conspiracy or combination to monopolize. The Sherman Act does not prohibit every restraint of trade – only those that are unreasonable. For example, an agreement between two individuals to form a partnership may restrain trade, but may not do so unreasonably, and thus may be lawful under the antitrust laws. In contrast, certain acts are considered "per se" violations of the Sherman Act because they are harmful to competition. These include plain arrangements among competing individuals or businesses to fix prices, divide markets, or rig bids.[26]

The penalties for violating the Sherman Act can be severe. Although most enforcement actions are civil, the Sherman Act is also a criminal law, and individuals and businesses that violate it may be prosecuted by the U.S. Department of Justice. Criminal prosecutions are typically limited to intentional and clear violations. The Sherman

[20] S. 542.336, F.S.
[21] *Id*.
[22] The ostensible public purpose of s. 542.336, F.S., is to reduce healthcare costs and improve patients' access to physicians. *See* s. 542.336, F.S.; ECF No. 64 at 8 (Attorney General's post-hearing brief, stating "s 542.336, F.S., explicitly sets forth its own rational basis in declaring that the restrictive covenants addressed by it are not supported by a legitimate business interest, restrict patient access to physicians, and increase costs"). It is well settled that access to affordable healthcare is a legitimate state interest." *See also 21st Century Oncology, Inc. v. Moody*, 402 F. Supp. 3d 1351, 1359 (N.D. Fla. 2019). .
[23] 15 U.S.C. §§ 41-58.
[24] *Id.*
[25] The U.S. Supreme Court has also ruled that all violations of the Sherman Act also violate the FTC Act. *The Antitrust Laws*, Federal Trade Commission, https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws (last visited Mar. 18, 2025).
[26] *Id.*

Act imposes criminal penalties of up to $10 million for a corporation and $350,000 for an individual, along with up to 3 years in prison.[27] Under some circumstances, the maximum fines can be higher.[28]

The Clayton Act addresses specific practices that the Sherman Act does not clearly prohibit, such as mergers and interlocking directorates, and also bans mergers and acquisitions where the effect may substantially lessen competition or create a monopoly.[29]

2024 Federal Trade Commission Rule

In April of 2024, the FTC adopted a rule[30] banning noncompete agreements, which was set to take effect in September 2024.[31] Under the rule, existing noncompete agreements for most workers would no longer be enforceable.[32] Existing noncompete agreements for senior executives would remain in force, however, new noncompete agreements, even if they involve senior executives would be banned.[33]

The FTC rule determined that it is an unfair method of competition for employers to enter into noncompete agreements with workers, and therefore noncompete agreements are a violation of Section 5 of the FTC Act.

Constitutional Challenges to the 2024 FTC Rule

On July 23, 2024, the U.S. District Court for the Eastern District of Pennsylvania issued a decision, which held that the FTC had the authority to issue its rule banning most employment based noncompete agreements.[34]

On August 14, 2024, the U.S. District Court for the Middle District of Florida entered a limited injunction prohibiting the FTC from enforcing the FTC's noncompete rule. The court used the "major questions doctrine" to argue that the FTC did not have a valid grant of congressional authority to enact the rule.[35] Under the limited injunction, the FTC was enjoined from enforcing the noncompete rule only with respect to the Plaintiffs, Properties of the Villages, Inc. As such, the 2024 FTC Rule may still be applied to business operating in Florida.

On August 20, 2024, the U.S. District Court for the Northern District of Texas granted summary judgement to the plaintiffs and plaintiff intervenors' corresponding claims in *Ryan, LLC v. FTC*, which sets aside the FTC's noncompete clause rule.[36] The court found that the FTC has no authority to promulgate substantive rules regarding unfair competition, and that the rule is invalid because it is arbitrary and capricious.[37]

Preliminary Injunction

A preliminary injunction is a legal tool that may be granted before or during trial, with the goal of preserving the status quo prior to the entry of a Final Judgment.[38] If a preliminary injunction is entered, the party that is subject to

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[27] *Antitrust Enforcement and the Consumer*, U.S. Department of Justice, https://www.govinfo.gov/content/pkg/GOVPUB-J-PURL-LPS16084/pdf/GOVPUB-J-PURL-LPS16084.pdf (last visited Mar. 18, 2025). *See also* 15 U.S.C.A. § 2.
[28] *Id*.
[29] *The Antitrust Laws*, Federal Trade Commission *supra* note 25.
[30] 16 C.F.R. § 910.1-6.
[31] The Federal Trade Commission, *FTC Announces Rule Banning Noncompetes*, https://www.ftc.gov/news-events/news/press-releases/2024/04/ftc-announces-rule-banning-noncompetes (last visited March 28, 2025).
[32] *Id.*
[33] *Id.* The final rule defines "senior executives" as workers earning more than $151,164 annually and who are in policy-making positions. *See also* 16 C.F.R. § 910.1-6.
[34] *ATS Tree Services, LLC. v. Federal Trade Commission*, WL 3511630 (E.D. Pa. 2024). The court found that the FTC has broad authority to regulate "unfair methods of competition" under the FTC Act. *See also* 15 U.S.C. §§ 41-58.
[35] *Properties of the Villages, Inc. v. Federal Trade Commission*, WL 3870380 (M.D. Fla. 2024). The "major questions doctrine" requires administrative agencies issuing rules of extraordinary economic and political significance to point to clear and unambiguous congressional intent to confer such power on the agency.
[36] *Ryan, LLC v. Federal Trade Commission*, 746 F.Supp.3d 369 (N.D. Tex. 2024).
[37] *Id.*
[38] Cornell Law School, Legal Information Institute, *Preliminary Injunction*, https://www.law.cornell.edu/wex/preliminary_injunction (last visited March 28, 2025).

the injunction is "enjoined" or barred from taking certain specified actions. In order to obtain a preliminary injunction in a civil matter, a party must show that it will suffer irreparable harm unless the injunction is issued.

Temporary Injunction

Under Rule 1.610, Florida Rules of Civil Procedure, a temporary injunction may be granted without written or oral notice to the adverse party only if:

- It appears from the specific facts shown by the affidavit or verified pleading that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and
- The movant's attorney certifies in writing any efforts that have been made to give notice and the reasons why notice should not be required.

The temporary injunction remains in effect until further order of the court.[39]

Attorney Fees

In Florida, fee-shifting statutes entitle the prevailing party or, more specifically, a particular prevailing claimant or plaintiff, to have his or her fees paid by the other party.[40]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	11 Y, 5 N	3/19/2025	Anstead	Brackett
Judiciary Committee	18 Y, 0 N, As CS	4/2/2025	Kramer	Mathews
THE CHANGES ADOPTED BY THE COMMITTEE:	• Made technical changes. • Clarified jurisdiction over covered garden leave agreements and covered noncompete agreements is established when a covered employer has a principal place of business in this state. • Made technical amendments to other sections in statute to conform to the changes made by the bill.			
Commerce Committee			Hamon	Brackett

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

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[39] Rule 1.160, Fla. R. Civ. P., 182.

[40] *See, e.g.,* s. 400.023, F.S. (nursing home resident); s. 440.34, F.S. (claimant in a workers' compensation case in certain situations); s. 501.2105, F.S. (plaintiff in specified FDUTPA actions); ss. 626.9373 and 627.428, F.S. (prevailing insured party in a case brought against an insurer); s. 790.33, F.S. (plaintiff in a suit to enforce his or her firearm rights); *see also* 42 U.S.C. s. 1988(b) (federal fee-shifting statute for prevailing parties in actions to enforce certain civil rights statutes).

A bill to be entitled

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

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

employer is entitled to recover all available monetary damages for all available claims; providing that a prevailing party is entitled to reasonable attorney fees and costs; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross misconduct; providing that such a reduction is not a breach of the covered noncompete agreement; providing construction regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement; amending ss. 542.15, 542.16, 542.17, 542.20, 542.22, 542.23, 542.235, 542.24, 542.25, 542.26, 542.27, 542.28, 542.29, 542.30, 542.31, 542.32, 542.33, 542.35, and 542.36, 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. Part I of chapter 542, Florida Statutes, consisting of ss. 542.15-542.36, Florida Statutes, is created and entitled the "Florida Antitrust Act of 1980."

Section 2. Part II of chapter 542, Florida Statutes, consisting of ss. 542.41-542.45, Florida Statutes, is created and entitled the "Florida Contracts Honoring Opportunity,

Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.41 Short title.—This part may be cited as the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.42 Legislative findings.—The Legislature finds that a proper and legitimate state interest is served by enforcing strong legal protections in contracts between employers and contracted personnel which encourage optimal levels of information sharing and training and development. The Legislature further finds that alternative means of protecting confidential information and client relationships, such as nondisclosure agreements, fixed-duration term contracts, and nonsolicitation clauses in employment contracts, are inadequate to protect against the significant global risks faced by companies in this state. The Legislature further finds that predictability in the enforcement of contracts described in this part encourages investment in this state. Therefore, the Legislature determines and declares that this part fulfills an important state interest.

542.43 Definitions.—For the purposes of this part, the term:

(1) "Annual mean wage of employees in Florida" or "annual mean wage" means the most recent annual mean wage as calculated by the United States Department of Labor Bureau of Labor Statistics, or its successor calculation, for all occupations in

this state.

(2) "Benefit" means access to health insurance, life insurance, or disability insurance that is the same as or similar to the insurance that a covered employee had access to and at the same cost to that employee during the month before the commencement of his or her notice period.

(3) "Covered employee" means an employee or individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage, or who has access to his or her employer's or client's confidential information or customer relationships. The term does not include a person classified as a medical professional as defined in s. 1006.0626.

(4) "Covered employer" means an entity or individual who employs or engages a covered employee.

(5) "Covered garden leave agreement" means a written agreement, or part of a written agreement, between a covered employee and covered employer in which:

(a) The covered employee and covered employer agree to up to, but no more than, 4 years of advance, express notice before terminating the employment or contractor relationship;

(b) The covered employee agrees not to resign before the end of such notice period; and

(c) The covered employer agrees to retain the covered employee for the duration of such notice period and to continue paying the covered employee the same salary and providing the

same benefits that the covered employee received from the covered employer in the last month before the commencement of the notice period. The covered employer is not obligated to provide discretionary incentive compensation or benefits or have the covered employee continue performing any work during the notice period.

(6) "Covered noncompete agreement" means a written agreement, or a portion of a written agreement, between a covered employee and a covered employer in which, for a period not to exceed 4 years and within the geographic area defined in the agreement, the covered employee agrees not to assume a role with or for another business, entity, or individual:

(a) In which the covered employee would provide services similar to the services provided to the covered employer during the 3 years preceding the noncompete period; or

(b) In which it is reasonably likely the covered employee would use the confidential information or customer relationships of the covered employer.

(7) "Noncompete period" means the time from the covered employee's termination of employment through the end of the agreed-upon postemployment period of noncompetition as set forth in the covered noncompete agreement.

(8) "Notice period" means the date from the covered employee's or covered employer's written notice of intent to terminate the covered employee's employment through the date of

termination as set forth in a covered garden leave agreement.

(9) "Primary place of work" means the location where the covered employee spends more work time than any other single workplace.

(10) "Salary" means the base compensation, calculated on an annualized basis, which a covered employer pays a covered employee, including a base wage, a salary, a professional fee, or other compensation for personal services, and the fair market value of any benefit other than cash. Salary does not include health care benefits, severance pay, retirement benefits, expense reimbursement, distribution of earnings and profits not included as compensation for personal services, discretionary incentives or awards, or anticipated but indeterminable compensation, including tips, bonuses, or commissions.

542.44 Covered garden leave agreement.—

(1) APPLICABILITY.—This section applies to:

(a) A covered garden leave agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered garden leave agreement with a covered employer whose principal place of business is in this state and which employer is expressly governed by the laws of this state.

If any provision of this section is in conflict with any other law, the provisions of this section shall govern.

(2) RESTRAINT OF TRADE.—A covered garden leave agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered garden leave agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) The covered garden leave agreement provides that:

1. After the first 90 days of the notice period, the covered employee does not have to provide services to the covered employer;

2. The covered employee may engage in nonwork activities at any time, including during normal business hours, during the remainder of the notice period;

3. The covered employee may, with the permission of the covered employer, work for another employer while still employed by the covered employer during the remainder of the notice period; and

4. The garden leave agreement notice period may be reduced during the notice period if the covered employer provides at least 30 days' advance notice in writing to the covered

employee.

(3) NOTICE.—

(a) A covered employer must provide a proposed covered garden leave agreement to:

1. A prospective covered employee at least 7 days before an offer of employment expires; or

2. A current covered employee at least 7 days before the date that an offer to enter into a covered garden leave agreement expires.

(b) A covered employer may, as provided for in the covered garden leave agreement, shorten the term of the notice period at any time during the notice period by providing at least 30 days' advance notice in writing to the covered employee.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF A COVERED GARDEN LEAVE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the notice period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence that:

1. The covered employee will not perform, during the

notice period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The covered employer has failed to pay or provide the salary and benefits provided for in the covered garden leave agreement during the notice period and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the covered employee's notice period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity similar to that

engaged in by the covered employer during the notice period.

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

(c) The injunctive relief provided under this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the notice period, which reduction or other action may not be considered a breach of the covered garden leave agreement.

542.45 Covered noncompete agreements.—

(1) APPLICABILITY.—This section applies to:

(a) A covered noncompete agreement with a covered employee who maintains a primary place of work in this state, regardless

of any applicable choice of law provisions; or

(b) A covered noncompete agreement with a covered employer whose principal place of business is in this state and which employer is expressly governed by the laws of this state.

In either case, if any provision of this section is in conflict with any other law, the provisions of this section govern.

(2) RESTRAINT OF TRADE.—A covered noncompete agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered noncompete agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) A covered noncompete agreement provides that the noncompete period is reduced day-for-day by any nonworking portion of the notice period, pursuant to a covered garden leave agreement between the covered employee and the covered employer, if applicable.

(3) NOTICE.—A covered employer must provide a proposed covered noncompete agreement to:

(a) A prospective covered employee at least 7 days before an offer of employment expires; or

(b) A current covered employee at least 7 days before the date that an offer to enter into a covered noncompete agreement expires.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF COVERED NONCOMPETE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the noncompete period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence that:

1. The covered employee will not perform, during the noncompete period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The covered employer has failed to pay or provide the consideration provided for in the covered noncompete agreement and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the covered employee's noncompete period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity in the geographic area specified in the noncompete agreement during the noncompete period if such business activity is similar to that engaged in by the covered employer.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury. A court must presume that an employee or individual contractor has access to confidential information or customer relationships if the

employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided in this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the noncompete period, which reduction or other action may not be considered a breach of the covered noncompete agreement.

Any action regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement as provided in this part is governed by s. 542.335.

Section 3. Section 542.15, Florida Statutes, is amended to read:

542.15 Short title.—This part ~~act~~ shall be known and may be cited as the "Florida Antitrust Act of 1980."

Section 4. Section 542.16, Florida Statutes, is amended to read:

542.16 Purpose.—The Legislature declares it to be the purpose of this part ~~act~~ to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition. It is the intent of the Legislature that this part ~~act~~ be liberally construed to accomplish its beneficial purpose.

Section 5. Section 542.17, Florida Statutes, is amended to read:

542.17 Definitions.—Unless a different meaning is clearly indicated by the context, for the purposes of this part ~~chapter~~, the terms defined in this section have the following meanings ascribed to them:

(1) "Commodity" means any goods, merchandise, wares, produce, chose in action, land, article of commerce, or other tangible or intangible property, real, personal, or mixed, for use, consumption, production, enjoyment, or resale.

(2) "Service" means any kind of activity performed in whole or in part for economic benefit.

(3) "Person" means any individual, corporation, firm, partnership, limited partnership, incorporated or unincorporated association, professional association, or other legal, commercial, or governmental entity, including the State of Florida, its departments, agencies, political subdivisions, and units of government.

(4) "Trade or commerce" means any economic activity of any

type whatsoever involving any commodity or service whatsoever.

(5) "Document" means any stored or retained data or information in whatever form.

(6) "Attorney General" includes not only the Attorney General of Florida but also any designee of the Attorney General or any assistant attorney general or special assistant attorney general.

(7) "State attorney" includes not only the state attorneys of Florida but also any designee of a state attorney or any assistant state attorney or special assistant state attorney.

(8) "Local government" means a municipality, county, school district, or any other general-function or special-function governmental unit established by the laws of the state.

Section 6. Section 542.20, Florida Statutes, is amended to read:

542.20 Exemptions.—Any activity or conduct exempt under Florida statutory or common law or exempt from the provisions of the antitrust laws of the United States is exempt from the provisions of this part ~~chapter~~.

Section 7. Subsection (1) of section 542.22, Florida Statutes, is amended to read:

542.22 Suits for damages.—

(1) Any person who shall be injured in her or his business or property by reason of any violation of s. 542.18 or s. 542.19 may sue therefor in the circuit courts of this state and shall

recover threefold the damages by her or him sustained, and the cost of suit, including a reasonable attorney's fee. The court shall award a reasonable attorney's fee to a defendant prevailing in any action under this part ~~chapter~~ for damages or equitable relief in which the court finds there was a complete absence of a justiciable issue of either law or fact raised by the plaintiff.

Section 8. Section 542.23, Florida Statutes, is amended to read:

542.23 Equitable remedies.—In addition to other remedies provided by this part ~~chapter~~, any person shall be entitled to sue for and have injunctive or other equitable relief in the circuit courts of this state against threatened loss or damage by a violation of this part ~~chapter~~. In any action under this section in which the plaintiff substantially prevails, the court shall award the cost of suit, including a reasonable attorney's fee, to the plaintiff.

Section 9. Subsection (4) of section 542.235, Florida Statutes, is amended to read:

542.235 Limitations of actions and penalties against local governments and their officials and employees.—

(4) No criminal action shall be maintained pursuant to s. 542.21(2), and no civil penalties, damages, interest on damages, costs, or attorneys' fees shall be recovered pursuant to s. 542.21(1) or s. 542.22, against any local government official or

employee for official conduct within the scope of her or his lawful authority, unless the official or employee has violated the provisions of this part ~~chapter~~ for the purpose of deriving personal financial or professional gain or for the professional or financial gain of her or his immediate family or of any principal by whom the official is retained.

Section 10. Section 542.24, Florida Statutes, is amended to read:

542.24 Consent decrees and settlement agreements.—In a civil action maintained under this part ~~chapter~~ by the Attorney General or a state attorney, any party to such action may petition the court for entry of a consent decree or for approval of a settlement agreement. The proposed decree or agreement shall set out the alleged violations, the future obligations of the parties, the damages or other relief agreed upon, and the reasons for entering into the consent decree or settlement agreement.

Section 11. Section 542.25, Florida Statutes, is amended to read:

542.25 Judgment in favor of state as prima facie evidence.—A final judgment or decree entered in any civil or criminal proceeding brought by the Attorney General or a state attorney under s. 542.21 or s. 542.23 to the effect that a defendant has violated s. 542.18 or s. 542.19, or entered in any civil or criminal proceeding brought by the United States

Department of Justice under comparable federal laws, shall be prima facie evidence against such defendant in any civil action or proceeding under this part ~~chapter~~ brought by any other person against such defendant as to all matters with respect to which such judgment or decree would be an estoppel as between the parties thereto; however, this section does not apply to a consent judgment or decree entered before any testimony has been taken. Nothing contained in this section shall be construed to impose any limitation on the application of collateral estoppel.

Section 12. Subsection (2) of section 542.26, Florida Statutes, is amended to read:

542.26 Limitation of actions.—

(2) Whenever any civil or criminal proceeding is instituted by the Attorney General or a state attorney to prevent, restrain, or punish any violation of this part ~~chapter~~, the running of the statute of limitations, with respect to every private right of action arising under this part ~~chapter~~ and based in whole or in part on any matter complained of in said proceeding, shall be suspended during the pendency thereof and for 1 year thereafter. Whenever the running of the statute of limitations in respect of a cause of action arising under s. 542.22(1) is suspended hereunder, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the period of limitation.

Section 13. Section 542.27, Florida Statutes, is amended to read:

542.27 Enforcement authority.—

(1) The Attorney General, or a state attorney with written permission from the Attorney General, acting jointly or independently, may commence and try all criminal prosecutions under this part ~~chapter~~. Criminal prosecutions under this part ~~chapter~~ shall be commenced by indictment. With respect to commencement and trial of such prosecutions, the Attorney General or a state attorney shall have all the powers and duties vested by law with respect to criminal prosecutions generally. Incident to any investigation commenced under this part ~~chapter~~, the Attorney General may participate in and appear before a grand jury in assistance of any state attorney, irrespective of the provisions of chapter 905.

(2) The Attorney General is authorized to institute or intervene in civil proceedings seeking the full range of relief afforded by this part ~~chapter~~ or by federal laws pertaining to antitrust or restraints of trade on behalf of the state, its departments, agencies, and units of government. In addition, the Attorney General, as chief state legal officer, may institute any action authorized under this part ~~chapter~~, federal laws pertaining to antitrust or restraints of trade, or similar laws of other states on behalf of natural persons in the state.

(3) Whenever the Attorney General, by her or his own

inquiry or as a result of a complaint, suspects that a violation of this part ~~chapter~~ or federal laws pertaining to restraints of trade is imminent, occurring, or has occurred, the Attorney General may investigate such suspected violation.

Section 14. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and subsections (5) and (13) of section 542.28, Florida Statutes, are amended to read:

542.28 Civil investigative demand.—

(2) The demand shall:

(b) State the nature of the conduct which constitutes the violation of this part ~~chapter~~ or of the federal antitrust laws and which is alleged to have occurred or to be imminent.

(3) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under:

(b) The standards applicable to a discovery request under the Florida Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this part ~~chapter~~.

(5) Within 30 days after the service of an investigative demand upon any person or at any time before the return date specified therein, whichever period is longer, the person served

may file in the circuit court in and for the county in which the person resides or transacts business, and serve upon the Attorney General or state attorney, a petition for an order of the court modifying or setting aside the demand. The time allowed for compliance in whole or in part with the demand as deemed proper and ordered by the court shall not run while the petition is pending before the court. The petition shall specify each ground upon which the petitioner relies in seeking relief and may be based upon the failure of the demand to comply with the provisions of this part ~~chapter~~ or upon any constitutional or other legal right or privilege of such person.

(13) Nothing contained in this section shall impair the authority of the Attorney General or state attorney to:

(a) Institute a civil proceeding under s. 542.22;

(b) Lay before a grand jury of this state evidence concerning a violation of this part ~~chapter~~;

(c) Invoke the power of a court to compel the production of evidence before a grand jury; or

(d) File a civil complaint or criminal indictment alleging a violation of this part ~~chapter~~.

Section 15. Section 542.29, Florida Statutes, is amended to read:

542.29 Duty of public officers.—In any investigation and in any criminal or civil action commenced pursuant to this part ~~chapter~~, it shall be the duty of all public officers and their

deputies, assistants, clerks, subordinates, or employees to render and furnish to the Attorney General or a state attorney, when so requested, assistance and all information available in their official capacity.

Section 16. Section 542.30, Florida Statutes, is amended to read:

542.30 Jurisdiction and venue.—Without regard to the amount in controversy, a suit or proceeding brought under this part ~~chapter~~ shall be brought in the circuit court in and for any county in which the cause of action arose; in which any defendant resides, is found, or has an agent; or in which any act in furtherance of the conduct prohibited by this part ~~chapter~~ occurred.

Section 17. Section 542.31, Florida Statutes, is amended to read:

542.31 Action not barred as affecting or involving interstate or foreign commerce.—No action under this part ~~chapter~~ shall be barred on the grounds that the activity or conduct complained of in any way affects or involves interstate or foreign commerce. It is the intent of the Legislature to exercise its powers to the fullest extent consistent with the Constitutions of this state and the United States.

Section 18. Section 542.32, Florida Statutes, is amended to read:

542.32 Rule of construction and coverage.—It is the intent

of the Legislature that, in construing this part ~~chapter~~, due consideration and great weight be given to the interpretations of the federal courts relating to comparable federal antitrust statutes. In particular, the failure to include in this part ~~chapter~~ the substantive provisions of s. 3 of the Clayton Act, 15 U.S.C. s. 14, shall not be deemed in any way to limit the scope of s. 542.18 or s. 542.19.

Section 19. Subsection (1) of section 542.33, Florida Statutes, is amended to read:

542.33 Contracts in restraint of trade valid.—

(1) Notwithstanding other provisions of this part ~~chapter~~ to the contrary, each contract by which any person is restrained from exercising a lawful profession, trade, or business of any kind, as provided by subsections (2) and (3) hereof, is to that extent valid, and all other contracts in restraint of trade are void.

Section 20. Section 542.35, Florida Statutes, is amended to read:

542.35 Remedies cumulative.—The remedies provided by this part ~~act~~ are cumulative of each other and of existing powers and remedies inherent in the courts.

Section 21. Section 542.36, Florida Statutes, is amended to read:

542.36 Continuing violations.—Violations commenced prior to October 1, 1980, ~~the effective date of this act~~ and

continuing after the effective date shall be actionable as provided in this part ~~chapter~~. The fact that any conduct occurred prior to October 1, 1980, ~~the effective date of this act~~ shall not affect its relevance in proving that a violation of this part ~~chapter~~ has occurred or is occurring.

Section 22. This act shall take effect July 1, 2025.

COMMERCE COMMITTEE

CS/CS/HB 1219 by Rep. Koster
Employment Agreements

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Koster (strike-all):

- Provides that a "covered employee" who may be subject to a garden leave agreement or noncompete agreement **must** earn or be expected to earn a salary greater than twice the annual mean wage.
- Clarifies that evidence used in court to dissolve or modify a garden leave or noncompete agreement must be nonconfidential.
- Provides that a court may dissolve an injunction prohibiting a "covered employee" from working for another employer if the employer is not engaging in an activity similar to the "covered employer" in the geographic area specified in the garden leave agreement or noncompete agreement.

Amendment to Amendment 1 by Rep. Esposito (line 44):

- Clarifies that the annual mean wage means the annual mean wage of the county in Florida where the business or employee is located.

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: Commerce Committee

Representative Koster offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. Part I of chapter 542, Florida Statutes, consisting of ss. 542.15-542.36, Florida Statutes, is created and entitled the "Florida Antitrust Act of 1980."

Section 2. Part II of chapter 542, Florida Statutes, consisting of ss. 542.41-542.45, Florida Statutes, is created and entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.41 Short title.—This part may be cited as the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.42 Legislative findings.—The Legislature finds that a proper and legitimate state interest is served by enforcing strong legal protections in contracts between employers and contracted personnel which encourage optimal levels of information sharing and training and development. The Legislature further finds that alternative means of protecting confidential information and client relationships, such as nondisclosure agreements, fixed-duration term contracts, and nonsolicitation clauses in employment contracts, are inadequate to protect against the significant global risks faced by companies in this state. The Legislature further finds that predictability in the enforcement of contracts described in this part encourages investment in this state. Therefore, the Legislature determines and declares that this part fulfills an important state interest.

542.43 Definitions.—For the purposes of this part, the term:

(1) "Annual mean wage of employees in Florida" or "annual mean wage" means the most recent annual mean wage as calculated by the United States Department of Labor Bureau of Labor Statistics, or its successor calculation, for all occupations in this state.

(2) "Benefit" means access to health insurance, life insurance, or disability insurance that is the same as or similar to the insurance that a covered employee had access to

and at the same cost to that employee during the month before the commencement of his or her notice period.

(3) "Covered employee" means an employee or individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage. The term does not include a person classified as a health care practitioner as defined in s. 456.001(4).

(4) "Covered employer" means an entity or individual who employs or engages a covered employee.

(5) "Covered garden leave agreement" means a written agreement, or part of a written agreement, between a covered employee and covered employer in which:

(a) The covered employee and covered employer agree to up to, but no more than, 4 years of advance, express notice before terminating the employment or contractor relationship;

(b) The covered employee agrees not to resign before the end of such notice period; and

(c) The covered employer agrees to retain the covered employee for the duration of such notice period and to continue paying the covered employee the same salary and providing the same benefits that the covered employee received from the covered employer in the last month before the commencement of the notice period. The covered employer is not obligated to provide discretionary incentive compensation or benefits or have the covered employee continue performing any work during the

notice period.

(6) "Covered noncompete agreement" means a written agreement, or a portion of a written agreement, between a covered employee and a covered employer in which, for a period not to exceed 4 years and within the geographic area defined in the agreement, the covered employee agrees not to assume a role with or for another business, entity, or individual:

(a) In which the covered employee would provide services similar to the services provided to the covered employer during the 3 years preceding the noncompete period; or

(b) In which it is reasonably likely the covered employee would use the confidential information or customer relationships of the covered employer.

(7) "Noncompete period" means the time from the covered employee's termination of employment through the end of the agreed-upon postemployment period of noncompetition as set forth in the covered noncompete agreement.

(8) "Notice period" means the date from the covered employee's or covered employer's written notice of intent to terminate the covered employee's employment through the date of termination as set forth in a covered garden leave agreement.

(9) "Primary place of work" means the location where the covered employee spends more work time than any other single workplace.

(10) "Salary" means the base compensation, calculated on

an annualized basis, which a covered employer pays a covered employee, including a base wage, a salary, a professional fee, or other compensation for personal services, and the fair market value of any benefit other than cash. Salary does not include health care benefits, severance pay, retirement benefits, expense reimbursement, distribution of earnings and profits not included as compensation for personal services, discretionary incentives or awards, or anticipated but indeterminable compensation, including tips, bonuses, or commissions.

542.44 Covered garden leave agreement.—

(1) APPLICABILITY.—This section applies to:

(a) A covered garden leave agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered garden leave agreement with a covered employer whose principal place of business is in this state and which agreement is expressly governed by the laws of this state.

If any provision of this section is in conflict with any other law, the provisions of this section shall govern.

(2) RESTRAINT OF TRADE.—A covered garden leave agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered garden leave agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) The covered garden leave agreement provides that:

1. After the first 90 days of the notice period, the covered employee does not have to provide services to the covered employer;

2. The covered employee may engage in nonwork activities at any time, including during normal business hours, during the remainder of the notice period;

3. The covered employee may, with the permission of the covered employer, work for another employer while still employed by the covered employer during the remainder of the notice period; and

4. The garden leave agreement notice period may be reduced during the notice period if the covered employer provides at least 30 days' advance notice in writing to the covered employee.

(3) NOTICE.—

(a) A covered employer must provide a proposed covered garden leave agreement to:

1. A prospective covered employee at least 7 days before

an offer of employment expires; or

2. A current covered employee at least 7 days before the date that an offer to enter into a covered garden leave agreement expires.

(b) A covered employer may, as provided for in the covered garden leave agreement, shorten the term of the notice period at any time during the notice period by providing at least 30 days' advance notice in writing to the covered employee.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF A COVERED GARDEN LEAVE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the notice period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence, based on nonconfidential information, that:

1. The covered employee will not perform, during the notice period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer;

or

2. The covered employer has failed to pay or provide the salary and benefits provided for in the covered garden leave agreement during the notice period and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the covered employee's notice period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity similar to that engaged in by the covered employer during the notice period.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect

confidentiality or avoid substantial injury. A court must presume that an employee or individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided under this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the notice period, which reduction or other action may not be considered a breach of the covered garden leave agreement.

542.45 Covered noncompete agreements.—

(1) APPLICABILITY.—This section applies to:

(a) A covered noncompete agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered noncompete agreement with a covered employer whose principal place of business is in this state and which agreement is expressly governed by the laws of this state.

In either case, if any provision of this section is in conflict with any other law, the provisions of this section govern.

(2) RESTRAINT OF TRADE.—A covered noncompete agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered noncompete agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, that in the course of their employment they will receive confidential information or customer relationships; and

(c) A covered noncompete agreement provides that the noncompete period is reduced day-for-day by any nonworking portion of the notice period, pursuant to a covered garden leave agreement between the covered employee and the covered employer, if applicable.

(3) NOTICE.—A covered employer must provide a proposed covered noncompete agreement to:

(a) A prospective covered employee at least 7 days before an offer of employment expires; or

(b) A current covered employee at least 7 days before the

date that an offer to enter into a covered noncompete agreement expires.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF COVERED NONCOMPETE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the noncompete period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence, based on nonconfidential information, that:

1. The covered employee will not perform, during the noncompete period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer;

2. The covered employer has failed to pay or provide the consideration provided for in the covered noncompete agreement and has had a reasonable opportunity to cure the failure; or

3. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in during the noncompete period business

activity similar to that engaged in by the covered employer in the geographic area specified in the noncompete agreement.

(b) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the covered employee's noncompete period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in during the noncompete period business activity similar to that engaged in by the covered employer in the geographic area specified in the noncompete agreement.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury. A court must presume that an employee or individual contractor has access to

confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided in this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the noncompete period, which reduction or other action may not be considered a breach of the covered noncompete agreement.

Any action regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement as provided in this part is governed by s. 542.335.

Section 3. Section 542.15, Florida Statutes, is amended to read:

542.15 Short title.—This part ~~act~~ shall be known and may be cited as the "Florida Antitrust Act of 1980."

Section 4. Section 542.16, Florida Statutes, is amended to

read:

542.16 Purpose.—The Legislature declares it to be the purpose of this part ~~act~~ to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition. It is the intent of the Legislature that this part ~~act~~ be liberally construed to accomplish its beneficial purpose.

Section 5. Section 542.17, Florida Statutes, is amended to read:

542.17 Definitions.—Unless a different meaning is clearly indicated by the context, for the purposes of this part ~~chapter~~, the terms defined in this section have the following meanings ascribed to them:

(1) "Commodity" means any goods, merchandise, wares, produce, chose in action, land, article of commerce, or other tangible or intangible property, real, personal, or mixed, for use, consumption, production, enjoyment, or resale.

(2) "Service" means any kind of activity performed in whole or in part for economic benefit.

(3) "Person" means any individual, corporation, firm, partnership, limited partnership, incorporated or unincorporated association, professional association, or other legal, commercial, or governmental entity, including the State of Florida, its departments, agencies, political subdivisions, and units of government.

(4) "Trade or commerce" means any economic activity of any type whatsoever involving any commodity or service whatsoever.

(5) "Document" means any stored or retained data or information in whatever form.

(6) "Attorney General" includes not only the Attorney General of Florida but also any designee of the Attorney General or any assistant attorney general or special assistant attorney general.

(7) "State attorney" includes not only the state attorneys of Florida but also any designee of a state attorney or any assistant state attorney or special assistant state attorney.

(8) "Local government" means a municipality, county, school district, or any other general-function or special-function governmental unit established by the laws of the state.

Section 6. Section 542.20, Florida Statutes, is amended to read:

542.20 Exemptions.—Any activity or conduct exempt under Florida statutory or common law or exempt from the provisions of the antitrust laws of the United States is exempt from the provisions of this part ~~chapter~~.

Section 7. Subsection (1) of section 542.22, Florida Statutes, is amended to read:

542.22 Suits for damages.—

(1) Any person who shall be injured in her or his business or property by reason of any violation of s. 542.18 or s. 542.19

may sue therefor in the circuit courts of this state and shall recover threefold the damages by her or him sustained, and the cost of suit, including a reasonable attorney's fee. The court shall award a reasonable attorney's fee to a defendant prevailing in any action under this part ~~chapter~~ for damages or equitable relief in which the court finds there was a complete absence of a justiciable issue of either law or fact raised by the plaintiff.

Section 8. Section 542.23, Florida Statutes, is amended to read:

542.23 Equitable remedies.—In addition to other remedies provided by this part ~~chapter~~, any person shall be entitled to sue for and have injunctive or other equitable relief in the circuit courts of this state against threatened loss or damage by a violation of this part ~~chapter~~. In any action under this section in which the plaintiff substantially prevails, the court shall award the cost of suit, including a reasonable attorney's fee, to the plaintiff.

Section 9. Subsection (4) of section 542.235, Florida Statutes, is amended to read:

542.235 Limitations of actions and penalties against local governments and their officials and employees.—

(4) No criminal action shall be maintained pursuant to s. 542.21(2), and no civil penalties, damages, interest on damages, costs, or attorneys' fees shall be recovered pursuant to s.

542.21(1) or s. 542.22, against any local government official or employee for official conduct within the scope of her or his lawful authority, unless the official or employee has violated the provisions of this part ~~chapter~~ for the purpose of deriving personal financial or professional gain or for the professional or financial gain of her or his immediate family or of any principal by whom the official is retained.

Section 10. Section 542.24, Florida Statutes, is amended to read:

542.24 Consent decrees and settlement agreements.—In a civil action maintained under this part ~~chapter~~ by the Attorney General or a state attorney, any party to such action may petition the court for entry of a consent decree or for approval of a settlement agreement. The proposed decree or agreement shall set out the alleged violations, the future obligations of the parties, the damages or other relief agreed upon, and the reasons for entering into the consent decree or settlement agreement.

Section 11. Section 542.25, Florida Statutes, is amended to read:

542.25 Judgment in favor of state as prima facie evidence.—A final judgment or decree entered in any civil or criminal proceeding brought by the Attorney General or a state attorney under s. 542.21 or s. 542.23 to the effect that a defendant has violated s. 542.18 or s. 542.19, or entered in any

civil or criminal proceeding brought by the United States Department of Justice under comparable federal laws, shall be prima facie evidence against such defendant in any civil action or proceeding under this part ~~chapter~~ brought by any other person against such defendant as to all matters with respect to which such judgment or decree would be an estoppel as between the parties thereto; however, this section does not apply to a consent judgment or decree entered before any testimony has been taken. Nothing contained in this section shall be construed to impose any limitation on the application of collateral estoppel.

Section 12. Subsection (2) of section 542.26, Florida Statutes, is amended to read:

542.26 Limitation of actions.—

(2) Whenever any civil or criminal proceeding is instituted by the Attorney General or a state attorney to prevent, restrain, or punish any violation of this part ~~chapter~~, the running of the statute of limitations, with respect to every private right of action arising under this part ~~chapter~~ and based in whole or in part on any matter complained of in said proceeding, shall be suspended during the pendency thereof and for 1 year thereafter. Whenever the running of the statute of limitations in respect of a cause of action arising under s. 542.22(1) is suspended hereunder, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the period of

limitation.

Section 13. Section 542.27, Florida Statutes, is amended to read:

542.27 Enforcement authority.—

(1) The Attorney General, or a state attorney with written permission from the Attorney General, acting jointly or independently, may commence and try all criminal prosecutions under this part ~~chapter~~. Criminal prosecutions under this part ~~chapter~~ shall be commenced by indictment. With respect to commencement and trial of such prosecutions, the Attorney General or a state attorney shall have all the powers and duties vested by law with respect to criminal prosecutions generally. Incident to any investigation commenced under this part ~~chapter~~, the Attorney General may participate in and appear before a grand jury in assistance of any state attorney, irrespective of the provisions of chapter 905.

(2) The Attorney General is authorized to institute or intervene in civil proceedings seeking the full range of relief afforded by this part ~~chapter~~ or by federal laws pertaining to antitrust or restraints of trade on behalf of the state, its departments, agencies, and units of government. In addition, the Attorney General, as chief state legal officer, may institute any action authorized under this part ~~chapter~~, federal laws pertaining to antitrust or restraints of trade, or similar laws of other states on behalf of natural persons in the state.

(3) Whenever the Attorney General, by her or his own inquiry or as a result of a complaint, suspects that a violation of this part ~~chapter~~ or federal laws pertaining to restraints of trade is imminent, occurring, or has occurred, the Attorney General may investigate such suspected violation.

Section 14. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and subsections (5) and (13) of section 542.28, Florida Statutes, are amended to read:

542.28 Civil investigative demand.—

(2) The demand shall:

(b) State the nature of the conduct which constitutes the violation of this part ~~chapter~~ or of the federal antitrust laws and which is alleged to have occurred or to be imminent.

(3) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under:

(b) The standards applicable to a discovery request under the Florida Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this part ~~chapter~~.

(5) Within 30 days after the service of an investigative demand upon any person or at any time before the return date

specified therein, whichever period is longer, the person served may file in the circuit court in and for the county in which the person resides or transacts business, and serve upon the Attorney General or state attorney, a petition for an order of the court modifying or setting aside the demand. The time allowed for compliance in whole or in part with the demand as deemed proper and ordered by the court shall not run while the petition is pending before the court. The petition shall specify each ground upon which the petitioner relies in seeking relief and may be based upon the failure of the demand to comply with the provisions of this part ~~chapter~~ or upon any constitutional or other legal right or privilege of such person.

(13) Nothing contained in this section shall impair the authority of the Attorney General or state attorney to:

(a) Institute a civil proceeding under s. 542.22;

(b) Lay before a grand jury of this state evidence concerning a violation of this part ~~chapter~~;

(c) Invoke the power of a court to compel the production of evidence before a grand jury; or

(d) File a civil complaint or criminal indictment alleging a violation of this part ~~chapter~~.

Section 15. Section 542.29, Florida Statutes, is amended to read:

542.29 Duty of public officers.—In any investigation and in any criminal or civil action commenced pursuant to this part

~~chapter~~, it shall be the duty of all public officers and their deputies, assistants, clerks, subordinates, or employees to render and furnish to the Attorney General or a state attorney, when so requested, assistance and all information available in their official capacity.

Section 16. Section 542.30, Florida Statutes, is amended to read:

542.30 Jurisdiction and venue.—Without regard to the amount in controversy, a suit or proceeding brought under this part ~~chapter~~ shall be brought in the circuit court in and for any county in which the cause of action arose; in which any defendant resides, is found, or has an agent; or in which any act in furtherance of the conduct prohibited by this part ~~chapter~~ occurred.

Section 17. Section 542.31, Florida Statutes, is amended to read:

542.31 Action not barred as affecting or involving interstate or foreign commerce.—No action under this part ~~chapter~~ shall be barred on the grounds that the activity or conduct complained of in any way affects or involves interstate or foreign commerce. It is the intent of the Legislature to exercise its powers to the fullest extent consistent with the Constitutions of this state and the United States.

Section 18. Section 542.32, Florida Statutes, is amended to read:

542.32 Rule of construction and coverage.—It is the intent of the Legislature that, in construing this part ~~chapter~~, due consideration and great weight be given to the interpretations of the federal courts relating to comparable federal antitrust statutes. In particular, the failure to include in this part ~~chapter~~ the substantive provisions of s. 3 of the Clayton Act, 15 U.S.C. s. 14, shall not be deemed in any way to limit the scope of s. 542.18 or s. 542.19.

Section 19. Subsection (1) of section 542.33, Florida Statutes, is amended to read:

542.33 Contracts in restraint of trade valid.—

(1) Notwithstanding other provisions of this part ~~chapter~~ to the contrary, each contract by which any person is restrained from exercising a lawful profession, trade, or business of any kind, as provided by subsections (2) and (3) hereof, is to that extent valid, and all other contracts in restraint of trade are void.

Section 20. Section 542.35, Florida Statutes, is amended to read:

542.35 Remedies cumulative.—The remedies provided by this part ~~act~~ are cumulative of each other and of existing powers and remedies inherent in the courts.

Section 21. Section 542.36, Florida Statutes, is amended to read:

542.36 Continuing violations.—Violations commenced prior

to October 1, 1980, ~~the effective date of this act~~ and continuing after the effective date shall be actionable as provided in this part ~~chapter~~. The fact that any conduct occurred prior to October 1, 1980, ~~the effective date of this act~~ shall not affect its relevance in proving that a violation of this part ~~chapter~~ has occurred or is occurring.

Section 22. This act shall take effect July 1, 2025.

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: Commerce Committee
Representative Esposito offered the following:

Amendment to Amendment (963783) by Representative Koster

Remove lines 44-48 of the amendment and insert:

(3) "Covered employee" means an employee or an individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage of the county in Florida in which the employer has its principal place of business, or the county in Florida in which the employee resides if the employer's principal place of business is not in Florida. The term does not include a person classified as a health care practitioner as defined in s. 456.001(4).

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/CS/HB 1397	**COMPANION BILL:** CS/SB 1662 (Collins)
TITLE: Transportation	**LINKED BILLS:** None
SPONSOR(S): Abbott, Bankson	**RELATED BILLS:** None

Committee References

Economic Infrastructure 14 Y, 0 N, As CS	➤ Transportation & Economic Development Budget 10 Y, 4 N, As CS	➤ Commerce

SUMMARY

Effect of the Bill:

The bill addresses several matters related to the Florida Department of Transportation (FDOT) and state transportation policy, including:

- Organization, duties, and powers of FDOT and the Florida Transportation Commission.
- Seaport project funding, planning, and reporting.
- Development of advanced air mobility.
- Spaceport project funding.
- Use of airport property during a state of emergency.
- Airport project funding and commercial airport requirements.
- Transportation workforce development.
- Contracting for transportation projects.
- Funding for certain small county support programs.
- Governance and duties of the Jacksonville Transportation Authority.

Fiscal or Economic Impact:

The bill authorizes, but does not necessarily require, additional funding within the FDOT Work Program for certain infrastructure projects related to spaceports, airports, and seaports; and the bill also adjusts the maximum and minimum funding levels for certain county programs. Any adjustments in spending will not have an overall increase in state expenditures as these activities are funded within the confines of the Work Program as appropriated by the Legislature. The workforce development requirements in the bill will have an indeterminate fiscal impact, but the department can absorb these costs within existing resources.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses several matters related to the Florida Department of Transportation (FDOT) and state transportation policy.

Organization of FDOT

The bill provides that the three assistant secretaries currently appointed by the FDOT Secretary shall serve under the titles of Chief Operations Officer, Chief Finance and Administration Officer, and Chief Strategic Development Officer. The bill also provides that the FDOT Secretary may appoint an Executive Director of Transportation Technology. Under the bill, each of these positions maintain Senior Management Status and are exempt from career service under s. 110.205(2), F.S.

The bill expands the areas of program responsibility for which the FDOT Secretary may appoint deputy assistant secretaries or directors to include "operational technology." The bill renames the "modal development" area as "supply chain and modal development" and renames the "information systems" area as "information technology." (Section 1)

FDOT Powers and Duties

The bill adds the following to DOT's power and duties:

- Purchasing, leasing, or acquiring promotional items as part of public information and education campaigns that promote environmental management, workforce development, or "context classification."
- Entering into contracts for insurance that FDOT is contractually and legally obligated to provide directly from local, national, or international insurance companies.
- Purchasing, leasing, or acquiring heavy equipment and motor vehicles for roadway operations and emergency response purposes without the need to remove or cease operation of any existing FDOT fleet motor vehicles or heavy equipment.
- Adopting rules to comply with requirements of 49 C.F.R. part 26 and applicable federal law, which addresses participation by disadvantaged business enterprises in financial assistance programs under the U.S. Department of Transportation. (Section 14)

The bill eliminates FDOT's power and duty to:

- Purchase, lease, or acquire promotional items as part of public information and education campaigns that promote alternatives to single-occupant vehicle travel, electric vehicle (EV) use and charging stations, autonomous vehicles, and design for EVs. (Section 14)

Florida Transportation Commission

The bill provides that at least three members of the nine-member Florida Transportation Commission (FTC) shall represent or have expertise in higher education, transportation, or workforce development. The bill eliminates requirements that each FTC member must be a registered voter and citizen of Florida and possess private sector business managerial experience. The bill removes the prohibition on FTC members having any interest in any contract, franchise, privilege, or other benefit granted or awarded by FDOT and replaces this prohibition with a requirement that each FTC member must follow the standards of conduct for public officers provided in s. 112.313, F.S.

The bill expands FTC's duties to include monitoring the efficiency, productivity, and management of any transit entity that is a recipient of funding from FDOT's public transit block grant program under s. 341.052, F.S. (Section 1)

Transportation Research and Innovation

The bill creates the Florida Transportation Research Institute (Institute) as a consortium of higher education professionals to "drive cutting-edge research, innovation, transformational technologies, and breakthrough solutions and to support workforce development efforts that contribute to the state's transportation system.

The bill provides that the Institute shall include membership from the University of Florida, Indian River State College, the University of Central Florida, and Florida International University. The bill requires FDOT to select a representative from one of these entities to serve as the Institute's administrative lead. The bill also requires FDOT to coordinate with these entities to adopt and approve policies establishing the Institute's executive committee and mission statement.

The bill requires the Institute to report to FDOT and requires the FDOT Secretary to appoint a member of FDOT to serve as the Institute's executive director. The bill requires FDOT to assess the performance of the administrative lead periodically to ensure accountability and assess the attainment of performance expectations. The bill does not specify how these performance expectations will be set.

The bill authorizes the Institute to award grants consistent with its mission. Grants may be directed to member and nonmember institutions that have a proven expertise relevant to the grant, including not-for-profit organizations and institutions of higher education. The bill authorizes the Institute to expend state funds as allocated by FDOT from the State Transportation Trust Fund (STTF) for the Institute's operations and programs.

The bill requires the Institute to submit an annual report to the FDOT Secretary's office and to the FTC containing performance metrics, including, but not limited to, expenditures of appropriated funds allocated by FDOT, ongoing and proposed research efforts, and the application and success of past research efforts. (Section 1)

Transportation Administration

The bill authorizes authorities created by the state, counties, municipalities, or political subdivisions to conduct business; to operate, manage, and control facilities; and to provide services beyond the geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority upon entering into an interlocal agreement with the governing body of the affected county, municipality, or political subdivision. (Section 16)

The bill provides that a county or municipality may not adopt a rule or regulation that prohibits or requires a permit for a public sewer transmission line that is within a public right-of-way as part of a septic-to-sewer conversion project in which the FDOT and the Department of Environmental Protection or its designee have previously issued a permit. (Section 24)

Florida Seaport Transportation and Economic Development

The bill adds that the following port facilities or port transportation projects are eligible for funding under the Florida Seaport Transportation and Economic Development Program (FSTED):

- Spaceport or space-related planning or construction of facilities on seaport property which is necessary or useful to advance the space industry in this state when the project provides economic benefit to the community.
- Commercial shipbuilding and manufacturing facilities when such project provides economic benefit to the community. (Section 2)

Under the bill, the FSTED Council is directed to support the growth of the seaports of Florida through the review, development, and financing of port transportation and port facilities. (Section 3)

The bill directs the FSTED Council to include in the council's 5-year Florida Seaport Mission Plan specific recommendations for the construction of transportation facilities connecting any port to the space and aerospace industries. (Section 3)

Each port member of the FSTED Council is required by the bill to submit semiannual reports to FDOT relating to seaport operations and their support of this state's economic competitiveness and supply chain. Each of these reports must include information prescribed by FDOT and the Department of Commerce, including, but not limited to:

- Bulk break capacity,
- Liquid storage and capacity,
- Fuel storage and capacity,
- Container capacity, and
- Supply chain disruptions (Section 3)

Airport Operations and Funding

Private Airports of Public Interest

The bill defines a "private airport of public interest" as a private airport serving any of the following operations: air ambulance operation,[1] commercial air tour operation,[2] commuter operation,[3] on-demand operation,[4] public charter operation,[5] scheduled operation,[6] or supplemental operation.[7] The bill requires a private airport of public interest to obtain a certificate from FDOT before allowing aircraft operations. FDOT may issue a certificate if FDOT finds after a final inspection that the airport is in compliance with all requirements for a certificate. The certificate may be subject to any reasonable conditions FDOT deems necessary to protect the public health, safety, or welfare.

A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, may continue its operations but must obtain a certificate from FDOT before July 1, 2030. A certificate issued to a private airport of public interest expires five years after its effective date. (Sections 5 and 6).

Advanced Air Mobility

The bill requires FDOT, within the resources provided in ch. 216, F.S, to carry out specific tasks related to the adoption of advanced air mobility (AAM) as a new mode of transportation. Specifically, the bill requires DOT to:

- Address the need for vertiports, AAM, and other advances in aviation technology in the statewide aviation plan and, as appropriate, in FDOT's work program.
- Designate a subject matter expert on AAM within FDOT to serve as a resource for local jurisdictions navigating advances in aviation technology.
- Conduct a review of airport hazard zone regulations.
- Work with the Department of Commerce to provide coordination and assistance for the development of a viable AAM system in the state and incorporate these plans in the statewide aviation system plan to develop and identify the statewide corridors of need and opportunities for growth of the industry. (Section 13)

The bill modifies the existing definitions of "aircraft" and "airport" and defines new terms[8] to account for the operations and infrastructure associated with AAM. The bill modifies the definition of "aircraft" to specifically include an airplane, autogyro, glider, gyrodyne, helicopter, lift and cruise, multicopter, paramotor, powered lift, seaplane, tiltrotor, ultralight, or vectored thrust. The bill modifies the definition of "airport" to specifically include an airpark, airport, gliderport, heliport, helistop, seaplane base, ultralight flightpark, vertiport, or vertistop. (Section 5)

Florida Airport Development and Accountability Act

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[1] The bill defines "air ambulance operation" as a flight with a patient or medical personnel on board for the purpose of medical transportation.
[2] The bill defines "commercial air tour operation" as a flight conducted for compensation or hire in an aircraft when the purpose of the flight is sightseeing.
[3] The bill defines "commuter operation" as any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.
[4] The bill defines "on-demand operation" as any scheduled passenger-carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.
[5] The bill defines "public charter operation" as a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.
[6] The bill defines "scheduled operation" as any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificateholder or its representative offers in advance the departure location, departure time, and arrival location.
[7] The bill defines "supplemental operation" as any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer's representative.
[8] *See supra*, notes 1-7.

The bill renames the Florida Airport Development and Assistance Act as the Florida Airport Development and Accountability Act (the Act). (Section 8)

Use of Airport Property During State of Emergency

As an exception to provisions of the Act that specifically prohibit FDOT from participating in or exercising control in the management and operation of a sponsor's airport, the bill requires that an airport must provide FDOT, at no cost, the opportunity to use any property not within the air navigation facility[9] for the staging of equipment and personnel to support emergency preparedness and response operations during a declared state of emergency issued by the Governor in response to a natural disaster. (Section 9)

FDOT Duties

The bill expands FDOT's duties under the Act to include developing, promoting, and distributing supporting information and education services, including, but not limited to, educational services which focus on the aviation industry workforce's retention and growth. (Section 10)

Administration and Funding of Airport Programs and Projects

The bill requires each airport to submit annually to FDOT a comprehensive maintenance[10] program report. At a minimum, the report must include:

- A schedule of inspections.
- The locations being inspected.
- Any probable cause for such inspection.
- A list of the airport's required needs.
- Any remedial actions to be taken.
- Any required follow-up inspections and maintenance.

The bill also requires airports to retain all records of materials and equipment used for the airport's maintenance and repair work.

The bill allows FDOT to withhold state funds from any of the airport's capital expansion projects if it determines that, based on the annual comprehensive maintenance program, there is evidence an airport has failed to perform routine maintenance. The bill allows FDOT to withhold such funds until the airport corrects any deficiencies. (Section 11)

The bill also adds the following project priorities for FDOT funding:

- Terminal and parking expansion projects that increase the capacity of airports that provide commercial service in counties with a population of 500,000 or less.
- Projects that improve the safe and efficient operation of Florida airports.
- Emerging technology, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

The bill makes the following programs eligible to receive FDOT funding:

- Projects performed by postsecondary education institutions which support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel.
- Programs that support the transition of honorably discharged military personnel to the aviation industry.[11]
- Capital improvement programs that strategically position the state to maximize tourism opportunities.

[9] An "air navigation facility" is any facility used in, available for use in, or designed for use in, aid of air navigation. Air navigation facilities include airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, or restricted landing area, and any combination of any or all of such facilities. S. 332.01(4), F.S.

[10] For purposes of this section, the bill provides that "maintenance" includes any preventive and regular or recurring work that is necessary to preserve the airport infrastructure in good condition.

[11] The bill provides that FDOT may match funds provided by the Department of Commerce for such programs.

Commercial Service Airports

The bill expands existing commercial service airport reporting requirements to include nonhub airports, as classified by the Federal Aviation Administration.[12] Based on data for 2023, Florida's nonhub commercial service airports include Daytona Beach International Airport, Gainesville Regional Airport, Melbourne International Airport, Tallahassee International Airport, and Vero Beach Regional Airport.[13]

The bill provides that information relating to the operation of a commercial service airport which must be posted on a website maintained by an airport's governing body[14] must remain on the website for 5 years or for as long as the information is actively in use by the entity. The bill expands the information that must be posted by a commercial service airport on its website to include copies of the airport's current Airport Master Plan and the immediately preceding Airport Master Plan. The bill requires that information related to employee positions and pay rates must be updated quarterly on the website.

The bill also expands the type of information that a commercial service airport must provide to FDOT each year to include the most recent copy of the airport's strategic plan or plans and contracts related to financial awards received through federally funded grant programs for the preceding year.

The bill also requires commercial service airports to notify FDOT:

- Within 48 hours after receiving a communication or directive from a federal agency with respect to accommodating public health testing or the transfer of unauthorized aliens into the state.
- As soon as reasonably possible, but no later than 48 hours after discovery, of incidents including, but not limited to, those related to the safety of the public when traveling, potential breaches or security risks associated with cybersecurity, or other issues of statewide concern as defined by FDOT.

Spaceport Infrastructure Investment

The bill expands DOT's ability to fund spaceport discretionary capacity improvement projects by requiring projects to meet only one, rather than all, of the existing criteria for funding, which include:

- Important access and on-spaceport-territory space transportation capacity improvements are provided.
- Capital improvements that strategically position the state to maximize opportunities in international trade are achieved.
- Goals of an integrated intermodal transportation system for the state are achieved.
- Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

The bill authorizes FDOT, in consultation with Department of Commerce and the Department of Environmental Protection to fund wastewater projects, stormwater projects, water capacity projects, or projects associated with critical infrastructure facilities as defined in s. 692.201, F.S., within or outside the jurisdictional boundary of a spaceport territory. The project must support aerospace or launch support facilities within an adjacent spaceport territory boundary. The named departments must coordinate to maximize and optimize available funding for such projects. (Section 7)

[12] A commercial service airport is classified as a "nonhub" airport if it receives less than 0.05 percent but more than 10,000 of the annual U.S. commercial enplanements. *See* Federal Aviation administration, *Airport Categories*, https://www.faa.gov/airports/planning_capacity/categories (last visited Mar. 22, 2025).
[13] Federal Aviation Administration, *CY 2023 Enplanements at All Commercial Service Airports*, https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/cy23_commercial_service_enplanements (last visited Mar. 22, 2025).
[14] The term "governing body" means the governing body of the county, municipality, or special district that operates a commercial service airport. S. 332.075(1)(d), F.S. The bill provides that this term includes an appointed board or oversight entity serving as the governing body on behalf of the county, municipality, or special district.

Noncompliance with Uniform System of Traffic Control Devices

The bill expands FDOT's power to enforce compliance by public agencies with FDOT's adopted uniform system of traffic control devices. Currently, state funds *for traffic control purposes* may be withheld if a public body or official is found to have installed a noncompliant traffic control device after the public agency has already been directed to remove a noncompliant device or bring it into compliance. The bill provides that *any* state funds may be withheld in this situation until the public body or official demonstrates to FDOT that it is in compliance. (Section 4)

Access to and Use of the State Highway System

The bill provides that FDOT may modify or revoke an access permit for connection of a street, driveway, or other facility to the state highway system if the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the highway. (Section 19)

The bill modifies the definition of "significant change" for purposes of establishing whether FDOT may require a permit for such a change to a previously unpermitted connection to the State Highway System, require modification of the connection, or modify or revoke an existing access permit. The modified definition includes development of the land or an expansion of the size of the property. The bill also creates a definition for the term "modification of a connection" as the "relocation, alteration, or closure of a connection." (Section 18)

The bill prohibits camping on any portion of the right-of-way of the State Highway System but provides an exception for persons actively navigating the Florida National Scenic Trail and who have obtained the associated permits. (Section 25)

Surety Bonds for Construction or Maintenance Contracts

The bill authorizes FDOT to require, at the discretion of the FDOT Secretary, that the amount of a surety bond or bonds for construction or maintenance contracts be less than the awarded contract price. Otherwise, the law requires that a successful bidder for a construction or maintenance contract is required to provide a surety bond in an amount equal to the awarded contract price, which may be split into incremental annual contract bonds for multiyear maintenance contracts or into multiple contract or payment bonds in succession that align with each phases of a phased design-build contract.[15] (Section 22)

Small County Funding Assistance

The bill increases the maximum annual funding amount for the Small County Road Assistance Program from $25 million to $50 million beginning in Fiscal Year 2025-2026. The bill provides that the minimum annual funding amount for the Small County Outreach Program is $50 million beginning in Fiscal Year 2025-2026. Funding for both programs comes from the State Transportation Trust Fund (STTF). (Sections 27 and 28)

Strategic Intermodal System

The bill authorizes FDOT to make funds available each year, from existing work program revenues, that meet the public purpose of providing increased capacity and enhanced capabilities to move and store transportation infrastructure-related materials. The bill removes an existing *requirement* that FDOT make up to $20 million available annually for such purposes (as well as for the purpose of moving and storing construction aggregate, as provided in current law), instead providing that FDOT *may* make up to $20 million available for these purposes. The bill makes this authority permanent. Applicants eligible for this type of project funding are seaports listed in s. 311.09, F.S., and rail lines and rail facilities.[16] (Section 30)

The bill provides that funds allocated to a project that qualifies for the New Starts Transit Program in the current fiscal year must be reallocated for the purpose of the Strategic Intermodal System for the next fiscal year if the transit project will not be ready for production by June 30. The bill removes a provision of current law which

[15] S. 337.18, F.S.
[16] S. 339.651(3), F.S.

provides that unallocated funds for the New Starts Transit Program remaining as of June 30, 2024, must be reallocated for the purpose of the Strategic Intermodal System, with an expiration of June 30, 2026. (Section 31)

Jacksonville Transportation Authority (JTA)

The bill modifies the seven-member governing board of JTA as follows:

- Eliminates the FDOT District 2 Secretary from the board.
- Increases the number of Governor's appointments from three to four, and provides that, of these four members, one must be a City of Jacksonville resident and the remaining three must be residents of Clay County, Duval County, or St. Johns County.
- Provides that the three members appointed by the mayor of the City of Jacksonville must be residents and qualified electors of Duval County.

The bill requires JTA to follow FDOT's small business program and establish protocols and systems in accordance with the statewide travel management system developed by the Department of Management Services (DMS), the publication of employee salary and pay information on a DMS-maintained website, and the publication of certain contract information on a website maintained by the state's Chief Financial Officer.

Florida Transportation Academy

The bill creates the Florida Transportation Academy in order to prioritize the continued need for transportation industry workforce development programs. The bill directs FDOT to work with state agencies, industry organizations, and private sector businesses to support, promote, and sustain workforce development efforts of the transportation sector.

Under the bill, FDOT may coordinate with all of the following entities:

- The Department of Corrections to identify and create certification and training opportunities for nonviolent inmates and create a process to allow the Department of Corrections to notify FDOT when a nonviolent inmate who is seeking employment has received a scheduled release date.
- The Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.
- Veterans' organizations to encourage honorably discharged veterans to pursue opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.
- The Department of Commerce, CareerSource Florida, and regional business communities, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.
- The American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess the future needs of the transportation industry and this state. (Section 17)

Prioritization of Small Businesses

The bill refocuses FDOT's priorities on small businesses by consistently replacing language throughout the Florida Transportation Code related to minority, socially and economically disadvantaged, and woman-owned business enterprises with language favoring small businesses. (Sections 15, 21, 23, 26, 29, and 32)

The bill requires FDOT to adopt rules to comply with requirements of 49 C.F.R. part 26 and applicable federal law, which addresses participation by disadvantaged business enterprises in financial assistance programs under the U.S. Department of Transportation. (Section 14)

With regard to FDOT's authority to implement a business development program, the bill adjusts the definition for "small business" to include businesses with yearly average gross receipts of less than $25 million for road and bridge contracts and less than $10 million for professional and nonprofessional services contracts. (Section 21)

The bill repeals sections of current law related to:

- Participation by women, minorities, and socially and economically disadvantaged business enterprises in the design, development, construction, maintenance, and operation of spaceports;
- FDOT notice requirements for socially and economically disadvantaged business enterprises;
- Penalties for individuals that fraudulently represents an entity as a socially and economically disadvantaged business enterprise for purposes of qualifying for certification as such an enterprise under a program of FDOT designed to assist socially and economically disadvantaged business enterprises in the receipt of contracts with FDOT;
- FDOT developing and implementing activities to encourage the participation of disadvantaged business enterprises in the contracting process; and
- Providing contracting opportunities and financial assistance to certified disadvantaged business enterprises to remedy the effects of past economic disparity. (Section 34)

Repeals

The bill repeals provisions of current law related to high-occupancy-vehicle (HOV) lanes and obsolete provisions related to the development of an electric vehicle charging stations master plan. (Section 34)

The bill updates cross references and makes conforming changes to reflect the provisions of the bill. (Sections 35, 36, 37, 38, 39, and 40)

The bill has an effective date of July 1, 2025. (Section 41)

RULEMAKING:

The bill authorizes FDOT to adopt rules to comply with the requirements of 49 C.F.R. part 26 and applicable federal law.

The bill modifies provisions related to surety bond requirements which FDOT has existing rulemaking authority to implement under s. 337,18(1), F.S.

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.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill authorizes, but does not necessarily require, additional funding within the Work Program. The bill uses permissive language allowing FDOT to fund certain infrastructure projects, including capacity projects, related to spaceports, airports, and seaports; workforce development; and also adjusts the maximum amount of funding for the Small County Road Assistance Program and the minimum amount of funding for the Small County Outreach Program. Such projects or programs are funded within the confines of the Work Program and will not have an increased impact on state expenditures. Funding for the Work Program is established in the annual General Appropriations Act on a nonrecurring basis by the Legislature and these appropriations are tied to available revenues. The bill also specifically requires FDOT to use current resources to carry out tasks related to the adoption of advanced air mobility as a new mode of transportation, and provide education services related to the growth of the aviation industry workforce.

The bill requires FDOT to appoint a department employee to be executive director of the Florida Transportation Research Institute created in the bill, and gives the institute the ability to award grants from the State Transportation Trust Fund. The bill specifies that state funding is allocated by the department to the institute. The impact of this provision is indeterminate, but because there is no appropriation in the bill, and to the extent such grants are awarded, funding will come from Work Program or other existing department operational resources. The bill additionally creates and requires FDOT to coordinate the Florida Transportation Academy to prioritize the

continued need for transportation industry workforce development programs. Similarly, the fiscal impact of this provision is indeterminate but is expected to be absorbed within existing department resources.

The FDOT has not provided a fiscal impact or policy analysis for this bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

FDOT's mission is to provide a safe statewide transportation system that promotes the efficient movement of people and goods, supports the state's economic competitiveness, prioritizes Florida's environment and natural resources, and preserves the quality of life and connectedness of the state's communities.[17]

Organization of FDOT

The Secretary of FDOT is appointed by the Governor and subject to confirmation by the Senate. The Secretary may appoint up to three assistant secretaries.[18] Currently, these three assistant secretaries are the Assistant Secretary for Engineering and Operations, the Assistant Secretary for Finance and Administration, and the Assistant Secretary for Strategic Development.[19]

The Secretary may appoint positions at the level of deputy assistant secretary or director which the Secretary deems necessary to accomplish FDOT's mission and goals, including, but not limited to, specified areas of program responsibility.[20] The Secretary may combine, separate, or delete these offices as needed in consultation with the Executive Office of the Governor.[21]

Florida Transportation Commission

The FTC was created in 1987 to serve as an oversight board for FDOT. This oversight also includes Florida's expressway authorities and regional transportation authorities. In addition, its primary functions include reviewing major transportation policy initiatives or revisions and recommending major transportation policy to the Governor and Legislature.[22]

The FTC is assigned to FDOT for administrative and fiscal purposes, but functions independently of the control and direction of FDOT.[23]

The FTC is composed of nine Commissioners appointed by the Governor and confirmed by the Florida Senate for four-year terms. Members must be appointed in a manner that equitably represents all geographic areas of the state. Each member must be a registered voter and a citizen of the state and must possess business managerial experience in the private sector.[24] Members may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by FDOT during the term of his or her appointment and for two years after the termination of such appointment.[25]

Standard of Conduct for Public Officers

[17] FDOT, *About DOT,* https://www.fdot.gov/agencyresources/aboutfdot.shtm (last visited Mar. 23, 2025).
[18] S. 20.23(1), F.S.
[19] FDOT, *Meet the Secretary and Executive Team*, https://www.fdot.gov/info/moredot/mission.shtm (last visited Mar. 23, 2025).
[20] These areas of program responsibility are listed in s. 20.23(3)(b), F.S.
[21] s. 20.23(3)(b), F.S.
[22] Florida Transportation Commission, *About Us*, http://www.ftc.state.fl.us/aboutus.shtm (last visited Mar. 23, 2025).
[23] S. 20.23(2), F.S.
[24] *Id.*
[25] *Id.*

Part III of chapter 112, F.S., establishes a code of ethics for public officers and employees. Generally, this code prohibits public officers from soliciting or accepting anything of value to influence a vote or official action, using their official position to secure a special benefit, disclosing or using non-public information for personal benefit, soliciting gifts from lobbyists, and soliciting an honorarium from anyone or accepting an honorarium from a lobbyist. This code also establishes restrictions on public officers from doing business with one's own agency, having outside employment or contractual relationships that conflict with public duties, representing any party before one's agency for compensation for a specified time after leaving office, and employing relatives in the agency. Finally, this code requires that public officers to disclose voting conflicts when a vote would result in a special private gain or loss, file quarterly reports for certain gifts, file quarterly reports for receipt of honorarium related expenses from lobbyists, and disclose certain financial interests.[26]

Transportation Administration

Section 337.401, F.S., provides FDOT or a local government may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for a utility in accordance with such rules or regulations as FDOT or a local government may adopt. A utility may not be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of FDOT, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit.

Florida Seaport Transportation and Economic Development Program and Council

Section 311.07, F.S, creates the Florida Seaport Transportation and Economic Development (FSTED) Program within FDOT to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and support the interests, purposes, and requirements of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.[27]

The FSTED Council[28] staff, the FDOT, and the Florida Department of Commerce work in cooperation to review projects and allocate funds such that approved projects may be included in the annual development of the FDOT's tentative work program.[29] Generally, FSTED Program funds must be used to fund approved projects on a 50-50 matching basis with the specified ports. However, projects that involve rehabilitation of wharves, docks, berths, bulkheads, or similar structures require only a 25 percent match.[30]

Projects eligible for FSTED grant funding are limited to the following port facilities or port transportation projects:[31]

- Transportation facilities within the jurisdiction of the port.
- Dredging or deepening of channels, turning basins, or harbors.
- Construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

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[26] For a more thorough discussion of the Florida Code of Ethics for public officers and employees, see Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code Of Ethics for Public Officers and Employees*, https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf (last visited Mar. 23, 2025).

[27] S. 311.09(1), F.S.

[28] The FSTED Council consists of the port directors (or their designees), the FDOT secretary or designee, and the Florida Department of Commerce secretary or designee. S. 311.09(1), F.S.

[29] S. 311.07(2), F.S. Essentially, as the first year of the annually-adopted five-year work program is completed, the second year becomes the first year of the next adopted five-year work program, and a new fifth year is added based on projects in the tentative work program, which is the 5-year listing of all transportation projects planned for each fiscal year, developed by the FDOT central office based on the district work programs. S. 339.135, F.S.

[30] S. 311.07(3), F.S.

[31] S. 311.07(3)(b), F.S.

- Acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- Acquisition of land to be used for port purposes.
- Acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.
- Transportation facilities[32] which are not otherwise part of the FDOT's adopted work program.
- Intermodal access projects.
- Construction or rehabilitation of port facilities,[33] excluding any park or recreational facilities, with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.

A minimum of $25 million annually must be made available from the State Transportation Trust Fund within the FDOT to fund the FSTED Program,[34] and the FDOT is required to include at least $25 million in its annual legislative budget request for the program.[35]

The FSTED Council is a public entity created by statute and charged with carrying out the state's economic development mission through implementation of seaport capital improvement projects at the local level. The FSTED Council consists of the port directors of the 16 publicly owned seaports (or his/her designees), the FDOT secretary or designee, and the Florida Department of Commerce secretary or designee.[36]

Under current law, the FSTED Council is required to prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan.[37]

[32] Meaning any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place. S. 334.03(30), F.S.
[33] Defined to mean harbor, shipping, and port facilities, and improvements of every kind, nature, and description, including, but without limitation, channels, turning basins, jetties, breakwaters, public landings, wharves, docks, markets, parks, recreational facilities, structures, buildings, piers, storage facilities, including facilities that may be used for warehouse, storage, and distribution of cargo transported or to be transported through an airport or port facility, specified security measures, public buildings and plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and any and all property and facilities necessary or useful in connection with the foregoing, and any one or more or any combination thereof and any extension, addition, betterment, or improvement of any thereof. S.315.02(6), F.S.
[34] S. 311.07(2), F.S. These funds are in addition to the annual appropriation of $15M in license tag fees to the FSTED Program required under s. 320.20, F.S., and in addition to any amounts not used for the payment of bonds from the annual $10 million to be used for any seaport project identified in the FDOT's adopted work program, known as the Seaport Investment Program, per section 339.0801(1)(f), F.S. The latter funding began in 2013-2014 and is currently required for 30 years thereafter.
[35] S. 311.09(9), F.S.
[36] S. 311.09(1), F.S.
[37] S. 311.09(3), F.S.

Certification of Airports

Under Florida law, an owner or lessee of a proposed airport must, before site acquisition or construction or establishment of the proposed airport, obtain approval of the airport site from FDOT. Applications for approval of a site are made in a form and manner prescribed by FDOT.[38]

If the airport is public, then site approval must be granted after a favorable FDOT inspection of the proposed site.[39] If the airport is a private entity, then no inspection of the proposed site is required in order to receive approval.[40] Site approval may be granted subject to any reasonable conditions FDOT deems necessary to protect the public health, safety, or welfare.[41]

Approval as a public airport or a private airport must remain valid for 2 years after the date of issue unless revoked by FDOT or unless a public airport license is issued or a private airport registration is completed before the expiration date.[42]

FDOT must issue a license for a *public* airport if such airport was granted site approval and passes a final airport inspection by FDOT that determines if the airport is in compliance with all requirements for the license. The license may be subject to any reasonable conditions FDOT deems necessary to protect the public health, safety, or welfare.[43]

FDOT must issue a license for a *private* airport if such airport was granted site approval and completes the registration process. Registration must be completed upon self-certification by the registrant of operational and configuration data deemed necessary by FDOT.[44]

Advanced Air Mobility

Advanced Air Mobility (AAM) is an umbrella term for aircraft that are typically highly automated, electrically powered, and have vertical take-off and landing capability. Many of these aircraft fall into the powered-lift category and are often referred to as air taxis. As powered-lift aircraft, they have characteristics of both airplanes and helicopters. Their vertical take-off and landing capabilities and low speed flight are similar to a helicopter, while they fly using a wing during cruise flight similar to an airplane. AAM aircraft could be used to transport cargo and passengers, help with firefighting, and provide search and rescue operations.[45]

Florida Airport Development and Assistance Act

The Florida Airport Development and Assistance Act sets forth a number of duties and responsibilities of the FDOT, including, but not limited to:

- Providing coordination and assistance for the development of a viable aviation system.
- Advising and assisting the Governor in all aviation matters.
- Providing financial and technical assistance to public agencies operating public-use airports[46] by making resources available on a cost-reimbursement basis to such agencies for special needs of limited duration.
- Participating in research and development programs relating to airports.
- Administering FDOT's participation in the program of aviation and airport grants.
- Developing, promoting, and distributing supporting information and education services.
- Encouraging the maximum allocation of federal funds to local airports in the state.

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[38] S. 330.30(1)(a), F.S.
[39] S. 330.30(1)(b), F.S.
[40] S. 330.30(1)(c), F.S.
[41] S. 330.30(1)(f), F.S.
[42] S. 330.30(1)(g), F.S.
[43] S. 330.30(2)(a), F.S.
[44] *Id.*
[45] FAA, *Advanced Air Mobility | Air Taxis*, https://www.faa.gov/air-taxis (last visited Mar. 23, 2025).
[46] Section 332.004(14), F.S., defines the term "public-use airport" as any publicly owned airport which is used or to be used for public purposes.

Administration and Funding of Airport Programs and Projects

Current law requires FDOT to continuously update an aviation and airport work program based on a collection of local sponsors'[47] proposed projects to be included in FDOT's work program. The airport work program must separately identify "development projects"[48] and "discretionary capacity improvement projects."[49] The aviation and airport work program must be consistent with the statewide aviation system plan[50] and, to the maximum extent feasible, with approved local government comprehensive plans. Projects involving funds administered by FDOT to be undertaken and implemented by the airport sponsor must be included in the aviation and airport work program, and assistance may only be provided for projects which are so included.[51]

The annual legislative budget request for aviation and airport development projects must be based on the funding required for development projects in the aviation and airport work program. FDOT must provide priority funding in support of the planning, design, and construction of proposed projects by local sponsors, with special emphasis on projects for runways and taxiways, including the painting and marking of runways and taxiways, lighting, other related airside activities, and airport access transportation facility projects on airport property.[52]

No single airport may receive airport or aviation development project funds in excess of 25 percent of the total airport or aviation development project funds available in any given budget year. However, any airport which receives discretionary capacity improvement project funds in a given fiscal year may not receive greater than ten percent of total aviation and airport development project funds appropriated in that fiscal year.[53]

Commercial Service Airports

Each governing body that operates a commercial service airport must establish and maintain a website to post information relating to the operation of a commercial service airport, including:

- All published notices of meetings and published meeting agendas of the governing body.
- The official minutes of each meeting of the governing body, which shall be posted within 7 business days after the date of the meeting in which the minutes were approved.

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[47] Section 332.004(15), F.S., defines the term "sponsor" as any eligible agency which, either individually or jointly with one or more eligible agencies, submits to FDOT an application for financial assistance for an airport development project. Federal funding of individual local airport projects is wholly between the local airport sponsors and the appropriate federal agencies; however, FDOT is authorized to receive federal grants for statewide projects when no local sponsor is available. S. 332.007(1), F.S.

[48] Section 332.004(4), F.S., defines the term "airport or aviation development project" or "development project" to mean any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.

[49] Section 332.004(5), F.S., defines the term "airport or aviation discretionary capacity improvement projects" or "discretionary capacity improvement projects" to mean capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located, and which enhance intercontinental capacity at airports which: are international airports with United States Bureau of Customs and Border Protection; had one or more regularly scheduled intercontinental flights during the previous calendar year or have an agreement in writing for installation of one or more regularly scheduled intercontinental flights upon the commitment of funds for stipulated airport capital improvements; and have available or planned public ground transportation between the airport and other major transportation facilities.

[50] Pursuant to s. 332.006, F.S., FDOT is required to develop and periodically update a statewide aviation system plan that summarizes 5-year, 10-year, and 20-year airport and aviation needs within the state.

[51] S. 332.007(1)-(3), F.S.

[52] S. 332.007(4)(a), F.S.

[53] S. 332.007(4)(c), F.S.

- The approved budget for the commercial service airport for the current fiscal year, which shall be posted within 7 business days after the date of adoption. Budgets must remain on the website for 2 years after the conclusion of the fiscal year for which they were adopted.
- A link to the Airport Master Plan for the commercial service airport on the commercial service airport's website.
- A link to all financial and statistical reports for the commercial service airport on the FAA's website.
- Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of a specified threshold amount, which must be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment, provided that a contract or contract amendment may not reveal information made confidential or exempt by law.
- Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information shall be updated annually.[54]

Each November 1, the governing body of each commercial service airport must submit the following information to FDOT:

- Its approved budget for the current fiscal year.
- Any financial reports submitted to the FAA during the previous calendar year.
- A link to its website.
- A verified statement that it has complied with part III of chapter 112, F.S., chapter 287, F.S., and the requirements of s. 332.0075, F.S.[55]

FDOT may not expend any funds allocated to a commercial service airport as contained in the adopted work program, unless pledged for debt service, until the commercial service airport demonstrates its compliance with these requirements and others in s. 332.0075, F.S.[56]

Strategic Space Infrastructure Investment

Under s. 331.371, F.S., FDOT is authorized to, in consultation with Space Florida,[57] fund spaceport discretionary capacity improvement projects[58] at up to 100 percent of the project's cost if:

- Important access and on-spaceport-territory space transportation capacity improvements are provided;
- Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;
- Goals of an integrated intermodal transportation system for the state are achieved; and
- Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.[59]

Uniform System of Traffic Control Devices

FDOT is required by Florida law to adopt a uniform system of traffic control devices for use on the streets and highways of the state.[60] To meet this requirement, it has adopted the U.S. Department of Transportation, Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).[61] The MUTCD is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals. The

[54] S. 332.0075(2), F.S.
[55] S. 332.075(5), F.S.
[56] S. 332.075(6), F.S.
[57] Section 331.302, F.S., establishes Space Florida as an independent special district, a body politic and corporate, and a subdivision of the state, to foster the growth and development of a sustainable and world-leading aerospace industry in this state. Space Florida Promotes aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.
[58] Section 331.303(18), F.S., defines "spaceport discretionary capacity improvement projects" as capacity improvements that enhance space transportation capacity at spaceports or on spaceport territory.
[59] S. 331.371, F.S.
[60] S. 316.0745(1), F.S.
[61] R. 14-15.010, F.A.C.

MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel.

Upon receipt and investigation of reported noncompliance with the MUTCD, FDOT is authorized to require removal of noncompliant devices. FDOT may withhold state funds for traffic control purposes if additional violations by a public body or official occur, until such violations are remedied.[62]

Small County Road Assistance Program

The Small County Road Assistance Program assists small county governments in resurfacing and reconstructing county roads.[63] Up to $25 million annually is available to be allocated for funding this program.[64] Available funds are allocated to FDOT's districts based on the number of eligible counties.[65]

For purposes of this program, the term "small county" means any county that has a population of 75,000 or less according to the 1990 Federal census data. Small counties are eligible to compete for funds that have been designated to the program for resurfacing or reconstruction projects on county roads that were part of the county road system on June 10, 1995. Capacity improvements on county roads are not eligible for funding under the program.[66]

Small County Outreach Program

The Small County Outreach Program assists small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads.[67] Available funds are allocated to FDOT's districts based on the number of eligible counties.[68]

For purpose of this program, the term "small county" means any county that has a population 200,000 or less as determined by the most recent official estimate pursuant s . 186.901, F.S. Small counties are eligible to compete for funds that have been designated for the program for projects on county roads. FDOT must fund 75% of the cost of projects on county roads funded under the program.[69] Any initial bid costs or project overruns that exceed FDOT's participation are at the county's expense.[70]

Strategic Intermodal System

The Strategic Intermodal System (SIS) is Florida's high priority network of transportation facilities important to the state's economy and mobility. The SIS was established in 2003 to focus the state's limited transportation resources on the facilities most significant for interregional, interstate, and international travel. The SIS is the state's highest priority for transportation capacity investments and a primary focus for implementing the Florida Transportation Plan (FTP), the state's long-range transportation vision and policy plan.[71]

Jacksonville Transportation Authority

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[62] S. 316.0745(7), F.S.
[63] S. 339.2816, F.S.
[64] *Id.*
[65] FDOT, *Small County Road Assistance Program*, https://www.fdot.gov/programmanagement/LP/SCRAP/Default.shtm (last visited Mar. 23, 2025).
[66] S. 339.2816, F.S.
[67] S. 339.2818, F.S.
[68] FDOT, *Small County Outreach Program*, https://www.fdot.gov/programmanagement/lp/scop/default.shtm (last visited Mar. 23, 2025).
[69] S. 339.2818, F.S.
[70] *Supra*, note 75.
[71] FDOT, *Florida's Strategic Intermodal System (SIS)*, https://www.fdot.gov/planning/systems/sis (last visited Mar. 23, 2025).

The Jacksonville Transportation Authority (JTA) is created as an agency of the state to serve the Jacksonville, Duval County, metropolitan area.[72] JTA designs and constructs bridges and highways and provides varied mass transit services. These include express and regular bus service, community shuttles for a neighborhood ride, a downtown Skyway monorail, the St. Johns River Ferry, the Gameday Xpress for various sporting events at Everbank Stadium, Paratransit for the disabled and elderly, and Ride Request on-demand services.[73]

JTA's governing body consists of seven members. Three members are appointed by the Governor and confirmed by the Senate. Three members are appointed by the mayor of the City of Jacksonville subject to confirmation by the council of the City of Jacksonville. The seventh member is the district secretary of the Department of Transportation serving in the district that contains the City of Jacksonville. Except for the seventh member, members must be residents and qualified electors of Duval County.[74]

Small, Minority, Woman-Owned, and Disadvantaged Businesses in the Florida Transportation Code

Under current law, the Florida Transportation Code contemplates practices supporting minority and disadvantaged businesses in the following ways:

- The Florida Transportation Commission is required to measure and assess the performance of FDOT in disadvantaged business enterprise and minority business programs.[75]
- FDOT is required to give consideration to disadvantaged business enterprises when considering bids of qualified contractors.[76]
- FDOT and the Department of Management Services are required to implement an outreach program designed to enhance participation of minority persons and minority business enterprises in all contracts entered into for services related to the FDOT projects for the Strategic Intermodal System Plan developed under s. 339.64, F.S.[77]
- FDOT must ensure that small and minority businesses have equal access to participate in economic development transportation projects under s. 339.2821, F.S.[78]
- The Central Florida Expressway Authority is required to encourage the inclusion of local, small, minority, and women-owned businesses in procuring and contracting opportunities.[79]
- Space Florida is required to involve and utilize women, minorities, and socially and economically disadvantaged business enterprises in all phases of the design, development, construction, maintenance, and operation of spaceports.[80]
- FDOT must provide socially and economically disadvantaged business enterprises with certain notices with regard to contracting practices.[81]
- Penalties are provided for during the contracting process with FDOT when an individual that fraudulently represents an entity as a socially and economically disadvantaged business enterprise for purposes of qualifying for certification as such an enterprise under a program of FDOT designed to assist socially and economically disadvantaged business enterprises in the receipt of contracts with FDOT for the provision of goods or services.[82]
- FDOT must develop and implement activities to encourage the participation of disadvantaged business enterprises in the contracting process.[83]

[72] *See* ch. 349, F.S.
[73] Jacksonville Transportation Authority, *About JTA*, https://www.jtafla.com/about-jta/ (last visited Mar. 23, 2025).
[74] S. 349.03(2), F.S.
[75] S. 334.045(1)(f), F.S.
[76] S. 337.11(6)(c), F.S.
[77] S. 338.27(4), F.S.
[78] S. 339.2821(3)(b), F.S.
[79] S. 348.754(5), F.S.
[80] S. 331.351, F.S.
[81] S. 337.125, F.S.
[82] S. 337.135, F.S.
[83] S. 337.139, F.S.

- FDOT must provide contracting opportunities to certified disadvantaged business enterprises and expend funds in a way that provides such business enterprises with financial assistance in the form of bond guarantees, to primarily remedy the effects of past economic disparity.[84]

Under current law, FDOT is authorized to implement a business development program for highway projects which would assist small businesses.[85] For the purpose of this program, "small business" is defined as a business with yearly average gross receipts of less than $15 million for road and bridge contracts and less than $6.5 million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate as defined in s. 337.165, F.S.[86]

High-Occupancy Vehicle Lanes

Section 316.0741, F.S., lays out the guidelines for HOV lanes, which are generally meant for vehicles in which there is more than one occupant. Current law authorizes inherently low-emission vehicles and hybrid vehicles to use the HOV lanes under specified circumstances and requires all hybrid and other low-emission and energy-efficient vehicles that do not meet the minimum occupancy requirement and are driven in an HOV lane to comply with federally mandated minimum fuel economy standards.[87]

Electric Vehicle Charging Stations Master Plan

In 2020, the Legislature directed FDOT, in consultation with the Public Service Commission and the Office of Energy within the Department of Agriculture and Consumer Services, to develop and recommend a master plan for current and future plans for the development of EV charging station infrastructure along the State Highway System.[88] The plan was completed and submitted by the July 1, 2021, deadline provided by the law.[89] The law does not require further action beyond submission of the plan.

[84] S. 339.0805, F.S.
[85] S. 337.027(1), F.S.
[86] S. 337.027(2), F.S.
[87] S. 316.0741, F.S.
[88] Ch. 2020-21, s. 3, Laws of Fla., codified at s. 339.287, F.S.
[89] FDOT, *EV Infrastructure Master Plan*, July 2021, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/emergingtechnologies/evprogram/fdotevmp.pdf?sfvrsn=b5888a_2 (last visited Mar. 23. 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	14 Y, 0 N, As CS	3/25/2025	Keating	Bauldree
THE CHANGES ADOPTED BY THE COMMITTEE:	• Reinstated existing law pertaining to Legislative Budget Commission approval of certain matters. • Reinstated existing provisions of the law related to the Florida Transportation Commission. • Reinstated existing law related to staffing of the Florida Ports Council and port usage. • Eliminated a provision related to the distribution of electricity sales tax revenues to the STTF. • Eliminated a provision that would authorize DOT to inspect certain aspects of commercial service airport facilities. • Eliminated provisions related to project consistency with state energy policy. • Removed provisions of the bill related to landscaping requirements for transportation projects.			
Transportation & Economic Development Budget Subcommittee	10 Y, 4 N, As CS	4/2/2025	Davis	McAuliffe
THE CHANGES ADOPTED BY THE COMMITTEE:	• Authorized certain authorities to provide services beyond the geographical boundaries of the original charter upon entering an interlocal agreement. • Provided a county or municipality may not prohibit or require a permit for a public sewer transmission line that is within a public right-of-way as part of a septic-to-sewer conversion project in which the FDOT and the Department of Environmental Protection have previously issued a permit.			
Commerce Committee			Hamon	Bauldree

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

A bill to be entitled

An act relating to transportation; amending s. 20.23, F.S.; authorizing the Secretary of Transportation to appoint certain officers; providing that such officers maintain their Senior Management Service status; providing legislative findings; creating and providing membership of the Florida Transportation Research Institute; requiring the Department of Transportation to select an administrative lead for the Institute and periodically assess his or her performance; authorizing the Institute to award certain grants and expend certain funds; providing for the appointment of an executive director and establishing an executive committee; requiring the Institute to provide specified annual reports; requiring at least a specified number of members of the Florida Transportation Commission to represent or have expertise in certain industries; authorizing the commission to monitor certain transit entities; requiring members of the commission to follow specified standards of conduct; revising the department's areas of program responsibility; removing obsolete provisions; amending s. 311.07, F.S.; adding projects eligible for funding under the Florida Seaport Transportation and Economic Development

Program; amending s. 311.09, F.S.; revising the purpose of the Florida Seaport Transportation and Economic Development Council; revising the recommendations included in the Florida Seaport Mission Plan; requiring council members to submit specified reports; amending s. 316.0745, F.S.; specifying that any state funds may be withheld under certain circumstances; amending s. 330.27, F.S.; revising and providing definitions; amending s. 330.30, F.S.; requiring a private airport of public interest to obtain a specified certificate; providing procedures for the issuance of, conditions for the renewal of, and the expiration periods of such certificates; grandfathering in certain airports, but requiring such airports to obtain a certificate by a specified date; amending s. 331.371, F.S.; authorizing the department, in consultation with other entities, to fund certain projects associated with critical infrastructure facilities; amending s. 332.003, F.S.; revising a short title; amending s. 332.005, F.S.; requiring an airport to provide support to the department during a declared state of emergency; amending s. 332.006, F.S.; revising duties of the department; amending s. 332.007, F.S.; requiring airports to submit an annual comprehensive maintenance

program report to the department; providing reporting requirements; defining the term "maintenance"; requiring airports to retain certain records; authorizing the department to withhold certain state funds under certain circumstances; requiring the department to provide priority funding for certain projects and technology; authorizing the department to fund certain projects at postsecondary education institutions; authorizing the department to fund, and match funds provided by the Department of Commerce for, programs that help transition certain military personnel to the aviation industry; authorizing the Department of Transportation to fund strategic airport investment projects to maximize tourism opportunities; amending s. 332.0075, F.S.; revising definitions; requiring certain information to remain on a governing body's website for 5 years; requiring certain information to be updated quarterly rather than annually; revising the information that certain governing bodies must submit to the department; providing requirements for commercial service airports; creating s. 332.15, F.S.; providing requirements for the department relating to advanced air mobility; amending s. 334.044, F.S.; revising and providing powers and duties of the department;

amending s. 334.045, F.S.; conforming a provision to changes made by the act; amending s. 334.27, F.S.; providing that certain authorities have full power to conduct business, provide services, and take certain actions beyond certain geographical boundaries; requiring an interlocal agreement; creating s. 334.62, F.S.; providing legislative findings; creating the Florida Transportation Academy for a specified purpose; authorizing the department to work with certain entities to support, promote, and sustain certain workforce development efforts; authorizing the department to coordinate with specified entities for certain purposes; amending s. 335.182, F.S.; revising the definition of the term "significant change"; defining the term "modification of a connection"; amending s. 335.187, F.S.; revising the conditions under which the department may modify or revoke a permit; amending s. 337.027, F.S.; revising the definition of the term "small business"; amending ss. 337.11 and 337.251, F.S.; conforming provisions to changes made by the act; amending s. 337.18, F.S.; authorizing the department to require the amount of certain bonds to be less than a certain price; amending s. 337.401, F.S.; prohibiting counties and municipalities from adopting certain rules and

regulations relating to permits for the installation of a public sewer transmission line under certain circumstances; amending s. 337.406, F.S.; providing an exception to the prohibition of camping on any portion of the right-of-way of the State Highway System; amending s. 338.227, F.S.; conforming a provision to changes made by the act; providing applicability; amending s. 339.2816, F.S.; increasing the required funding for the Small County Road Assistance Program; amending s. 339.2818, F.S.; revising the definition of the term "small county"; authorizing specified funding to be used to fund the Small County Outreach Program; amending s. 339.2821, F.S.; conforming provisions to changes made by the act; amending s. 339.651, F.S.; authorizing, rather than requiring, the department to make certain funds available each year for certain projects; removing a scheduled repeal; amending s. 341.051, F.S.; requiring the department to reallocate certain funds under certain circumstances; amending s. 348.754, F.S.; conforming a provision to changes made by the act; amending s. 349.03, F.S.; providing appointment procedures for the governing body of the Jacksonville Transportation Authority; providing requirements for the authority; repealing ss. 316.0741, 331.351, 337.125, 337.135, 337.139,

339.0805, and 339.287, F.S., relating to high-occupancy-vehicle lanes; participation by women, minorities, and socially and economically disadvantaged business enterprises; notice requirements for socially and economically disadvantaged business enterprises; penalties for false representation of socially and economically disadvantaged business enterprises; awarding contracts to disadvantaged business enterprises; funds to be expended with certified disadvantaged business enterprises, the construction management development program, and the bond guarantee program; and infrastructure plan development for electric vehicle charging stations, respectively; amending ss. 110.205, 322.27, 365.172, 379.2293, 493.6101, and 493.6403, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (2) through (6) of section 20.23, Florida Statutes, are renumbered as subsections (3) through (7), respectively, paragraph (d) of subsection (1), paragraphs (a), (b), and (g) of present subsection (2), and paragraph (b) of present subsection (3) are amended, and a new subsection (2) is

added to that section, to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)

(d) The secretary may appoint up to three assistant secretaries who shall serve as the Chief Operations Officer, Chief Finance and Administration Officer, and Chief Strategic Development Officer; be directly responsible to the secretary; and ~~who shall~~ perform such duties as are assigned by the secretary. The secretary may also appoint an Executive Director of Transportation Technology. These assistant secretaries and the Executive Director of Transportation Technology shall maintain their Senior Management Service status and are exempt from career service under s. 110.205(2). The secretary shall designate to an assistant secretary the duties related to enhancing economic prosperity, including, but not limited to, the responsibility of liaison with the head of economic development in the Executive Office of the Governor. Such assistant secretary shall be directly responsible for providing the Executive Office of the Governor with investment opportunities and transportation projects that expand the state's role as a global hub for trade and investment and enhance the supply chain system in the state to process, assemble, and ship goods to markets throughout the eastern

United States, Canada, the Caribbean, and Latin America. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

(2) The Legislature finds that the transportation industry is critical to the economic future of this state and that the competitiveness of the industry in this state depends upon the development and maintenance of a qualified workforce and cutting-edge research and innovation. The Legislature further finds that the transportation industry in this state has varied and complex workforce needs ranging from technical and mechanical training to continuing education opportunities for workers with advanced degrees and certifications. The timely need also exists for coordinated research and innovation efforts to promote emerging technologies and innovative construction methods and tools and to address alternative funding mechanisms.

(a) The Florida Transportation Research Institute (the Institute) is created as a consortium of higher education professionals to drive cutting-edge research, innovation, transformational technologies, and breakthrough solutions and to support workforce development efforts that contribute to this state's transportation system.

(b) The Institute shall report to the department and include membership from the University of Florida, Indian River State College, the University of Central Florida, and Florida International University.

(c) The department shall select a representative from one of the entities referenced in paragraph (b) to serve as the administrative lead for the Institute. The department shall assess the performance of the administrative lead periodically to ensure accountability and assess the attainment of performance expectations.

(d) The Institute may award grants in alignment with its mission of furthering research and innovation and supporting workforce development in this state to support the needs of the transportation industry. Such grants may be directed to member and nonmember institutions that have a proven expertise relevant to the grant, including not-for-profit organizations and institutions of higher education.

(e) The Institute may expend state funds as allocated by the department from the State Transportation Trust Fund. Annual funding may be expended for the Institute's operations and programs to support research and innovation projects that provide solutions to this state's transportation needs.

(f) The secretary shall appoint a member of the department to serve as the executive director of the Institute. The department shall coordinate with the entities referenced in paragraph (b) to adopt and approve additional policies establishing the Institute's executive committee and mission statement.

(g) The Institute shall submit an annual report to the

Office of the Secretary and the commission containing performance metrics, including, but not limited to, expenditures of appropriated funds provided by the department, ongoing and proposed research efforts, and the application and success of past research efforts.

(3) ~~(2)~~ (a)1. The Florida Transportation Commission is hereby created and shall consist of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of this ~~the~~ state. At least three members of the commission shall represent or have expertise in higher education, transportation, or workforce development ~~Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector~~.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall:

1. Recommend major transportation policies for the Governor's approval and assure that approved policies and any revisions are properly executed.

2. Periodically review the status of the state transportation system, including highway, transit, rail, seaport, intermodal development, and aviation components of the system, and recommend improvements to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis the efficiency, productivity, and management of the department using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Governor and the Legislature methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to this state's changing economic and demographic development patterns. The report by the commission must be delivered to the Governor and the Legislature by December 15 each year, as appropriate. The commission may retain experts as necessary to carry out this subparagraph, and the department shall pay the expenses of the experts.

8. Monitor the efficiency, productivity, and management of the agencies and authorities created under chapters 348 and 349; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; ~~and~~ any authority formed under chapter 343; and any transit entity that is a recipient of funding from the department's public transit block grant program as created in s. 341.052. The commission shall also conduct periodic reviews of each agency's and authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally

accepted accounting principles.

(g) A member of the commission shall follow standards of conduct for public officers as provided in s. 112.313 ~~may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department~~ during the term of his or her appointment and for 2 years after the termination of such appointment.

(4) ~~(3)~~

(b) The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to, all of the following:

1. Administration.
2. Planning.
3. Supply chain and modal development.
4. Design.
5. Highway operations.
6. Right-of-way.
7. Toll operations.

8. Transportation technology.

9. Information technology ~~systems~~.

10. Motor carrier weight inspection.

11. Work program and budget.

12. Comptroller.

13. Construction.

14. Statewide corridors.

15. Maintenance.

16. Forecasting and performance.

17. Emergency management.

18. Safety.

19. Materials.

20. Infrastructure and innovation.

21. Permitting.

22. Traffic operations.

23. Operational technology.

Section 2. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of

the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03(30) which are not otherwise part of the Department of Transportation's adopted work program.

9. Intermodal access projects.

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.

12. Spaceport or space industry-related planning or construction of facilities on seaport property which is necessary or useful to advance the space industry in this state when such project provides economic benefit to the community.

13. Commercial shipbuilding and manufacturing facilities when such project provides economic benefit to the community.

Section 3. Subsections (1), (3), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation to support the growth of the seaports of this state through the review, development, and financing of port transportation and port facilities. The council is composed ~~consists~~ of the following 18 members: the port director, or the port director's designee, of each of the ports of Jacksonville,

Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; and the secretary of the Department of Commerce or his or her designee.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode, the construction of transportation facilities connecting any port to the space and aerospace industries, and ~~for~~ the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to this ~~the~~ state. The council shall develop a priority list of projects based on these recommendations annually and submit the list to the Department of Transportation. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year

to the President of the Senate, the Speaker of the House of Representatives, the Department of Commerce, and the Department of Transportation. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of ~~minorities and~~ secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually. Each member of the council shall submit semiannual reports to the Department of Transportation relating to seaport operations and their support of this state's economic competitiveness and supply chain. Each report must include information prescribed by the Department of Transportation, in consultation with the Department of Commerce, including, but, not limited to:

(a) Bulk break capacity.

(b) Liquid storage and capacity.

(c) Fuel storage and capacity.

(d) Container capacity.

(e) Supply chain disruptions.

(11) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport

Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with ~~the provisions of~~ s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall abide by ~~the provisions of~~ s. 287.055.

Section 4. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(7) The Department of Transportation may, upon receipt and investigation of reported noncompliance and after hearing pursuant to 14 days' notice, direct the removal of any purported traffic control device that fails to meet the requirements of

this section, wherever the device is located and without regard to assigned responsibility under s. 316.1895. The public agency erecting or installing the same shall immediately bring it into compliance with the requirements of this section or remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds ~~for traffic control purposes~~ until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

Section 5. Section 330.27, Florida Statutes, is amended to read:

330.27 Definitions~~, when used in ss. 330.29-330.39~~.—As used in ss. 330.29-330.39, the term:

(1) "Air ambulance operation" means a flight with a patient or medical personnel on board for the purpose of medical transportation.

(2)~~(1)~~ "Aircraft" means a powered or unpowered machine or device capable of atmospheric flight, including, but not limited to, an airplane, autogyro, glider, gyrodyne, helicopter, lift and cruise, multicopter, paramotor, powered lift, seaplane,

tiltrotor, ultralight, or vectored thrust. The term does not include ~~except~~ a parachute or other such device used primarily as safety equipment.

(3) ~~(2)~~ "Airport" means a specific ~~an~~ area of land or water or a structure used for, or intended to be used for, ~~landing and takeoff of~~ aircraft operations, which may include ~~including~~ appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. The term includes, but is not limited to, an airpark, airport, gliderport, heliport, helistop, seaplane base, ultralight flightpark, vertiport, or vertistop.

(4) "Commercial air tour operation" means a flight conducted for compensation or hire in an aircraft when the purpose of the flight is sightseeing.

(5) "Commuter operation" means any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.

(6) ~~(3)~~ "Department" means the Department of Transportation.

(7) ~~(4)~~ "Limited airport" means any airport limited exclusively to the specific conditions stated on the site approval order or license.

(8) "On-demand operation" means any scheduled passenger-

carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.

(9) ~~(5)~~ "Private airport" means an airport, publicly or privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

(10) "Private airport of public interest" means a private airport serving any of the following operations: air ambulance operation, commercial air tour operation, commuter operation, on-demand operation, public charter operation, scheduled operation, or supplemental operation.

(11) ~~(6)~~ "Public airport" means an airport, publicly or privately owned, which is open for use by the public.

(12) "Public charter operation" means a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.

(13) "Scheduled operation" means any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificateholder or its representative offers in advance the departure location, departure time, and arrival location.

(14) "Supplemental operation" means any common carriage

operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer's representative.

(15) ~~(7)~~ "Temporary airport" means an airport at which flight operations are conducted under visual flight rules established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

~~(8) "Ultralight aircraft" means any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.~~

Section 6. Paragraphs (a) and (d) of subsection (2) and subsection (4) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration, certification, and licensure of airports.—

(2) LICENSES, CERTIFICATES, AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of an airport in this state shall have a public airport license, private airport registration, or temporary airport registration before the operation of aircraft to or from the airport. Application for a license or registration shall be made in a form and manner prescribed by the department.

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds that the airport is ~~to be~~ in compliance with all requirements for the license. The license may be subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

3. For a temporary airport, the department must publish notice of receipt of a completed registration application in the next available publication of the Florida Administrative Register and may not approve a registration application less than 14 days after the date of publication of the notice. The department must approve or deny a registration application within 30 days after receipt of a completed application and must issue the temporary airport registration concurrent with the airport site approval. A completed registration application that is not approved or denied within 30 days after the department receives the completed application is considered approved and shall be issued, subject to such reasonable conditions as are

authorized by law. An applicant seeking to claim registration by default under this subparagraph must notify the agency clerk of the department, in writing, of the intent to rely upon the default registration provision of this subparagraph and may not take any action based upon the default registration until after receipt of such notice by the agency clerk.

4. A private airport of public interest as defined in s. 330.27 must obtain a certificate from the department before allowing aircraft operations. The department shall issue a certificate after a final inspection finds that the private airport of public interest is in compliance with all of the requirements for a certificate. The certificate is subject to any reasonable conditions that the department deems necessary to protect the health, safety, or welfare of the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, may continue its operations but must obtain a certificate from the department before July 1, 2030.

(d)1. Each public airport license shall expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency.

2. Registration for private airports shall remain valid

provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system.

3. The effective date and expiration date shall be shown on public airport licenses. Upon receiving an application for renewal of an airport license in a form and manner prescribed by the department and receiving a favorable inspection report indicating compliance with all applicable requirements and conditions, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require a new site approval for any airport if the license or registration has expired.

5. If the renewal application for a public airport license has not been received by the department or no private airport registration recertification has been accomplished within 15

days after the date of expiration, the department may revoke the airport license or registration.

6. After initial registration, the department may issue a certificate to a private airport of public interest if the airport is in compliance with all of the requirements for a certificate after a final inspection of the private airport of public interest. The certificate is subject to any reasonable conditions that the department deems necessary to protect the health, safety, or welfare of the public. A certificate issued to a private airport of public interest expires 5 years after the effective date of the certificate.

(4) EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27 ~~s. 330.27(5)~~ in all other respects.

Section 7. Section 331.371, Florida Statutes, is amended to read:

331.371 Strategic space infrastructure investment.—

(1) In consultation with Space Florida, the Department of Transportation may fund spaceport discretionary capacity improvement projects, as defined in s. 331.303, at up to 100 percent of the project's cost if:

(a) ~~(1)~~ Important access and on-spaceport-territory space transportation capacity improvements are provided.~~;~~

(b) ~~(2)~~ Capital improvements that strategically position the state to maximize opportunities in international trade are achieved.~~;~~

(c) ~~(3)~~ Goals of an integrated intermodal transportation system for the state are achieved.~~; and~~

(d) ~~(4)~~ Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

(2) In consultation with the Department of Commerce and the Department of Environmental Protection, the Department of Transportation may fund wastewater projects, stormwater projects, water capacity projects, or projects associated with critical infrastructure facilities as defined in s. 692.201 within or outside the jurisdictional boundary of a spaceport territory so long as the project supports aerospace or launch support facilities within an adjacent spaceport territory boundary. The Department of Transportation shall coordinate with the Department of Commerce and the Department of Environmental Protection in order to maximize and optimize available funding for such projects.

Section 8. Section 332.003, Florida Statutes, is amended to read:

332.003 Florida Airport Development and Accountability ~~Assistance~~ Act; short title.—Sections 332.003-332.007 may be cited as the "Florida Airport Development and Accountability ~~Assistance~~ Act."

Section 9. Section 332.005, Florida Statutes, is amended to read:

332.005 Restrictions on authority of Department of Transportation.—

(1) This act specifically prohibits the Department of Transportation from regulating commercial air carriers operating within the state pursuant to federal authority and regulations; from participating in or exercising control in the management and operation of a sponsor's airport, except when officially requested by the sponsor; or from expanding the design or operational capability of the department in the area of airport and aviation consultants' contract work, other than to provide technical assistance as requested.

(2) Notwithstanding subsection (1), upon the declaration of a state of emergency issued by the Governor in preparation for or in response to a natural disaster, an airport as defined in s. 332.004 must provide the department, at no cost, with the opportunity to use any property not within the air navigation facility as defined in s. 332.01(4) for the staging of equipment and personnel to support emergency preparedness and response operations.

Section 10. Subsection (7) of section 332.006, Florida Statutes, is amended to read:

332.006 Duties and responsibilities of the Department of Transportation.—The Department of Transportation shall, within

the resources provided pursuant to chapter 216:

(7) Develop, promote, and distribute supporting information and educational services, including, but not limited to, educational services with a focus on retention and growth of the aviation industry workforce.

Section 11. Paragraph (a) of subsection (7), subsection (8), and paragraph (b) of subsection (9) of section 332.007, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(2)

(c) Annually, each airport must submit to the department a comprehensive maintenance program report detailing the maintenance and inspection of such airport's infrastructure. At a minimum, the report must include a schedule of inspections, the locations being inspected, any probable cause for such inspection, a list of the airport's required needs, any remedial actions to be taken, and any required follow-up inspections and maintenance. For purposes of this paragraph, the term "maintenance" includes any preventive and regular or recurring work that is necessary to preserve the airport infrastructure in good condition. Timely maintenance and repair, including routine maintenance, rehabilitation, and upgrading, are essential for the safe operation of airport infrastructure. An airport must

retain all records of materials and equipment used for the airport's maintenance and repair work. If the department determines, based on the annual comprehensive maintenance program report, that there is evidence that an airport failed to perform routine maintenance, the department may withhold state funds for any of the airport's capital expansion projects until such airport corrects any deficiencies.

(7) Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The annual legislative budget request shall be based on the funding required for discretionary capacity improvement projects in the aviation and airport work program.

(a) The department shall provide priority funding in support of:

1. Terminal and parking expansion projects that increase capacity at airports that provide commercial service in counties with a population of 500,000 or less.

2.~~1.~~ Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.

3.~~2.~~ Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.

4.~~3.~~ Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.

5.~~4.~~ International terminal projects that increase international gate capacity.

6. Projects that improve the safe and efficient operation of this state's airports.

7. Emerging technology, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

(8) The department may also fund eligible projects performed by not-for-profit organizations and postsecondary education institutions, as defined in s. 1008.47(1), which support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel ~~that represent a majority of public airports in this state~~. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability and safety of airports in this state. The department may also fund programs that support the transition of honorably discharged military personnel to the aviation industry. The department may match funds provided by the Department of Commerce for such programs.

(9) The department may fund strategic airport investment projects at up to 100 percent of the project's cost if:

(b) Capital improvements that strategically position the state to maximize opportunities in tourism, international trade, logistics, and the aviation industry are provided;

Section 12. Subsections (1), (2), and (5) of section 332.0075, Florida Statutes, are amended to read:

332.0075 Commercial service airports; transparency and accountability; penalty.—

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

(a) "Commercial service airport" means an airport providing commercial services, including large, medium, small, and nonhub airports as classified ~~a primary airport as defined in 49 U.S.C. s. 47102 which is classified as a large, medium, or small hub airport~~ by the Federal Aviation Administration.

(b) "Consent agenda" means an agenda which consists of items voted on collectively or as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.

(c) "Department" means the Department of Transportation.

(d) "Governing body" means the governing body of the county, municipality, or special district that operates a commercial service airport. The term includes an appointed board or oversight entity serving as the governing body on behalf of the county, municipality, or special district.

(2) Each governing body shall establish and maintain a website to post information relating to the operation of a

commercial service airport, and such information must remain on the website for at least 5 years or for as long as the information is actively in use by the entity. Information that must be posted on the governing body's website includes ~~including~~:

(a) All published notices of meetings and published meeting agendas of the governing body.

(b) The official minutes of each meeting of the governing body, which must ~~shall~~ be posted within 7 business days after the date of the meeting in which the minutes were approved.

(c) The approved budget for the commercial service airport for the current fiscal year, which shall be posted within 7 business days after the date of adoption. Budgets must remain on the website for 5 ~~2~~ years after the conclusion of the fiscal year for which they were adopted.

(d) Copies of ~~A link to~~ the current Airport Master Plan and the immediately preceding Airport Master Plan for the commercial service airport and a link to the current Airport Master Plan on the commercial service airport's website.

(e) A link to all financial and statistical reports for the commercial service airport on the Federal Aviation Administration's website.

(f) Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of the threshold amount

provided in s. 287.017 for CATEGORY FIVE, which must ~~shall~~ be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment. However, a contract or contract amendment may not reveal information made confidential or exempt by law. Each commercial service airport must redact confidential or exempt information from each contract or contract amendment before posting a copy on its website.

(g) Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information must ~~shall~~ be updated quarterly ~~annually~~.

(5)(a) Each November 1, the governing body of each commercial service airport shall submit the following information to the department:

1. Its approved budget for the current fiscal year.

2. Any financial reports submitted to the Federal Aviation Administration during the previous calendar year.

3. A link to its website.

4. A statement, verified as provided in s. 92.525, that it has complied with part III of chapter 112, chapter 287, and this section.

5. The most recent copy of its strategic plan or plans.

6. Contracts related to financial awards received through

federally funded grant programs for the preceding year.

(b) The department shall review the information submitted by the governing body of the commercial service airport and posted on the airport's website to determine the accuracy of such information. Each January 15, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing commercial service airport compliance with this section.

(c) In addition to the requirements of this section, a commercial service airport must:

1. Notify the department within 48 hours after receiving a communication or directive from a federal agency with respect to accommodating public health testing or the transfer of unauthorized aliens into this state.

2. Notify the department as soon as reasonably possible, but no later than 48 hours after discovery, of incidents including, but not limited to, those related to the safety of the public when traveling, potential breaches or security risks associated with cybersecurity, or other issues of statewide concern as defined by the department.

Section 13. Section 332.15, Florida Statutes, is created to read:

332.15 Advanced air mobility.—The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(1) Address the need for vertiports, advanced air mobility, and other advances in aviation technology in the statewide aviation system plan as required under s. 332.006(1) and, as appropriate, in the department's work program.

(2) Designate a subject matter expert on advanced air mobility within the department to serve as a resource for local jurisdictions navigating advances in aviation technology.

(3) Conduct a review of airport hazard zone regulations.

(4) Work with the Department of Commerce to provide coordination and assistance for the development of a viable advanced air mobility system in this state and incorporate those plans in the statewide aviation system plan as required under s. 332.006(1) in order to develop and identify the statewide corridors of need and opportunities for growth of the industry.

Section 14. Subsection (5) of section 334.044, Florida Statutes, is amended, and subsections (37), (38), and (39) are added to that section, to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of environmental management, scenic highways, traffic and train safety awareness, ~~alternatives to single-occupant vehicle travel,~~ commercial motor vehicle safety, workforce development,

~~electric vehicle use and charging stations, autonomous vehicles,~~ ~~and~~ context classification, ~~design for electric vehicles~~ and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(37) Notwithstanding s. 287.022 or s. 287.025, to enter into contracts for insurance that the department is contractually and legally obligated to provide directly from local, national, or international insurance companies.

(38) Notwithstanding s. 287.14, to purchase, lease, or acquire heavy equipment and motor vehicles for roadway operations and emergency response purposes, regardless of whether the department has exchanged or ceased the operation of motor vehicles or heavy equipment already under the department's ownership.

(39) To adopt rules to comply with the requirements of 49 C.F.R. part 26 and applicable federal law.

Section 15. Paragraph (f) of subsection (1) of section 334.045, Florida Statutes, is amended to read:

334.045 Transportation performance and productivity standards; development; measurement; application.—

(1) The Florida Transportation Commission shall develop and adopt measures for evaluating the performance and productivity of the department. The measures may be both

quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the department's control. The measures must, at a minimum, assess performance in the following areas:

(f) Small ~~Disadvantaged business enterprise and minority~~ business programs as established in s. 337.027.

Section 16. Subsection (3) is added to section 334.27, Florida Statutes, to read:

334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.—

(3) Any authority established under the laws of this state or any of its counties, municipalities, or political subdivisions, including, but not limited to, transportation, parking, and economic development authorities, shall have full power to conduct business; to operate, manage, and control facilities; and to provide services beyond the geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority, subject to this subsection. The authority may engage in activities outside of its chartering jurisdiction upon entering into an interlocal agreement with the governing body of the affected county, municipality, or political subdivision, as applicable.

Section 17. Section 334.62, Florida Statutes, is created to read:

334.62 Florida Transportation Academy.—

(1) The Legislature finds that the growth and sustainability of the transportation workforce industry is vital to the continued success and efficiency of this state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the Florida Transportation Academy is established.

(2) In order to support, promote, and sustain workforce development efforts of the transportation sector, the department may work with state agencies referenced in this chapter, industry organizations, and private sector businesses, as appropriate.

(3) The department may coordinate with all of the following entities:

(a) The Department of Corrections to identify and create certification and training opportunities for nonviolent inmates and create a process to allow the Department of Corrections to notify the department when a nonviolent inmate who is seeking employment has received a scheduled release date.

(b) The Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.

(c) Veterans' organizations to encourage honorably discharged veterans to pursue opportunities within the transportation industry, including, but not limited to,

employment as pilots, mechanics, and air traffic controllers.

(d) The Department of Commerce, CareerSource Florida, and regional business communities, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.

(e) The American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess the future needs of the transportation industry and this state.

Section 18. Subsection (3) of section 335.182, Florida Statutes, is amended to read:

335.182 Regulation of connections to roads on State Highway System; definitions.—

(3) As used in this act, the term:

(a) "Connection" means driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System.

(b) "Modification of a connection" means relocation, alteration, or closure of a connection.

(c) ~~(b)~~ "Significant change" means:

1. A change in the use of the property, including development of the land, structures, or facilities; ~~,~~ or

2. An expansion of the size of the property, structures, or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation, ~~(~~either peak

hour or daily,~~)~~ and exceeding 100 vehicles per day more than the existing use.

Section 19. Subsections (3) and (4) of section 335.187, Florida Statutes, are amended to read:

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.—

(3) The department may issue a nonconforming access permit if denying ~~after finding that to deny~~ an access permit would leave the property without a reasonable means of access to the State Highway System. The department may specify limits on the maximum vehicular use of the connection and may impose conditions ~~be conditioned~~ on the availability of future alternative means of access for which access permits can be obtained.

(4) After written notice and the opportunity for a hearing, as provided for in s. 120.60, the department may modify or revoke an access permit issued after July 1, 1988, by requiring modification ~~relocation, alteration, or closure~~ of an existing connection if:

(a) A significant change occurs in the use, design, or traffic flow of the connection; or

(b) The connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the highway.

Section 20. Subsection (2) of section 337.027, Florida

Statutes, is amended to read:

337.027 Authority to implement a business development program.—

(2) For purposes of this section, the term "small business" means a business with yearly average gross receipts of less than $25 ~~$15~~ million for road and bridge contracts and less than $10 ~~$6.5~~ million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate as defined in s. 337.165.

Section 21. Subsection (6) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)(a) If the secretary determines that an emergency in regard to the restoration or repair of any state transportation facility exists such that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, the provisions for competitive bidding do not apply; and the department may enter into contracts for restoration or repair without giving opportunity for competitive bidding on such contracts. Within 30 days after such

determination and contract execution, the head of the department shall file with the Executive Office of the Governor a written statement of the conditions and circumstances constituting such emergency.

(b) If the secretary determines that delays on a contract for maintenance exist due to administrative challenges, bid protests, defaults or terminations and the further delay would reduce safety on the transportation facility or seriously hinder the department's ability to preserve the state's investment in that facility, competitive bidding provisions may be waived and the department may enter into a contract for maintenance on the facility. However, contracts for maintenance executed under the provisions of this paragraph shall be interim in nature and shall be limited in duration to a period of time not to exceed the length of the delay necessary to complete the competitive bidding process and have the contract in place.

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of $500,000, enter into contracts for construction and maintenance without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to small ~~disadvantaged~~ business ~~enterprise~~ participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 22. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. However, the department may choose, in its discretion and

applicable only to multiyear maintenance contracts, to allow for incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price. The department may also choose, in its discretion and applicable only to phased design-build contracts under s. 337.11(7)(b), to allow the issuance of multiple contract performance and payment bonds in succession to align with each phase of the contract to meet the bonding requirement in this subsection. Notwithstanding any bonding requirement under this section, the department may require, at the discretion of the secretary, that the amount of the surety bond or bonds be less than the contract price.

1. The department may waive the requirement for all or a portion of a surety bond if:

a. The contract price is $250,000 or less and the department determines that the project is of a noncritical nature and that nonperformance will not endanger public health, safety, or property;

b. The prime contractor is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2); or

c. The prime contractor is using a subcontractor that is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2). However, the department may not waive more than the amount of the subcontract.

2. If the department determines that it is in the best interests of the department to reduce the bonding requirement for a project and that to do so will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price for a project having a contract price of $250 million or more and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guarantees, and cash collateral. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in

the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 23. Subsection (3) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(3) A proposal must be selected by the department based on competitive bidding, except that the department may consider other relevant factors specified in the request for proposals. The department may consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the department by the lessee in lieu of direct revenue to the department if such other factors are of equal value including innovative proposals to involve small ~~minority~~ businesses. The department may name a board of advisers which may be composed of accountants, real estate appraisers, design engineers, or other experts experienced in the type of development proposed. The board of advisers shall review the feasibility of the proposals,

recommend acceptance or rejection of each proposal, and rank each feasible proposal in the order of technical feasibility and benefit provided to the department. The board of advisers shall be reasonably compensated for the services provided and all department costs for evaluating the proposals shall be reimbursed from a proposal application fee to be set by the department and paid by the applicants. The board of advisers shall not be subject to selection under the provisions of chapter 287.

Section 24. Subsection (2) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(2)(a) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. A utility may not be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit must require the permitholder to be responsible for any damage resulting from the issuance of such

permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce ~~provisions of~~ this subsection or any rule or order issued or entered into pursuant to this subsection ~~thereto~~. A permit application required under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (7)(d)7., 8., and 9.

(b) Notwithstanding paragraph (a), a county or municipality may not adopt a rule or regulation that prohibits or requires a permit for the installation of a public sewer transmission line that is placed and maintained within and under publicly dedicated rights-of-way as part of a septic-to-sewer conversion project in which the department and the Department of Environmental Protection or its designee have issued permits under this chapter or chapter 403, respectively.

Section 25. Subsection (4) of section 337.406, Florida Statutes, is amended to read:

337.406 Unlawful use of state transportation facility right-of-way; penalties.—

(4) Camping is prohibited on any portion of the right-of-way of the State Highway System. This subsection does not apply to persons who are actively navigating the federally designated Florida National Scenic Trail as recognized in s. 260.012(6) and have acquired the associated permits ~~that is within 100 feet of~~

~~a bridge, causeway, overpass, or ramp~~.

Section 26. Subsection (4) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(4) The Department of Transportation and the Department of Management Services shall create and implement an outreach program designed to enhance the participation of small ~~minority persons and minority~~ business enterprises in all contracts entered into on or after July 1, 2025, by their respective departments for services related to the financing of department projects for the Strategic Intermodal System Plan developed pursuant to s. 339.64. These services shall include, but are not limited to, bond counsel and bond underwriters.

Section 27. Subsection (3) of section 339.2816, Florida Statutes, is amended to read:

339.2816 Small County Road Assistance Program.—

(3) Beginning in ~~with~~ fiscal year 2025-2026 ~~1999-2000 until fiscal year 2009-2010, and beginning again with fiscal year 2012-2013~~, up to $50 ~~$25~~ million annually from the State Transportation Trust Fund may be used for the purposes of funding the Small County Road Assistance Program as described in this section.

Section 28. Subsections (2), (7), and (8) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(2) For the purposes of this section, the term "small county" means any county that has a population of 200,000 or less as determined by the most recent official estimate pursuant to s. 186.901. The term includes:

(a) A municipality within a rural area of opportunity designated under s. 288.0656(7)(a), which may compete for the additional project funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs, excluding capacity improvement projects.

(b) A local government either wholly or partially within the Everglades Agricultural Area as defined in s. 373.4592(15), the Peace River Basin, or the Suwannee River Basin, which may compete for additional funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs on state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.

(7) Beginning in fiscal year 2025-2026, and annually thereafter, at least $50 million from the State Transportation Trust Fund may be used for the purposes of funding the Small County Outreach Program ~~Subject to a specific appropriation in addition to funds annually appropriated for projects under this section, A municipality within a rural area of opportunity or a rural area of opportunity community designated under s. 288.0656(7)(a) may compete for the additional project funding~~

~~using the criteria listed in subsection (4) at up to 100 percent of project costs, excluding capacity improvement projects~~.

~~(8) Subject to a specific appropriation in addition to funds appropriated for projects under this section, A local government either wholly or partially within the Everglades Agricultural Area as defined in s. 373.4592(15), the Peace River Basin, or the Suwannee River Basin may compete for additional funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs on state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.~~

Section 29. Paragraph (b) of subsection (3) and paragraph (c) of subsection (4) of section 339.2821, Florida Statutes, are amended to read:

339.2821 Economic development transportation projects.—

(3)

(b) The department must ensure that it supports small businesses as defined in s. 337.027(2) ~~small and minority businesses have equal access to participate in transportation projects funded pursuant to this section~~.

(4) A contract between the department and a governmental body for a transportation project must:

(c) Require that the governmental body provide the department with progress reports. Each progress report must

contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule.~~;~~

2. A description of each change order executed by the governmental body.~~;~~

3. A budget summary detailing planned expenditures compared to actual expenditures.~~; and~~

4. The identity of each small ~~or minority~~ business used as a contractor or subcontractor.

Section 30. Subsections (3) and (7) of section 339.651, Florida Statutes, are amended to read:

339.651 Strategic Intermodal System supply chain demands.—

(3) The department may ~~shall~~ make up to $20 million available each year ~~for fiscal years 2023-2024 through 2027-2028,~~ from existing work program revenues~~,~~ to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate and transportation infrastructure-related materials. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

~~(7) This section shall stand repealed on July 1, 2028.~~

Section 31. Paragraph (b) of subsection (6) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit and

intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—

(b) If funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, the department must reallocate such funds for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund for the next fiscal year ~~The remaining unallocated New Starts Transit Program funds as of June 30, 2024, shall be reallocated for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund. This paragraph expires June 30, 2026~~.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 32. Subsection (5) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(5) The authority shall encourage the inclusion of local and small~~-, small-, minority-, and women-owned~~ businesses in its procurement and contracting opportunities.

Section 33. Subsection (2) of section 349.03, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

349.03 Jacksonville Transportation Authority.—

(2) The governing body of the authority shall consist of seven members. Four ~~Three~~ members shall be appointed by the Governor and confirmed by the Senate. Of the four members appointed by the Governor, one member must be a resident of the City of Jacksonville and the remaining three members must be residents of Clay County, Duval County, or St. Johns County. Three members shall be appointed by the mayor of the City of Jacksonville subject to confirmation by the council of the City of Jacksonville. All ~~The seventh member shall be the district secretary of the Department of Transportation serving in the district that contains the City of Jacksonville. Except for the seventh member,~~ members appointed by the mayor of the City of Jacksonville must ~~shall~~ be residents and qualified electors of Duval County.

(4) The authority shall:

(a) Follow the department's small business program as described in s. 337.027.

(b) Establish protocols and systems in accordance with the requirements established in s. 112.061(16) and s. 215.985(6) and (14) and post all related information on its publicly available website.

Section 34. Sections 316.0741, 331.351, 337.125, 337.135, 337.139, 339.0805, and 339.287, Florida Statutes, are repealed.

Section 35. Paragraphs (j) and (m) of subsection (2) of

section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(j) The appointed secretaries and the State Surgeon General, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Families, the State Transportation Development Administrator, the State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices of the Department of Transportation specified in s. 20.23(4)(b) ~~s. 20.23(3)(b)~~. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions and the positions of county health department directors and county health department administrators of the Department of Health in

accordance with the rules of the Senior Management Service.

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(4)(b) and (5)(c) ~~s. 20.23(3)(b) and (4)(c)~~.

4. Positions in the Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department

Financial Administrator.

6. Positions in the Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 36. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.

4. Passing a stopped school bus:

a. Not causing or resulting in serious bodily injury to or death of another—4 points.

b. Causing or resulting in serious bodily injury to or death of another—6 points.

c. Points may not be imposed for a violation of passing a stopped school bus as provided in s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

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

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

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

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

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

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

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

12. A moving violation covered in this paragraph which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone—2 points, in addition to the points assigned for the moving violation.

Section 37. Subsection (13) of section 365.172, Florida Statutes, is amended to read:

365.172 Emergency communications.—

(13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE IMPLEMENTATION.—To balance the public need for reliable emergency communications services through reliable wireless systems and the public interest served by governmental zoning and land development regulations and notwithstanding any other law or local ordinance to the contrary, the following standards shall apply to a local government's actions, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility. This subsection may not, however, be construed to waive or alter the provisions of s. 286.011 or s. 286.0115. For the purposes of this subsection only, "local government" shall mean any municipality or county and any agency of a municipality or

county only. The term "local government" does not, however, include any airport, as defined in s. 330.27 ~~by s. 330.27(2)~~, even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government's actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government, however, a local government may not use its regulatory authority so as to avoid compliance with, or in a manner that does not advance, the provisions of this subsection.

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

1.a. Colocations on towers, including nonconforming towers, that meet the requirements in sub-sub-subparagraphs (I), (II), and (III), are subject to only building permit review, which may include a review for compliance with this subparagraph. Such colocations are not subject to any design or placement requirements of the local government's land development regulations in effect at the time of the colocation that are more restrictive than those in effect at the time of the initial antennae placement approval, to any other portion of the land development regulations, or to public hearing review.

This sub-subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

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

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

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

b. Except for a historic building, structure, site, object, or district, or a tower included in sub-subparagraph a., colocations on all other existing structures that meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be subject

to no more than building permit review, and an administrative review for compliance with this subparagraph. Such colocations are not subject to any portion of the local government's land development regulations not addressed herein, or to public hearing review. This sub-subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

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

(II) The colocation does not increase the ground space area, otherwise known as the compound, if any, approved in the site plan for equipment enclosures and ancillary facilities;

(III) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure, but not prohibitions or restrictions on the placement of additional colocations on the existing structure or procedural requirements, other than those authorized by this section, of the local government's land development regulations in effect at the time of the colocation application; and

(IV) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and

configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with sub-sub-subparagraph (III) and were applied to the initial antennae placed on the structure and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the structure supporting the antennae.

c. Regulations, restrictions, conditions, or permits of the local government, acting in its regulatory capacity, that limit the number of colocations or require review processes inconsistent with this subsection do not apply to colocations addressed in this subparagraph.

d. If only a portion of the colocation does not meet the requirements of this subparagraph, such as an increase in the height of the proposed antennae over the existing structure height or a proposal to expand the ground space approved in the site plan for the equipment enclosure, where all other portions of the colocation meet the requirements of this subparagraph, that portion of the colocation only may be reviewed under the local government's regulations applicable to an initial placement of that portion of the facility, including, but not limited to, its land development regulations, and within the review timeframes of subparagraph (d)2., and the rest of the colocation shall be reviewed in accordance with this subparagraph. A colocation proposal under this subparagraph that increases the ground space area, otherwise known as the

compound, approved in the original site plan for equipment enclosures and ancillary facilities by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall, however, require no more than administrative review for compliance with the local government's regulations, including, but not limited to, land development regulations review, and building permit review, with no public hearing review. This sub-subparagraph does not preclude a public hearing for any appeal of the decision on the colocation application.

2. If a colocation does not meet the requirements of subparagraph 1., the local government may review the application under the local government's regulations, including, but not limited to, land development regulations, applicable to the placement of initial antennae and their accompanying equipment enclosure and ancillary facilities.

3. If a colocation meets the requirements of subparagraph 1., the colocation may not be considered a modification to an existing structure or an impermissible modification of a nonconforming structure.

4. The owner of the existing tower on which the proposed antennae are to be colocated shall remain responsible for compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development regulations to which the existing tower

had to comply at the time the tower was permitted, including any aesthetic requirements, provided the condition or requirement is not inconsistent with this paragraph.

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

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

may not require information on or evaluate the wireless provider's designed service unless the information or materials are directly related to an identified land development or zoning issue or unless the wireless provider voluntarily offers the information. Information or materials directly related to an identified land development or zoning issue may include, but are not limited to, evidence that no existing structure can reasonably be used for the antennae placement instead of the construction of a new tower, that residential areas cannot be served from outside the residential area, as addressed in subparagraph 3., or that the proposed height of a new tower or initial antennae placement or a proposed height increase of a modified tower, replacement tower, or colocation is necessary to provide the provider's designed service. Nothing in this paragraph shall limit the local government from reviewing any applicable land development or zoning issue addressed in its adopted regulations that does not conflict with this section, including, but not limited to, aesthetics, landscaping, land use-based location priorities, structural design, and setbacks.

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

3. A local government may exclude the placement of

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

4. A local government may impose a reasonable fee on applications to place, construct, or modify a wireless communications facility only if a similar fee is imposed on applicants seeking other similar types of zoning, land use, or building permit review. A local government may impose fees for the review of applications for wireless communications facilities by consultants or experts who conduct code compliance review for the local government but any fee is limited to specifically identified reasonable expenses incurred in the review. A local government may impose reasonable surety

requirements to ensure the removal of wireless communications facilities that are no longer being used.

5. A local government may impose design requirements, such as requirements for designing towers to support colocation or aesthetic requirements, except as otherwise limited in this section, but may not impose or require information on compliance with building code type standards for the construction or modification of wireless communications facilities beyond those adopted by the local government under chapter 553 and that apply to all similar types of construction.

(c) Local governments may not require wireless providers to provide evidence of a wireless communications facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. part 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use, but may request the Federal Communications Commission to provide information as to a wireless provider's compliance with federal regulations, as authorized by federal law.

(d)1. A local government shall grant or deny each properly completed application for a colocation under subparagraph (a)1. based on the application's compliance with the local government's applicable regulations, as provided for in

subparagraph (a)1. and consistent with this subsection, and within the normal timeframe for a similar building permit review but in no case later than 45 business days after the date the application is determined to be properly completed in accordance with this paragraph.

2. A local government shall grant or deny each properly completed application for any other wireless communications facility based on the application's compliance with the local government's applicable regulations, including but not limited to land development regulations, consistent with this subsection and within the normal timeframe for a similar type review but in no case later than 90 business days after the date the application is determined to be properly completed in accordance with this paragraph.

3.a. An application is deemed submitted or resubmitted on the date the application is received by the local government. If the local government does not notify the applicant in writing that the application is not completed in compliance with the local government's regulations within 20 business days after the date the application is initially submitted or additional information resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted. However, the determination may not be deemed as an approval of the application. If the application is not completed in compliance with the local government's regulations,

the local government shall so notify the applicant in writing and the notification must indicate with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the local government shall notify the applicant, in writing, within the normal timeframes of review, but in no case longer than 20 business days after the additional information is submitted, of any remaining deficiencies that must be cured. Deficiencies in document type or content not specified by the local government do not make the application incomplete. Notwithstanding this sub-subparagraph, if a specified deficiency is not properly cured when the applicant resubmits its application to comply with the notice of deficiencies, the local government may continue to request the information until such time as the specified deficiency is cured. The local government may establish reasonable timeframes within which the required information to cure the application deficiency is to be provided or the application will be considered withdrawn or closed.

b. If the local government fails to grant or deny a properly completed application for a wireless communications facility within the timeframes set forth in this paragraph, the application shall be deemed automatically approved and the applicant may proceed with placement of the facilities without

interference or penalty. The timeframes specified in subparagraph 2. may be extended only to the extent that the application has not been granted or denied because the local government's procedures generally applicable to all other similar types of applications require action by the governing body and such action has not taken place within the timeframes specified in subparagraph 2. Under such circumstances, the local government must act to either grant or deny the application at its next regularly scheduled meeting or, otherwise, the application is deemed to be automatically approved.

c. To be effective, a waiver of the timeframes set forth in this paragraph must be voluntarily agreed to by the applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

(e) The replacement of or modification to a wireless communications facility, except a tower, that results in a wireless communications facility not readily discernibly different in size, type, and appearance when viewed from ground level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the local

government, are subject to no more than applicable building permit review.

(f) Any other law to the contrary notwithstanding, the Department of Management Services shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to state government-owned property not acquired for transportation purposes, and the Department of Transportation shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to property acquired for state rights-of-way. On property acquired for transportation purposes, leases shall be granted in accordance with s. 337.251. On other state government-owned property, leases shall be granted on a space available, first-come, first-served basis. Payments required by state government under a lease must be reasonable and must reflect the market rate for the use of the state government-owned property. The Department of Management Services and the Department of Transportation are authorized to adopt rules for the terms and conditions and granting of any such leases.

(g) If any person adversely affected by any action, or failure to act, or regulation, or requirement of a local government in the review or regulation of the wireless communication facilities files an appeal or brings an appropriate action in a court or venue of competent jurisdiction, following the exhaustion of all administrative

remedies, the matter shall be considered on an expedited basis.

Section 38. Subsection (2) of section 379.2293, Florida Statutes, is amended to read:

379.2293 Airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment.—

(2) An airport authority or other entity owning or operating an airport, as defined in s. 330.27 ~~s. 330.27(2)~~, is not subject to any administrative or civil penalty, restriction, or other sanction with respect to any authorized action taken in a non-negligent manner for the purpose of protecting human life or aircraft safety from wildlife hazards.

Section 39. Subsection (22) of section 493.6101, Florida Statutes, is amended to read:

493.6101 Definitions.—

(22) "Repossession" means the recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27 ~~s. 330.27(1)~~, a personal watercraft as defined in s. 327.02, an all-terrain vehicle as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold

or leased under a security agreement that contains a repossession clause. As used in this subsection, the term "industrial equipment" includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes, and bulldozers. The term "industrial equipment" also includes other vehicles that are propelled by power other than muscular power and that are used in the manufacture of goods or used in the provision of services. A repossession is complete when a licensed recovery agent is in control, custody, and possession of such repossessed property. Property that is being repossessed shall be considered to be in the control, custody, and possession of a recovery agent if the property being repossessed is secured in preparation for transport from the site of the recovery by means of being attached to or placed on the towing or other transport vehicle or if the property being repossessed is being operated or about to be operated by an employee of the recovery agency.

Section 40. Paragraph (c) of subsection (1) of section 493.6403, Florida Statutes, is amended to read:

493.6403 License requirements.—

(1) In addition to the license requirements set forth in this chapter, each individual or agency shall comply with the following additional requirements:

(c) An applicant for a Class "E" license shall have at least 1 year of lawfully gained, verifiable, full-time

experience in one, or a combination of more than one, of the following:

1. Repossession of motor vehicles as defined in s. 320.01(1), mobile homes as defined in s. 320.01(2), motorboats as defined in s. 327.02, aircraft as defined in s. 330.27 ~~s. 330.27(1)~~, personal watercraft as defined in s. 327.02, all-terrain vehicles as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment as defined in s. 493.6101(22).

2. Work as a Class "EE" licensed intern.

Section 41. This act shall take effect July 1, 2025.

COMMERCE COMMITTEE

CS/CS/HB 1397 by Rep. Abbott
Transportation

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Abbott (line 197):

- Specifies the mission of the Florida Transportation Research Institute created by the bill and adds the University of South Florida to the membership of the Institute.
- Provides that funding for certain seaport projects authorized by the bill must provide economic benefit to the community in which the seaport is located.
- Provide conditions for state funding for seaports that are located in counties in which real property is designated as spaceport territory and that use land, facilities, or infrastructure for the purpose of supporting spacecraft launch and recovery operations.
- Authorizes the Department of Transportation (DOT) to issue mobile crane blanket permits for specified purposes and modifies the definition of "special mobile equipment."
- Clarifies the types of spaceport discretionary capacity improvement projects that DOT may fund.
- Provides that DOT's use of an airport property in preparation for or in response to a natural disaster, as authorized the bill, is limited to 60 days absent a written agreement to extend and is subject to existing lease agreements with third parties.
- Requires commercial service airports to maintain infrastructure programs, subject to annual DOT certification, to keep facilities in safe and serviceable condition and establishes requirements for such programs.
- Modifies terms for the allocation of funds for the purchase of plant materials to enhance State Highway System rights-of-way and arterial facilities, and requires focus on native landscaping materials.
- Clarifies DOT's responsibility to comply with requirements of federal law related to notification and participation of certified businesses.
- Establishes a statewide light detection and ranging (LiDAR) mapping pilot program within DOT.
- Limits provisions of the bill that authorize certain government entities to provide services beyond their geographical boundaries to apply only to parking authorities.
- Specifies that DOT must provide notice of funding opportunities to qualified small businesses.
- Removes provisions of the bill related to funding through the Small County Road Assistance Program and the Small County Outreach Program.
- Provides that the Governor may appoint to the Jacksonville Transportation Authority a resident of Nassau County.
- Modifies the permitting requirements for a new sign that requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way for the sign face to be visible from the highway.

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: Commerce Committee
Representative Abbott offered the following:

Amendment (with title amendment)

Remove lines 197-1397 and insert:

(b) The mission of the Institute shall be to advance Florida's transportation infrastructure and systems through research, education and engagement for a safer, more efficient, resilient, and innovative movement of people and goods throughout the state.

(c) The Institute shall report to the department and shall be composed of members from the University of Florida, Indian River State College, the University of Central Florida, the University of South Florida, and Florida International University.

(d) The department shall select a representative from one

of the entities referenced in paragraph (c) to serve as the administrative lead for the Institute. The department shall assess the performance of the administrative lead periodically to ensure accountability and assess the attainment of performance expectations.

(e) The Institute may award grants in alignment with its mission of furthering research and innovation and supporting workforce development in this state to support the needs of the transportation industry. Such grants may be directed to member and nonmember institutions that have a proven expertise relevant to the grant, including not-for-profit organizations and institutions of higher education.

(f) The Institute may expend state funds as allocated by the department from the State Transportation Trust Fund. Annual funding may be expended for the Institute's operations and programs to support research and innovation projects that provide solutions to this state's transportation needs.

(g) The secretary shall appoint a member of the department to serve as the executive director of the Institute. The department shall coordinate with the entities referenced in paragraph (b) to adopt and approve additional policies establishing the Institute's executive committee and mission statement.

(h) The Institute shall submit an annual report to the Office of the Secretary and the commission containing

performance metrics, including, but not limited to, expenditures of appropriated funds provided by the department, ongoing and proposed research efforts, and the application and success of past research efforts.

(3) ~~(2)~~ (a)1. The Florida Transportation Commission is hereby created and shall consist of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of this ~~the~~ state. At least three members of the commission shall represent or have expertise in higher education, transportation, or workforce development ~~Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector~~.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall:

1. Recommend major transportation policies for the Governor's approval and assure that approved policies and any revisions are properly executed.

2. Periodically review the status of the state transportation system, including highway, transit, rail, seaport, intermodal development, and aviation components of the system, and recommend improvements to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis the efficiency, productivity, and management of the department using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing

disruption of project schedules in the adopted work program and recommend to the Governor and the Legislature methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to this state's changing economic and demographic development patterns. The report by the commission must be delivered to the Governor and the Legislature by December 15 each year, as appropriate. The commission may retain experts as necessary to carry out this subparagraph, and the department shall pay the expenses of the experts.

8. Monitor the efficiency, productivity, and management of the agencies and authorities created under chapters 348 and 349; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; ~~and~~ any authority formed under chapter 343; and any transit entity that is a recipient of funding from the department's public transit block grant program as created in s. 341.052. The commission shall also conduct periodic reviews of each agency's and authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

(g) A member of the commission shall follow standards of conduct for public officers as provided in s. 112.313 ~~may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department~~ during the term of his or her appointment and for 2 years after the termination of such appointment.

(4) ~~(3)~~

(b) The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to, all of the following:

1. Administration.
2. Planning.
3. Supply chain and modal development.
4. Design.
5. Highway operations.
6. Right-of-way.
7. Toll operations.
8. Transportation technology.

9. Information technology ~~systems~~.
10. Motor carrier weight inspection.
11. Work program and budget.
12. Comptroller.
13. Construction.
14. Statewide corridors.
15. Maintenance.
16. Forecasting and performance.
17. Emergency management.
18. Safety.
19. Materials.
20. Infrastructure and innovation.
21. Permitting.
22. Traffic operations.
23. Operational technology.

Section 2. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03(30) which are not otherwise part of the Department of Transportation's adopted work program.

9. Intermodal access projects.

10. Construction or rehabilitation of port facilities as

defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.

12. Spaceport or space industry-related planning or construction of facilities on seaport property which is necessary or useful to advance the space industry in this state when such project provides economic benefit to the community in which the seaport is located.

13. Commercial shipbuilding and manufacturing facilities on seaport property, if such projects provide economic benefit to the community in which the seaport is located.

Section 3. Subsections (1), (3), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation to support the growth of the seaports of this state through the review, development, and financing of port transportation and port facilities. The council is composed ~~consists~~ of the following 18 members: the port director, or the

port director's designee, of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; and the secretary of the Department of Commerce or his or her designee.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode, the construction of transportation facilities connecting any port to the space and aerospace industries, and ~~for~~ the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to this ~~the~~ state. The council shall develop a priority list of projects based on these recommendations annually and submit the list to the Department of Transportation. The council shall update the 5-year Florida Seaport Mission Plan annually

and shall submit the plan no later than February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the Department of Commerce, and the Department of Transportation. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of ~~minorities and~~ secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually. Each member of the council shall submit semiannual reports to the Department of Transportation relating to seaport operations and their support of this state's economic competitiveness and supply chain. Each report must include information prescribed by the Department of Transportation, in consultation with the Department of Commerce, including, but, not limited to:

(a) Bulk break capacity.

(b) Liquid storage and capacity.

(c) Fuel storage and capacity.

(d) Container capacity.

(e) Supply chain disruptions.

(11) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services

to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with ~~the provisions of~~ s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall abide by ~~the provisions of~~ s. 287.055.

Section 4. Subsection (4) is added to section 311.10, Florida Statutes, to read:

311.10 Strategic Port Investment Initiative.—

(4) As a condition of receiving a project grant under any program established in this chapter and as a condition of receiving state funds as described in s. 215.31, a seaport that

is located in a county in which real property is designated as spaceport territory under s. 331.304 and that uses land, facilities, or infrastructure for the purpose of supporting spacecraft launch and recovery operations must, in any agreement with the department, agree that the seaport may not convert any planned or existing land, facility, or infrastructure dedicated for such purpose to any alternative purpose unless the Legislature expressly approves the use of state funds for a project that includes such a conversion.

Section 5. Subsection (83) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(83) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, mobile ~~and self-propelled~~ cranes and accessory support vehicles,

and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, ~~cranes or shovels,~~ or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Section 6. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(7) The Department of Transportation may, upon receipt and investigation of reported noncompliance and after hearing pursuant to 14 days' notice, direct the removal of any purported traffic control device that fails to meet the requirements of this section, wherever the device is located and without regard to assigned responsibility under s. 316.1895. The public agency erecting or installing the same shall immediately bring it into compliance with the requirements of this section or remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds ~~for traffic control purposes~~ until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

Section 7. Subsection (3) of section 316.550, Florida Statutes, is amended to read:

316.550 Operations not in conformity with law; special permits.—

(3) Notwithstanding subsection (2), the Department of Transportation may issue a mobile crane special blanket permit for any of the following purposes:

(a) To authorize a mobile crane to operate on and ~~A permit may authorize a self-propelled truck crane operating~~ off the Interstate Highway System while towing ~~to tow~~ a motor vehicle that ~~which~~ does not weigh more than 5,000 pounds if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds. Notwithstanding s. 320.01(7) or (12), mobile ~~truck~~ cranes that tow another motor vehicle under ~~the provision of~~ this subsection shall be taxed under ~~the provisions of~~ s. 320.08(5)(b).

(b) To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet 6 inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a local travel-related curfew.

(c) To authorize a mobile crane and accessory support vehicles that, due to their design for special use, exceed the weight limits established in s. 316.535 to operate on and off the Interstate Highway System.

Section 8. Section 330.27, Florida Statutes, is amended to read:

330.27 Definitions~~, when used in ss. 330.29-330.39~~.—As used in ss. 330.29-330.39, the term:

(1) "Air ambulance operation" means a flight with a patient or medical personnel on board for the purpose of medical transportation.

(2)~~(1)~~ "Aircraft" means a powered or unpowered machine or device capable of atmospheric flight, including, but not limited to, an airplane, autogyro, glider, gyrodyne, helicopter, lift and cruise, multicopter, paramotor, powered lift, seaplane, tiltrotor, ultralight, or vectored thrust. The term does not include ~~except~~ a parachute or other such device used primarily as safety equipment.

(3)~~(2)~~ "Airport" means a specific ~~an~~ area of land or water or a structure used for, or intended to be used for, ~~landing and takeoff of~~ aircraft operations, which may include ~~including~~ appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. The term includes, but is not limited to, an airpark, airport, gliderport, heliport, helistop, seaplane base, ultralight flightpark, vertiport, or vertistop.

(4) "Commercial air tour operation" means a flight conducted for compensation or hire in an aircraft when the purpose of the flight is sightseeing.

(5) "Commuter operation" means any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.

(6)~~(3)~~ "Department" means the Department of Transportation.

(7)~~(4)~~ "Limited airport" means any airport limited exclusively to the specific conditions stated on the site approval order or license.

(8) "On-demand operation" means any scheduled passenger-carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.

(9)~~(5)~~ "Private airport" means an airport, publicly or privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

(10) "Private airport of public interest" means a private airport serving any of the following operations: air ambulance operation, commercial air tour operation, commuter operation, on-demand operation, public charter operation, scheduled operation, or supplemental operation.

(11) ~~(6)~~ "Public airport" means an airport, publicly or privately owned, which is open for use by the public.

(12) "Public charter operation" means a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.

(13) "Scheduled operation" means any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificateholder or its representative offers in advance the departure location, departure time, and arrival location.

(14) "Supplemental operation" means any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer's representative.

(15) ~~(7)~~ "Temporary airport" means an airport at which flight operations are conducted under visual flight rules established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

~~(8) "Ultralight aircraft" means any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.~~

Section 9. Paragraphs (a) and (d) of subsection (2) and subsection (4) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration, certification, and licensure of airports.—

(2) LICENSES, CERTIFICATES, AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of an airport in this state shall have a public airport license, private airport registration, or temporary airport registration before the operation of aircraft to or from the airport. Application for a license or registration shall be made in a form and manner prescribed by the department.

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds that the airport is ~~to be~~ in compliance with all requirements for the license. The license may be subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the

department.

3. For a temporary airport, the department must publish notice of receipt of a completed registration application in the next available publication of the Florida Administrative Register and may not approve a registration application less than 14 days after the date of publication of the notice. The department must approve or deny a registration application within 30 days after receipt of a completed application and must issue the temporary airport registration concurrent with the airport site approval. A completed registration application that is not approved or denied within 30 days after the department receives the completed application is considered approved and shall be issued, subject to such reasonable conditions as are authorized by law. An applicant seeking to claim registration by default under this subparagraph must notify the agency clerk of the department, in writing, of the intent to rely upon the default registration provision of this subparagraph and may not take any action based upon the default registration until after receipt of such notice by the agency clerk.

4. A private airport of public interest as defined in s. 330.27 must obtain a certificate from the department before allowing aircraft operations. The department shall issue a certificate after a final inspection finds that the private airport of public interest is in compliance with all of the requirements for a certificate. The certificate is subject to

any reasonable conditions that the department deems necessary to protect the health, safety, or welfare of the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, may continue its operations but must obtain a certificate from the department before July 1, 2030.

(d)1. Each public airport license shall expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency.

2. Registration for private airports shall remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system.

3. The effective date and expiration date shall be shown on public airport licenses. Upon receiving an application for renewal of an airport license in a form and manner prescribed by the department and receiving a favorable inspection report indicating compliance with all applicable requirements and conditions, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require a new site approval for any airport if the license or registration has expired.

5. If the renewal application for a public airport license has not been received by the department or no private airport registration recertification has been accomplished within 15 days after the date of expiration, the department may revoke the airport license or registration.

6. After initial registration, the department may issue a certificate to a private airport of public interest if the airport is in compliance with all of the requirements for a certificate after a final inspection of the private airport of public interest. The certificate is subject to any reasonable conditions that the department deems necessary to protect the health, safety, or welfare of the public. A certificate issued to a private airport of public interest expires 5 years after the effective date of the certificate.

(4) EXCEPTIONS.—Private airports with 10 or more based

aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27 ~~s. 330.27(5)~~ in all other respects.

Section 10. Section 331.371, Florida Statutes, is amended to read:

331.371 Strategic space infrastructure investment.—

(1) In consultation with Space Florida, the Department of Transportation may fund spaceport discretionary capacity improvement projects, as defined in s. 331.303, at up to 100 percent of the project's cost if:

(a) ~~(1)~~ Important access and on-spaceport-territory space transportation capacity improvements are provided.~~;~~

(b) ~~(2)~~ Capital improvements that strategically position the state to maximize opportunities in international trade are achieved.~~;~~

(c) ~~(3)~~ Goals of an integrated intermodal transportation system for the state are achieved.~~; and~~

(d) ~~(4)~~ Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

(2)(a) In consultation with the Department of Commerce and the Department of Environmental Protection, the Department of Transportation may fund infrastructure to support aerospace and launch support facilities projects and projects associated with critical infrastructure facilities as defined in s. 692.201

within or outside a spaceport territory if the project supports aerospace or launch support facilities within an adjacent spaceport territory boundary.

(b) The Department of Transportation, the Department of Commerce, and the Department of Environmental Protection shall coordinate in funding projects under this subsection to optimize the use of available funds.

Section 11. Section 332.003, Florida Statutes, is amended to read:

332.003 Florida Airport Development and Accountability ~~Assistance~~ Act; short title.—Sections 332.003-332.007 may be cited as the "Florida Airport Development and Accountability ~~Assistance~~ Act."

Section 12. Section 332.005, Florida Statutes, is amended to read:

332.005 Restrictions on authority of Department of Transportation.—

(1) This act specifically prohibits the Department of Transportation from regulating commercial air carriers operating within the state pursuant to federal authority and regulations; from participating in or exercising control in the management and operation of a sponsor's airport, except when officially requested by the sponsor; or from expanding the design or operational capability of the department in the area of airport and aviation consultants' contract work, other than to provide

technical assistance as requested.

(2)(a) Notwithstanding subsection (1), upon the declaration of a state of emergency issued by the Governor in preparation for or in response to a natural disaster, an airport must provide the Department of Transportation, at no cost, with the opportunity to use any property not subject to existing lease agreements with a third party that is not within the air navigation facility as defined in s. 332.01(4) for the staging of equipment and personnel to support emergency preparedness and response operations.

(b) After 60 days of use under paragraph (a), any further use of airport property by the Department of Transportation must be conducted pursuant to a written agreement between the airport and the department.

Section 13. Subsection (7) of section 332.006, Florida Statutes, is amended to read:

332.006 Duties and responsibilities of the Department of Transportation.—The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(7) Develop, promote, and distribute supporting information and educational services, including, but not limited to, educational services with a focus on retention and growth of the aviation industry workforce.

Section 14. Paragraph (a) of subsection (7), subsection (8), and paragraph (b) of subsection (9) of section 332.007,

Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(2)

(c) Each commercial service airport as defined in 332.0075 shall establish and maintain an airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities in safe and serviceable condition. For purposes of this paragraph, airport infrastructure means the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods. Beginning November 1, 2025, and annually thereafter, each commercial service airport shall provide a certification to the department, in a manner prescribed by the department, that it has established and maintains a comprehensive program. All documents and records related to the program shall be open to inspection by the department and must be maintained by the airport for no less than five years. The comprehensive program must, at a minimum, include:

1. Identification of airport infrastructure subject to inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use and criticality of the infrastructure to undisrupted commercial or cargo operations.

2. A preventative maintenance program for routine maintenance of airport infrastructure for both commercial and cargo operations.

3. A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for completion of the work.

4. A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report should include any changes in timeline for completion, change in cost estimates, and reasons an inspection, preventative maintenance, or repair or rehabilitation did not take place.

(7) Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The annual legislative budget request shall be based on the funding required for discretionary capacity improvement projects in the aviation and airport work program.

(a) The department shall provide priority funding in support of:

1. Terminal and parking expansion projects that increase capacity at airports that provide commercial service in counties

with a population of 500,000 or less.

2.~~1.~~ Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.

3.~~2.~~ Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.

4.~~3.~~ Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.

5.~~4.~~ International terminal projects that increase international gate capacity.

6. Projects that improve the safe and efficient operation of this state's airports.

7. Emerging technology, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

(8) The department may also fund eligible projects performed by not-for-profit organizations and postsecondary education institutions, as defined in s. 1008.47(1), which support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel ~~that represent a majority of public airports in this state~~. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state,

or other planning efforts to improve the viability and safety of airports in this state. The department may also fund programs that support the transition of honorably discharged military personnel to the aviation industry. The department may match funds provided by the Department of Commerce for such programs.

(9) The department may fund strategic airport investment projects at up to 100 percent of the project's cost if:

(b) Capital improvements that strategically position the state to maximize opportunities in tourism, international trade, logistics, and the aviation industry are provided;

Section 15. Subsections (1), (2), and (5) of section 332.0075, Florida Statutes, are amended to read:

332.0075 Commercial service airports; transparency and accountability; penalty.—

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

(a) "Commercial service airport" means an airport providing commercial services, including large, medium, small, and nonhub airports as classified ~~a primary airport as defined in 49 U.S.C. s. 47102 which is classified as a large, medium, or small hub airport~~ by the Federal Aviation Administration.

(b) "Consent agenda" means an agenda which consists of items voted on collectively or as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.

(c) "Department" means the Department of Transportation.

(d) "Governing body" means the governing body of the county, municipality, or special district that operates a commercial service airport. The term includes an appointed board or oversight entity serving as the governing body on behalf of the county, municipality, or special district.

(2) Each governing body shall establish and maintain a website to post information relating to the operation of a commercial service airport, and such information must remain on the website for at least 5 years or for as long as the information is actively in use by the entity. Information that must be posted on the governing body's website includes ~~including~~:

(a) All published notices of meetings and published meeting agendas of the governing body.

(b) The official minutes of each meeting of the governing body, which must ~~shall~~ be posted within 7 business days after the date of the meeting in which the minutes were approved.

(c) The approved budget for the commercial service airport for the current fiscal year, which shall be posted within 7 business days after the date of adoption. Budgets must remain on the website for 5 ~~2~~ years after the conclusion of the fiscal year for which they were adopted.

(d) Copies of ~~A link to~~ the current Airport Master Plan and the immediately preceding Airport Master Plan for the commercial service airport and a link to the current Airport

Master Plan on the commercial service airport's website.

(e) A link to all financial and statistical reports for the commercial service airport on the Federal Aviation Administration's website.

(f) Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE, which must ~~shall~~ be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment. However, a contract or contract amendment may not reveal information made confidential or exempt by law. Each commercial service airport must redact confidential or exempt information from each contract or contract amendment before posting a copy on its website.

(g) Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information must ~~shall~~ be updated quarterly ~~annually~~.

(5)(a) Each November 1, the governing body of each commercial service airport shall submit the following information to the department:

1. Its approved budget for the current fiscal year.

2. Any financial reports submitted to the Federal Aviation

765 Administration during the previous calendar year.
766 3. A link to its website.
767 4. A statement, verified as provided in s. 92.525, that it
768 has complied with part III of chapter 112, chapter 287, and this
769 section.
770 5. The most recent copy of its strategic plan or plans.
771 6. Contracts related to financial awards received through
772 federally funded grant programs for the preceding year.
773 (b) The department shall review the information submitted
774 by the governing body of the commercial service airport and
775 posted on the airport's website to determine the accuracy of
776 such information. Each January 15, the department shall submit
777 to the Governor, the President of the Senate, and the Speaker of
778 the House of Representatives a report summarizing commercial
779 service airport compliance with this section.
780 (c) In addition to the requirements of this section, a
781 commercial service airport must:
782 1. Notify the department within 48 hours after receiving a
783 communication or directive from a federal agency with respect to
784 accommodating public health testing or the transfer of
785 unauthorized aliens into this state.
786 2. Notify the department as soon as reasonably possible,
787 but no later than 48 hours after discovery, of incidents
788 including, but not limited to, those related to the safety of
789 the public when traveling, potential breaches or security risks

associated with cybersecurity, or other issues of statewide concern as defined by the department.

Section 16. Section 332.15, Florida Statutes, is created to read:

332.15 Advanced air mobility.—The Department of Transportation shall:

(1) Address the need for vertiports, advanced air mobility, and other advances in aviation technology in the statewide aviation system plan as required under s. 332.006(1) and, as appropriate, in the department's work program.

(2) Designate a subject matter expert on advanced air mobility within the department to serve as a resource for local jurisdictions navigating advances in aviation technology.

(3) Conduct a review of airport hazard zone regulations.

(4) Work with the Department of Commerce to provide coordination and assistance for the development of a viable advanced air mobility system in this state and incorporate those plans in the statewide aviation system plan as required under s. 332.006(1) in order to develop and identify the statewide corridors of need and opportunities for growth of the industry.

Section 17. Subsection (5) of section 334.044, Florida Statutes, is amended, and subsections (37), (38), and (39) are added to that section, to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of environmental management, scenic highways, traffic and train safety awareness, ~~alternatives to single-occupant vehicle travel,~~ commercial motor vehicle safety, workforce development, electric vehicle use and charging stations, autonomous vehicles, and context classification ~~design~~ for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(26) To provide for the enhancement of environmental benefits, including air and water quality; to prevent roadside erosion; to conserve the natural roadside growth and scenery; and to provide for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs.

(a) On an annual basis, an amount equal to at least 1.5 percent of the total amount contracted for the average of the previous 3 completed fiscal years of construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials to enhance State Highway System rights-of-way and arterial facilities. Such funds must be allocated on a statewide basis. ~~Department districts may not expend funds for landscaping in connection with any project that~~

~~is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee.~~

(b) To the greatest extent practical, at least 50 percent of the funds allocated under paragraph (a) ~~this subsection~~ shall be allocated for large plant materials and the remaining funds for other plant materials.

(c) Except as prohibited by applicable federal law or regulation, all plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis. The department shall develop grades and standards for landscaping materials purchased through this process, which must include standards for landscaping materials native to specific regions of this state which are reflective of this state's heritage and natural landscapes. ~~To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.~~

(37) Notwithstanding s. 287.022 or s. 287.025, to enter into contracts for insurance that the department is contractually and legally obligated to provide directly from local, national, or international insurance companies.

(38) Notwithstanding s. 287.14, to purchase, lease, or acquire heavy equipment and motor vehicles for roadway operations and emergency response purposes, regardless of

whether the department has exchanged or ceased the operation of motor vehicles or heavy equipment already under the department's ownership.

(39) To adopt rules to comply with the requirements of 49 C.F.R. part 26 and applicable federal law for the notification and participation of certified businesses.

Section 18. Paragraph (f) of subsection (1) of section 334.045, Florida Statutes, is amended to read:

334.045 Transportation performance and productivity standards; development; measurement; application.—

(1) The Florida Transportation Commission shall develop and adopt measures for evaluating the performance and productivity of the department. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the department's control. The measures must, at a minimum, assess performance in the following areas:

(f) Small ~~Disadvantaged business enterprise and minority~~ business programs as established in s. 337.027.

Section 19. Section 334.067, Florida Statutes, is created to read:

334.067 Statewide mapping program using light detection and ranging (LiDAR) technology.— Subject to specific appropriation and notwithstanding s. 20.255(9), the department shall conduct a statewide mapping pilot program to house

geospatial data managed by state agencies. The program shall utilize light detection and ranging (LiDAR) or similar geospatial data technology in order to support critical features for programs across the department and other state and local agencies. The department shall administer the program and utilize qualified firms to collect and process statewide mapping data at a minimum density of 25 points per meter, including creation of digital elevation models, elevation-derived hydrography data, and provide for a cloud-based portal for data management and distribution. The statewide mapping data shall be collected on a recurring basis with one-third of state lands collected annually. Any state agency utilizing LiDAR or similar geospatial data shall participate in the pilot program. The department is authorized to enter into cooperative agreements with state agencies, institutions, counties, municipalities, and their respective agencies and institutions for compensation on a pro-rata basis for the associated use, storage, and facilitation of the program.

Section 20. Subsection (3) is added to section 334.27, Florida Statutes, to read:

334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.—

(3) A parking authority established under the laws of this state or any of its counties, municipalities, or political

subdivisions may conduct business; operate, manage, and control facilities; and provide services to contiguous geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority. The parking authority may engage in activities outside of its chartering jurisdiction upon entering into an interlocal agreement with the governing body of the affected contiguous county, municipality, or political subdivision, as applicable.

Section 21. Section 334.62, Florida Statutes, is created to read:

334.62 Florida Transportation Academy.—

(1) The Legislature finds that the growth and sustainability of the transportation workforce industry is vital to the continued success and efficiency of this state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the Florida Transportation Academy is established.

(2) In order to support, promote, and sustain workforce development efforts of the transportation sector, the department may work with state agencies referenced in this chapter, industry organizations, and private sector businesses, as appropriate.

(3) The department may coordinate with all of the following entities:

(a) The Department of Corrections to identify and create

certification and training opportunities for nonviolent inmates and create a process to allow the Department of Corrections to notify the department when a nonviolent inmate who is seeking employment has received a scheduled release date.

(b) The Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.

(c) Veterans' organizations to encourage honorably discharged veterans to pursue opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.

(d) The Department of Commerce, CareerSource Florida, and regional business communities, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.

(e) The American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess the future needs of the transportation industry and this state.

Section 22. Subsection (3) of section 335.182, Florida Statutes, is amended to read:

335.182 Regulation of connections to roads on State Highway System; definitions.—

(3) As used in this act, the term:

(a) "Connection" means driveways, streets, turnouts, or

other means of providing for the right of reasonable access to or from the State Highway System.

(b) "Modification of a connection" means relocation, alteration, or closure of a connection.

(c) ~~(b)~~ "Significant change" means:

1. A change in the use of the property, including development of the land, structures, or facilities; ~~,~~ or

2. An expansion of the size of the property, structures, or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation, ~~(~~either peak hour or daily, ~~)~~ and exceeding 100 vehicles per day more than the existing use.

Section 23. Subsections (3) and (4) of section 335.187, Florida Statutes, are amended to read:

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.—

(3) The department may issue a nonconforming access permit if denying ~~after finding that to deny~~ an access permit would leave the property without a reasonable means of access to the State Highway System. The department may specify limits on the maximum vehicular use of the connection and may impose conditions ~~be conditioned~~ on the availability of future alternative means of access for which access permits can be obtained.

(4) After written notice and the opportunity for a

hearing, as provided for in s. 120.60, the department may modify or revoke an access permit issued after July 1, 1988, by requiring modification ~~relocation, alteration, or closure~~ of an existing connection if:

(a) A significant change occurs in the use, design, or traffic flow of the connection; or

(b) The connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the highway.

Section 24. Subsection (3) of section 337.027, Florida Statutes, is renumbered as subsection (4), a new subsection (3) is created, and subsection (2) of section 337.027, Florida Statutes, is amended to read:

337.027 Authority to implement a business development program.—

(2) For purposes of this section, the term "small business" means a business with yearly average gross receipts of less than $25 ~~$15~~ million for road and bridge contracts and less than $10 ~~$6.5~~ million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate as defined in s. 337.165.

(3) The program must provide for notification of opportunities to qualified businesses.

(4)~~(3)~~ The department may adopt rules to implement this section.

Section 25. Subsection (6) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)(a) If the secretary determines that an emergency in regard to the restoration or repair of any state transportation facility exists such that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, the provisions for competitive bidding do not apply; and the department may enter into contracts for restoration or repair without giving opportunity for competitive bidding on such contracts. Within 30 days after such determination and contract execution, the head of the department shall file with the Executive Office of the Governor a written statement of the conditions and circumstances constituting such emergency.

(b) If the secretary determines that delays on a contract for maintenance exist due to administrative challenges, bid protests, defaults or terminations and the further delay would reduce safety on the transportation facility or seriously hinder the department's ability to preserve the state's investment in

that facility, competitive bidding provisions may be waived and the department may enter into a contract for maintenance on the facility. However, contracts for maintenance executed under the provisions of this paragraph shall be interim in nature and shall be limited in duration to a period of time not to exceed the length of the delay necessary to complete the competitive bidding process and have the contract in place.

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of $500,000, enter into contracts for construction and maintenance without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to small ~~disadvantaged~~ business ~~enterprise~~ participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 26. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. However, the department may choose, in its discretion and applicable only to multiyear maintenance contracts, to allow for incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price. The department may also choose, in its discretion and applicable only to phased design-build contracts under s. 337.11(7)(b), to allow the issuance of multiple contract performance and payment bonds in succession to align with each phase of the contract to meet the bonding requirement in this subsection. Notwithstanding any bonding requirement under this section, the department may require, at

the discretion of the secretary, that the amount of the surety bond or bonds be less than the contract price.

1. The department may waive the requirement for all or a portion of a surety bond if:

a. The contract price is $250,000 or less and the department determines that the project is of a noncritical nature and that nonperformance will not endanger public health, safety, or property;

b. The prime contractor is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2); or

c. The prime contractor is using a subcontractor that is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2). However, the department may not waive more than the amount of the subcontract.

2. If the department determines that it is in the best interests of the department to reduce the bonding requirement for a project and that to do so will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price for a project having a contract price of $250 million or more and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount that is

not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guarantees, and cash collateral. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 27. Subsection (3) of section 337.251, Florida

Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(3) A proposal must be selected by the department based on competitive bidding, except that the department may consider other relevant factors specified in the request for proposals. The department may consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the department by the lessee in lieu of direct revenue to the department if such other factors are of equal value including innovative proposals to involve small ~~minority~~ businesses. The department may name a board of advisers which may be composed of accountants, real estate appraisers, design engineers, or other experts experienced in the type of development proposed. The board of advisers shall review the feasibility of the proposals, recommend acceptance or rejection of each proposal, and rank each feasible proposal in the order of technical feasibility and benefit provided to the department. The board of advisers shall be reasonably compensated for the services provided and all department costs for evaluating the proposals shall be reimbursed from a proposal application fee to be set by the department and paid by the applicants. The board of advisers shall not be subject to selection under the provisions of chapter 287.

Section 28. Subsection (2) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(2)(a) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. A utility may not be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit must require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce ~~provisions of~~ this subsection or any rule or order issued or entered into pursuant to this subsection ~~thereto~~. A permit application required under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (7)(d)7., 8., and 9.

(b) Notwithstanding paragraph (a), a county or

municipality may not adopt a rule or regulation that prohibits or requires a permit for the installation of a public sewer transmission line that is placed and maintained within and under publicly dedicated rights-of-way as part of a septic-to-sewer conversion project in which the department and the Department of Environmental Protection or its designee have issued permits under this chapter or chapter 403, respectively.

Section 29. Subsection (4) of section 337.406, Florida Statutes, is amended to read:

337.406 Unlawful use of state transportation facility right-of-way; penalties.—

(4) Camping is prohibited on any portion of the right-of-way of the State Highway System. This subsection does not apply to persons who are actively navigating the federally designated Florida National Scenic Trail as recognized in s. 260.012(6) and have acquired the associated permits ~~that is within 100 feet of a bridge, causeway, overpass, or ramp~~.

Section 30. Subsection (4) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(4) The Department of Transportation and the Department of Management Services shall create and implement an outreach program designed to enhance the participation of small ~~minority persons and minority~~ business enterprises in all contracts entered into on or after July 1, 2025, by their respective

departments for services related to the financing of department projects for the Strategic Intermodal System Plan developed pursuant to s. 339.64. These services shall include, but are not limited to, bond counsel and bond underwriters.

Section 31. Paragraph (b) of subsection (3) and paragraph (c) of subsection (4) of section 339.2821, Florida Statutes, are amended to read:

339.2821 Economic development transportation projects.—

(3)

(b) The department must ensure that it supports small businesses as defined in s. 337.027(2) ~~small and minority businesses have equal access to participate in transportation projects funded pursuant to this section~~.

(4) A contract between the department and a governmental body for a transportation project must:

(c) Require that the governmental body provide the department with progress reports. Each progress report must contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule.~~;~~

2. A description of each change order executed by the governmental body.~~;~~

3. A budget summary detailing planned expenditures compared to actual expenditures.~~; and~~

4. The identity of each small ~~or minority~~ business used as a contractor or subcontractor.

Section 32. Subsections (3) and (7) of section 339.651, Florida Statutes, are amended to read:

339.651 Strategic Intermodal System supply chain demands.—

(3) The department may ~~shall~~ make up to $20 million available each year ~~for fiscal years 2023-2024 through 2027-2028,~~ from the existing work program ~~revenues,~~ to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate and transportation infrastructure-related materials. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

~~(7) This section shall stand repealed on July 1, 2028.~~

Section 33. Paragraph (b) of subsection (6) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—

(b) If funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, the department must reallocate such funds for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund for the next fiscal year ~~The remaining unallocated~~

~~New Starts Transit Program funds as of June 30, 2024, shall be reallocated for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund. This paragraph expires June 30, 2026~~.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 34. Subsection (5) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(5) The authority shall encourage the inclusion of local and small~~-, small-, minority-, and women-owned~~ businesses in its procurement and contracting opportunities.

Section 35. Subsection (2) of section 349.03, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

349.03 Jacksonville Transportation Authority.—

(2) The governing body of the authority shall be composed ~~consist~~ of seven members. Four ~~Three~~ members shall be appointed by the Governor and confirmed by the Senate. Of the four members appointed by the Governor, one member must be a resident of the City of Jacksonville and the remaining three members must be residents of Clay County, St. Johns County, or Nassau County. Three members shall be appointed by the mayor of the City of

Jacksonville subject to confirmation by the council of the City of Jacksonville. All ~~The seventh member shall be the district secretary of the Department of Transportation serving in the district that contains the City of Jacksonville. Except for the seventh member,~~ members appointed by the mayor of the City of Jacksonville must ~~shall~~ be residents and qualified electors of Duval County.

(4) The authority shall:

(a) Follow the department's small business program as described in s. 337.027.

(b) Establish protocols and systems in accordance with the requirements established in s. 112.061(16) and s. 215.985(6) and (14) and post all related information on its publicly available website.

Section 36. Amending subsection (5) of section 479.106, Florida Statutes, to read:

479.106 Vegetation management.—

(5) The department may only grant a permit pursuant to s. 479.07 for a new sign that requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way for the sign face to be visible from the highway to which the sign will be permitted if ~~when~~ the sign owner is in compliance with all applicable vegetation management plans or mitigation contribution plans required by the department under subsection (3) and has agreed, as a condition of the permit, to comply with

a vegetation management plan or contribute to a plan of mitigation approved by department ~~has removed at least two nonconforming signs of approximate comparable size and surrendered the permits for the nonconforming signs to the department for cancellation. For signs originally permitted after July 1, 1996, the first application, or application for a change of view zone, for the removal, cutting, or trimming of trees or vegetation along the highway to which the sign is permitted shall require the removal of two nonconforming signs, in addition to mitigation or contribution to a plan of mitigation~~. The department may not grant a permit for the removal, cutting, or trimming of trees for a sign permitted after July 1, 1996, if the trees are or the vegetation is part of a beautification project implemented before the date of the original sign permit application and if the beautification project is specifically identified in the department's construction plans, permitted landscape projects, or agreements.

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

Remove lines 31-80 and insert:

specified reports; amending s. 311.10, F.S.; providing conditions for specified seaports to receive certain project grants and state funds; requiring express

approval from certain entities to use certain land, facilities, or infrastructure for an alternative purpose; amending s. 316.003, F.S.; revising the definition of the term "special mobile equipment"; amending s. 316.0745, F.S.; specifying that state funds deposited into the State Transportation Trust Fund may be withheld under certain circumstances; amending s. 316.550, F.S.; authorizing the department to issue a specified permit to a mobile crane for certain purposes; amending s. 330.27, F.S.; revising and providing definitions; amending s. 330.30, F.S.; requiring a private airport of public interest to obtain a specified certificate; providing procedures for the issuance of, conditions for the renewal of, and the expiration periods of such certificates; grandfathering in certain airports, but requiring such airports to obtain a certificate by a specified date; amending s. 331.371, F.S.; authorizing the department, in consultation with other entities, to fund certain projects and to optimize the use of available funds for such projects; amending s. 332.003, F.S.; revising a short title; amending s. 332.005, F.S.; requiring an airport to provide support to the department, at no cost, during a declared state of emergency for a certain time period; requiring a certain written

agreement if the department continues to use airport property beyond such time period; amending s. 332.006, F.S.; revising duties of the department; amending s. 332.007, F.S.; requiring commercial service airports to establish and maintain a comprehensive airport infrastructure program for a specified purpose; defining the term "airport infrastructure"; requiring each commercial service airport to provide an annual specified certification to the department beginning on a specified date; requiring certain documents and records be available for inspection and maintained for a specified timeframe; providing program requirements; requiring the department to provide priority funding for certain projects and technology; authorizing the department to fund certain projects at postsecondary education institutions; authorizing the department to fund, and match funds provided by the Department of Commerce for, programs that help transition certain military personnel to the aviation industry; authorizing the Department of Transportation to fund strategic airport investment projects to maximize tourism opportunities; amending s. 332.0075, F.S.; revising definitions; requiring certain information to remain on a governing body's website for 5 years; requiring certain information to be updated quarterly

rather than annually; revising the information that certain governing bodies must submit to the department; providing requirements for commercial service airports; creating s. 332.15, F.S.; providing requirements for the department relating to advanced air mobility; amending s. 334.044, F.S.; revising and providing powers and duties of the department; amending s. 334.045, F.S.; conforming a provision to changes made by the act; creating s. 334.067, F.S.; requiring the department to create a statewide mapping pilot program for a certain purpose, subject to appropriation; providing requirements for the pilot program and the department; requiring a specified amount of statewide mapping data to be collected annually; requiring certain state agencies to participate in the pilot program; authorizing the department to enter into cooperative agreements with certain entities for a certain purpose; amending s. 334.27, F.S.; providing that certain parking authorities may conduct business, take certain actions, and provide services to certain counties, municipalities, and political subdivisions; creating s. 334.62, F.S.; providing legislative findings; creating the Florida Transportation Academy for a specified purpose; authorizing the department to work

with certain entities to support, promote, and sustain certain workforce development efforts; authorizing the department to coordinate with specified entities for certain purposes; amending s. 335.182, F.S.; revising the definition of the term "significant change"; defining the term "modification of a connection"; amending s. 335.187, F.S.; revising the conditions under which the department may modify or revoke a permit; amending s. 337.027, F.S.; revising the definition of the term "small business"; amending s. 337.11, F.S.; conforming provisions to changes made by the act; amending s. 337.18, F.S.; authorizing the department to require the amount of certain bonds to be less than a certain price; amending s. 337.251, F.S.; conforming provisions to changes made by the act; amending s. 337.401, F.S.; prohibiting counties and municipalities from adopting certain rules and regulations relating to permits for the installation of a public sewer transmission line under certain circumstances; amending s. 337.406, F.S.; providing an exception to the prohibition of camping on any portion of the right-of-way of the State Highway System; amending s. 338.227, F.S.; conforming a provision to changes made by the act; providing applicability; amending s. 339.2821, F.S.; conforming provisions to

changes made by the act; amending s. 339.651, F.S.; authorizing, rather than requiring, the department to make certain funds available each year for certain projects; removing a scheduled repeal; amending s. 341.051, F.S.; requiring the department to reallocate certain funds under certain circumstances; amending s. 348.754, F.S.; conforming a provision to changes made by the act; amending s. 349.03, F.S.; providing appointment procedures for the governing body of the Jacksonville Transportation Authority; providing requirements for the authority; amending s. 479.106, F.S.; modifying permit requirements for a new sign that requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way;

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 1523	**COMPANION BILL:** SB 1704 (Calatayud)
TITLE: Utility Services	**LINKED BILLS:** None
SPONSOR(S): Busatta	**RELATED BILLS:** None

Committee References

Economic Infrastructure	➤	Intergovernmental Affairs	➤	Commerce
14 Y, 4 N, As CS		12 Y, 0 N		

SUMMARY

Effect of the Bill:

The bill modifies the following provisions related to utility services:

- Requires certain public meetings and reporting for municipal utilities offering service to customers outside of the municipal boundaries.
- Limits the portion of municipal utility revenues earned from providing service to areas outside of municipal boundaries that may be used to fund non-utility related government functions.
- Limits the rates, fees, and charges that a municipal water or sewer utility may impose on customers outside its boundaries to no more than 25 percent above the amount the municipal utility charges customers within its own boundaries.
- Prohibits any surcharge if the municipality owns/operates a water or sewer treatment facility located within the boundaries of a separate municipality and serves customers within the separate municipality.
- Adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities that are expressly preempted from prohibiting certain types or fuel sources of energy production or the use of appliances that use these specified types or fuel sources of energy production.

Fiscal or Economic Impact:

The bill may have an indeterminate negative impact on certain local government revenues. *See below*.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill establishes terms related to the provision of municipal utility services to customers outside the municipal boundaries and adds certain entities to a list of local government entities preempted from prohibiting or restricting the use of specified types or fuel sources of energy production.

Local Government Utility Services

Extension of Service

Under the bill, a municipality that intends to offer retail electric, natural gas, water, or sewer utility service in another municipality or unincorporated area outside of the municipality's boundaries must hold a public meeting in conjunction with the governing body of each municipality or unincorporated area to be served before a new agreement to provide such service, or a renewal, extension, or material amendment of an existing agreement, may take effect. The public meeting must be held within each municipality and unincorporated area to be served for the purpose of providing information and soliciting public input on:

- The nature of the service to be provided or changes to the service being provided;

- The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same service on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;
- The extent to which revenues generated from the provision of the service will be used to fund or finance non-utility government functions or services; and
- Any other matters deemed relevant by the parties to the agreement. (Section 1).

Further, the bill requires that a new agreement to provide these utility services beyond a municipality's boundaries, or an extension, renewal, or material amendment to an existing agreement, must be in writing. Under the bill, any agreement to provide water or sewer utility service must comply with the other provisions of the bill limiting rates charged to customers outside city limits when providing such services. (Section 1).

The bill requires that an appointed representative[1] of each municipality providing utility service in another municipality or unincorporated area outside of the municipality's boundaries must conduct an annual customer meeting in conjunction with the governing body of each municipality and unincorporated area in which it provides service. The purpose of this meeting is to receive public input on utility-related matters, including rates and service. The bill provides that this meeting does not need to be a separate public meeting conducted specifically for this purpose. (Section 1).

Use of Revenues

Under the bill, a municipality may not transfer more than 10 percent of the gross revenues it generates from electric, natural gas, water, or sewer service provided to customers outside its municipal boundaries to fund or finance non-utility governmental functions. Further, the bill requires that the revenues remaining after a transfer must be reinvested into the municipal utility or returned to customers living beyond the municipality's corporate limits. (Section 1).

Reporting

The bill requires that by November 1, 2025, and annually thereafter, each municipality which provides utility service outside its municipal boundaries report to the Public Service Commission (PSC), for each type of utility service it provides outside of municipal boundaries, the following information:

- The number and percentage of customers that receive utility service provided by the municipality at a location outside the boundaries of the municipality;
- The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and
- Whether the rates, fees, and charges imposed on customers that receive service at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential. (Section 1).

The bill requires the PSC to compile this information and report it to the Speaker of the House of Representatives, the Senate President, and the Governor by January 31, 2026, and annually thereafter. The bill provides that it does not modify or extend the authority of the PSC otherwise provided by law with respect to any municipal utility that must report this information. (Section 1).

Water and Sewer Rates and Charges

The bill removes the provision from current law allowing a municipal water or sewer utility to add, for customers outside the municipal boundaries, a surcharge of up to 25 percent of the rates, fees, and charges imposed on customers within its boundaries without a public meeting. Furthermore, the bill changes the limit on the rates,

[1] The appointed representative must be an executive-level leadership employee of the municipality, or the municipality's utility authority, board, or commission, specifically appointed by the governing body of the municipality to serve as its representative for the purpose of the meeting.

fees, and charges such utilities can impose on customers outside of municipal boundaries to no more than 25 percent above the total amount the municipal water or sewer utility charges customers within the municipal boundaries, provided rates for outside customers are set in a public hearing using the same methods as rates for other customers. (Section 2).

The bill limits the rates, fees, and charges that a municipal water or sewer utility that provides service to customers within the boundaries of a separate municipality, using a water treatment plant or sewer treatment plant located within the boundaries of that separate municipality, by requiring that such charges are no more than the rates, fees, and charges imposed on customers inside its own municipal boundaries. (Section 2).

Preemption Over Utility Service Restrictions

The bill adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities expressly preempted from enacting or enforcing a resolution, ordinance, rule, code, or policy, or taking any other action that restricts or prohibits, or has the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that these entities are authorized to serve:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators. (Section 3).

The bill also adds ""board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities that may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production described above. (Section 3).

The bill adds that any "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" action that violates the above preemptions over utility service restrictions and existed prior to July 1, 2021, is void. (Section 3).

The bill provides an effective date of July 1, 2026. (Section 4).

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill will likely have a negative impact on revenues for some local governments that own and operate water or sewer utilities, as it reduces the maximum amount that municipal water and sewer utilities can charge customers outside the municipal boundaries.

PRIVATE SECTOR:

The bill may result in cost savings to municipal water and sewer utility customers located outside of municipal boundaries. A municipal water or sewer utility may increase rates for other customers to mitigate revenue impacts.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Local Government Authority

Pursuant to s. 2(b), Art. VIII of the State Constitution, municipalities have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services. Municipalities may exercise any power for municipal purposes, except when expressly prohibited by law.[2] The legislative body of each municipality has the power to enact legislation on any subject upon which the state Legislature may act with certain exceptions.[3] Under their home rule power and as otherwise provided or limited by law or agreement, municipalities may provide utilities to citizens and entities within the municipality's corporate boundaries, in unincorporated areas, and even in other municipalities.

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.[4] Special districts are created by general law,[5] special act,[6] local ordinance,[7] or by rule of the Governor and Cabinet.[8] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[9] As of March 8, 2025, there are 603 active dependent[10] special districts and 1,442 active independent special districts in Florida.[11]

Local Government Utility Services

Many municipalities own and operate electric utilities and natural gas utilities and govern the operation of those utilities through ordinance, code, or policies. Currently, there are 35 municipal electric utilities in the state and 27 municipally owned natural gas utilities.[12] Municipal electric and natural gas utility rates are not directly regulated by the Florida Public Service Commission (PSC), however, the PSC does have jurisdiction over municipal electric utilities for matters related to rate structure, power plant transmission line site certification, general reporting jurisdiction, service territory and territory disputes, energy efficiency reporting, ten-year site plans, reporting on system hardening and resiliency, reporting on net metering, audits related to regulatory assessment fees, monitoring renewable energy, reporting on facilities inspection and vegetation management, and ensuring a

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[2] Section 166.021(2), F.S., provides that any activity or power which may be exercised by the state or its political subdivisions is considered a municipal purpose.
[3] Pursuant to s. 166.021(3), F.S., a municipality may not enact legislation on the following: the subjects of annexation, merger, and exercise of extraterritorial power, which require general law or special law; any subject expressly prohibited by the constitution; any subject expressly preempted to state or county government by the constitution or by general law; and any subject preempted to a county pursuant to a county charter adopted under the authority of the State constitution.
[4] *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).
[5] S. 189.031(3), F.S.
[6] *Id.*
[7] S. 189.02(1), F.S.
[8] S. 190.005(1), F.S. *See*, generally, s. 189.012(6), F.S.
[9] *Local Gov't Formation Manual,* p. 60, https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf (last visited Mar. 8, 2025).
[10] Dependent special districts are under some control by a single county or municipality. S. 189.012(2), F.S. An independent special district is any district that is not a dependent special district. S. 189.012(3), F.S. A special district that includes more than one county is independent unless it lies wholly within the boundaries of a single municipality.
[11] Florida Department of Economic Opportunity, Official List of Special Districts Online, *State Totals*, available at https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts (last visited Mar. 8, 2023).
[12] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry* (2024), p, 1, 12, available at https://www.psc.state.fl.us/reports (last visited Mar. 8, 2025).

reliable, coordinated power grid.[13] Many of these utilities provide service to customers located outside of the municipality's boundaries.

Municipalities are authorized by general law to provide water and sewer utility services.[14] With respect to public works projects, including water and sewer utility services,[15] municipalities may extend and execute their corporate powers outside of their corporate limits as "desirable or necessary for the promotion of the public health, safety and welfare."[16] A municipality may not extend or apply these corporate powers within the corporate limits of another municipality.[17] In general, however, local governments may enter into mutually advantageous agreements to provide services or facilities to other localities.[18] Further, the law specifically authorizes a municipality to permit any other municipality and the owners of lands outside its corporate limits or within the limits of another municipality to connect with its water and sewer utility facilities and use its services upon agreed terms and conditions.[19] Municipal water and sewer utility systems are exempt from PSC jurisdiction.

A municipality that operates a water or sewer utility outside of its municipal boundaries may impose higher rates, fees, and charges on customers receiving service outside of its corporate boundaries as compared to the rates, fees, and charges imposed on customers within its boundaries. The municipality can accomplish this in two ways:

- First, for customers outside of its boundaries, it may add a surcharge of up to 25 percent of the rates, fees, and charges imposed on customers within its boundaries. This mechanism does not require a public hearing.[20]
- Second, it may set separate rates, fees, and charges for customers outside its boundaries based on the same factors used to set rates for customers within its boundaries. It may add a surcharge of up to 25 percent of these charges, provided that the total of all such rates, fees, and charges for service to customers outside its boundaries may not exceed the total charges to customers within its boundaries by more than 50 percent for corresponding service. Rates set in this manner require a public hearing at which all users served or to be served by the water or sewer utilities and all other interested persons will have an opportunity to be heard concerning the proposed rates.[21]

There is no central repository for information concerning municipal water or sewer service rates that identifies municipalities that impose higher rates on customers outside of the municipal boundaries, the specific mechanism used by such municipalities to establish such rates, or the level of any additional charge or surcharge imposed.

Municipal Funding

Current law authorizes municipalities to raise amounts of money which are necessary for the conduct of the municipal government. A municipality may do so by taxation and licenses authorized by Florida's constitution or general law, or by user charges or fees authorized by ordinance.[22] Municipalities routinely transfer a portion of their utility earnings to their general funds for non-utility purposes, though the amounts and percentages may vary

[13] Presentation on *Florida Public Power*, Florida Municipal Electric Association (Feb. 9, 2023), slide 3, available at https://www.flhouse.gov/Sections/Documents/publications.aspx?CommitteeId=3226&PublicationType=Committees&DocumentType=All&SessionId=99 (last visited Mar. 8, 2025).
[14] Pursuant to s. 180.06, F.S., a municipality may "provide water and alternative water supplies;" "provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes;" and "construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works" to accomplish these purposes.
[15] Other public works projects authorized under s. 180.06, F.S., include alternative water supplies, maintenance of water flow and bodies of water for sanitary purposes, garbage collection and disposal, airports, hospitals, jails, golf courses, gas plants and distribution systems, and related facilities.
[16] S. 180.02(2), F.S.
[17] *Id.*
[18] *See* s. 163.01, F.S.
[19] S. 180.19, F.S.
[20] S. 180.191(1)(a), F.S.
[21] S. 180.191(1)(b), F.S.
[22] S. 166.201, F.S.

widely among municipalities.[23] These transfers may be limited in some circumstances by ordinance, but they are not governed by state law.

State Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature "has preempted a particular subject area" or (2) the local enactment conflicts with a state statute. State preemption precludes a local government from exercising authority in that particular area.[24]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[25] Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.[26] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[27] In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.[28]

Preemption Over Utility Service Restrictions

Section 366.032, F.S., expressly preempts the area of restricting utility services. It prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy, or taking any other action that restricts or prohibits, or has the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that these entities are authorized to serve:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators.[29]

An electric utility is an entity which owns, maintains, or operates an electric generation, transmission or distribution system. An electric utility can be investor-owned, municipally-owned, or a rural electric cooperative.[30] There are four investor-owned electric utilities in Florida: Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company, and Florida Public Utilities Corporation.[31]

Additionally, there are thirty-five municipal electric utilities and eighteen rural electric cooperatives.[32] Further, the Florida Municipal Power Agency was created through a series of interlocal agreements under s. 163.01, F.S., to

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[23] Presentation on *Florida Public Power*, Florida Municipal Electric Association *supra* n. 13, slide 6.
[24] Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited Mar. 8, 2025).
[25] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).
[26] *Mulligan*, 934 So. 2d at 1243.
[27] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).
[28] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So.2d 504 (Fla. 3d DCA 2002).
[29] S. 366.032, F.S.
[30] S. 366.02, F.S.
[31] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry* (2024), p, 4, available at https://www.psc.state.fl.us/reports (last visited Mar. 8, 2025).
[32] *Id.* at 1.

provide wholesale power supply to municipal electric utilities.[33] Fuels that Florida electric utilities use to generate electric power include, but are not limited to: natural gas, nuclear, coal, and renewables like solar and biomass.[34]

A natural gas utility is a utility that supplies natural or manufactured gas, or liquefied gas with air admixture, or a similar gaseous substance by pipeline, to or for the public. A natural gas utility can be an investor-owned utility, special district, or municipal gas utility.[35] Currently, there are five investor-owned natural gas utilities, twenty-seven municipally owned natural gas utilities, and four gas special districts.[36]

Liquified petroleum gas is any material which is composed predominately of any of the following hydrocarbons, or mixtures: propane, propylene, butanes, and butylenes.[37] A category I liquid petroleum gas dealer is someone who sells or offers to sell by delivery, or at a stationary location, any liquified petroleum gas to a customer for industrial, commercial, or domestic use.[38] A category II liquefied petroleum gas dispenser is a person who operates a liquefied petroleum gas dispensing unit for the purpose of serving liquid products to the customer for industrial, commercial, or domestic use, and who sells, or offers to sell or lease equipment for the use of liquified petroleum gas.[39] A category III liquified petroleum gas cylinder exchange operator is a person who operates a storage facility used for the purpose of storing filled propane cylinders of certain capacities while awaiting sale to the customer, or a facility used for the storage of empty or filled containers which have been offered for exchange.[40]

Additionally, s. 366.032, F.S., prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy to take any action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed above. Current law provides an exception for circumstances in which the political subdivision must enforce the Florida Building Code or the Florida Fire Prevention Code.

Section 366.032(5), F.S., provides than any municipality, county, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that violates the above preemptions over utility service restrictions and existed prior to July 1, 2021, is void.

Additional Relevant Information

Art. VII, s. 18(b), of the Florida Constitution states that the legislature may not enact any law that would reduce the authority municipalities or counties have to raise revenues in the aggregate, except upon approval of two-thirds of the membership of each house of the legislature.

[33] Currently, FMPA serves the following municipalities: Alachua, Bartow, Blountstown, Bushnell, Chattahoochee, Clewiston, Fort Meade, Fort Pierce, Gainesville, Green Cove Springs, Havana, Homestead, Jacksonville Beach, Key West, Kissimmee, Lake Worth Beach, Lakeland, Leesburg, Moore Haven, Mount Dora, New Smyrna Beach, Newberry, Ocala, Orlando, Quincy, St. Cloud, Starke, Tallahassee, Wauchula, Williston, and Winter Park. Florida Municipal Power Agency, *Members*, https://fmpa.com/members/ (last visited Mar. 8, 2025).
[34] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 31, p. 2.
[35] S. 366.04(3)(c), F.S.
[36] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 31, p. 14.
[37] S. 527.01(1), F.S.
[38] This category also includes "any person leasing or offering to lease, or exchanging or offering to exchange, any apparatus, appliances, and equipment for the use of liquefied petroleum gas; any person installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; any person installing carburetion equipment; or any person requalifying cylinders." S. 527.01(6), F.S.
[39] S. 527.01(7), F.S.
[40] S. 527.01(8), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	14 Y, 4 N, As CS	3/12/2025	Keating	Bauldree
THE CHANGES ADOPTED BY THE COMMITTEE:	Corrected a submission deadline for a report by the Florida Public Service Commission from January 31, 2025, to January 31, 2026.			
Intergovernmental Affairs Subcommittee	12 Y, 0 N	3/19/2025	Darden	Darden
Commerce Committee			Hamon	Bauldree

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

A bill to be entitled

An act relating to utility services; amending s. 180.19, F.S.; requiring certain public meetings as a condition precedent to the effectiveness of a new or an extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; specifying the matters to be addressed at such public meetings; requiring such agreements to be written; requiring annual public customer meetings; defining the terms "appointed representative" and "governing body"; limiting the portion of certain utility revenues that a municipality may use to fund or finance general government functions; requiring excess revenues to be reinvested into the municipal utility or returned to customers; requiring municipalities that provide specified utility services to report certain information by a specified date to the Florida Public Service Commission on an annual basis; requiring the commission to compile certain information and submit a report containing such information to the Governor and the Legislature by a specified date; providing construction; amending s. 180.191, F.S.; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities

on customers located outside the municipal boundaries; amending s. 366.032, F.S.; prohibiting boards, agencies, commissions, and authorities of any county, municipal corporation, or political subdivision from restricting or prohibiting fuel sources and appliances used to provide energy to consumers; revising retroactive applicability to include such boards, agencies, commissions, and authorities; providing an effective date.

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

Section 1. Section 180.19, Florida Statutes, is amended to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(1) A municipality which constructs any works as are authorized by this chapter, may permit any other municipality and the owners or association of owners of lots or lands outside of its corporate limits or within the limits of any other municipality, to connect with or use the utilities mentioned in this chapter upon such terms and conditions as may be agreed between such municipalities, and the owners or association of owners of such outside lots or lands.

(2) Any private company or corporation organized to

accomplish the purposes set forth in this chapter, which has been granted a privilege or franchise by a municipality, may permit the owners or association of owners of lots or lands outside of the boundaries of said municipality granting said privilege or franchise, or other municipality, to connect with and use the utility operated by the said private company or corporation upon such terms as may be agreed between the said private company or corporation and the owners or association of owners of said lots or lands or the said municipality.

(3)(a) A new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, natural gas, water, or sewer utility service at retail pursuant to subsection (1) must be written and may not become effective before an appointed representative of the municipality that provides service or intends to provide the service, in conjunction with the governing body of each municipality and unincorporated area served or to be served, has participated in a public meeting, which is not required to be a separate public meeting, within each municipality and unincorporated area served or to be served for purposes of providing information and soliciting public input on:

1. The nature of the services to be provided or changes to the services being provided;

2. The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any

differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;

3. The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and

4. Any other matters deemed relevant by the parties to the agreement.

(b) Rates, fees, and charges imposed for water or sewer utility services provided pursuant to subsection (1) shall comply with s. 180.191.

(c) A representative of each municipality that provides electric, natural gas, water, or sewer utility services pursuant to subsection (1), in conjunction with the governing body of each municipality and unincorporated area in which it provides services, must annually conduct a public customer meeting, which is not required to be a separate public meeting, within each municipality and unincorporated area for purposes of soliciting public input on utility-related matters, including fees, rates, charges, and services.

(d) For purposes of this subsection, the term:

1. "Appointed representative" means an executive-level leadership employee of a municipality, or such municipality's related and separate utility authority, board, or commission,

specifically appointed by the governing body to serve as its representative for purposes of this subsection.

2. "Governing body" means a:

a. Governing body of a municipality in which services are provided or proposed to be extended.

b. Board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.

(4) A municipality that generates revenue from the provision of electric, natural gas, water, or sewer utility services to locations beyond its corporate limits may not use more than 10 percent of the gross revenues generated from such services to fund or finance general government functions. After the transfer of such revenues to fund or finance general government functions, if any revenues generated from such services remain after payment of the municipal utility's costs to provide services, these excess revenues must be reinvested into the municipal utility or returned to customers who received service at locations beyond the municipality's corporate limits.

(5)(a) By November 1, 2025, and annually thereafter, each municipality that provides electric, natural gas, water, or sewer utility services pursuant to subsection (1) must provide a report to the Florida Public Service Commission that identifies, for each type of utility service provided by the municipality:

1. The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

2. The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

3. Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

(b) The commission shall compile the information provided pursuant to paragraph (a) and submit a report containing this information to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2026, and annually thereafter.

(c) This subsection does not modify or extend the authority of the commission otherwise provided by law with respect to any municipal utility that is required to comply with paragraph (a).

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within the state operating a water or

sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner shall not require a public hearing except as may be provided for service to consumers inside the municipality.

(b)1. It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. ~~In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for said services to consumers outside the boundaries. However, the total of all~~ Such rates, fees, and charges for the services to consumers outside the boundaries may ~~shall~~ not exceed 25 ~~be more than 50~~ percent ~~in excess~~ of the total amount the municipality charges consumers served within the municipality for corresponding service. No such rates, fees, and charges shall be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested shall have an opportunity to be heard

concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice shall be required.

2. Any municipality within this state operating a water or sewer utility that provides services to consumers within the boundaries of a separate municipality through the use of a water treatment plant or sewer treatment plant located within the boundaries of that separate municipality may charge consumers in the separate municipality no more than the rates, fees, and charges imposed on consumers inside its own municipal boundaries.

Section 3. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended to read:

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the

types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter;

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;

(c) A natural gas utility as defined in s. 366.04(3)(c);

(d) A natural gas transmission company as defined in s. 368.103; or

(e) A Category I liquefied petroleum gas dealer or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or

fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(5) Any municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act that existed before or on July 1, 2021, is void.

Section 4. This act shall take effect July 1, 2026.

COMMERCE COMMITTEE

CS/HB 1523 by Rep. Busatta
Utility Services

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Busatta (line 121):

- Extends two reporting deadlines.
- Restores existing law providing that a municipality may impose a surcharge on consumers outside of its boundaries not to exceed 25 percent of the rates, fees, and charges imposed on customers inside its boundaries, but requires a public hearing.

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: Commerce Committee
Representative Busatta offered the following:

Amendment

Remove lines 121-172 and insert:

(5)(a) By November 1, 2026, and annually thereafter, each municipality that provides electric, natural gas, water, or sewer utility services pursuant to subsection (1) must provide a report to the Florida Public Service Commission that identifies, for each type of utility service provided by the municipality:

1. The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

2. The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

3. Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

(b) The commission shall compile the information provided pursuant to paragraph (a) and submit a report containing this information to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2027, and annually thereafter.

(c) This subsection does not modify or extend the authority of the commission otherwise provided by law with respect to any municipal utility that is required to comply with paragraph (a).

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within the state operating a water or sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition~~

~~thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner shall not require a public hearing except as may be provided for service to consumers inside the municipality.

(b)1. It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for said services to consumers outside the boundaries. ~~However, the total of all such rates, fees, and charges for the services to consumers outside the boundaries shall not be more than 50 percent in excess of the total amount the municipality charges consumers served within the municipality for corresponding service.~~ No such rates, fees, and charges or surcharge shall be fixed until after a public hearing at which

PCS for CS/HB 579

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 CS/HB 579	**COMPANION BILL:** SB 1080 (McClain)
TITLE: Land Use and Development	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill requires local governments to specify the minimum information required for certain zoning applications; process an application for a development permit or order within certain timeframes; and issue a refund to an applicant if the local government fails to meet certain timeframes when processing an application, unless an exception applies.

Additionally, the bill:

- Amends the definition of "agricultural enclave" under the Community Planning Act.
- Prohibits school districts from imposing any fee in lieu of an impact fee, unless an exception applies.
- Amends and creates certain definitions under the Homeowners' Association Act (HOA Act).
- Specifies that only certain provisions under the HOA Act apply to amenities and properties governed by recreational covenants.
- Requires expenses related to amenities to be included in financial reports under the HOA Act.
- Creates certain requirements, limitations, and disclosures for parcels subject to a recreational covenant.

Certain sections in the bill apply retroactively but do not reinstate any right or interest that has been fully and finally adjudicated as invalid before July 1, 2025.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Minimum Information for Certain Zoning Applications

The bill requires a local government[1] to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. Under the bill, the local government must:

- Make the minimum information available for inspection and copying at the location where the local government receives applications for development permits and orders;
- Provide the minimum information to the applicant at a pre-application meeting; or
- Post the minimum information on the local government's website. (Section 1 for counties; Section 4 for municipalities.)

Timeframes for Processing Certain Zoning Applications

[1] Local government means any county or municipality. *See* s. 163.3164(29), F.S.

Within 5 business days after receiving an application for approval of a development permit or development order, the bill requires a local government to confirm receipt of the application using contact information provided by the applicant. (Section 1 for counties; Section 4 for municipalities.)

The bill clarifies that, within 30 days of receiving an application for approval of a development permit or order, a local government must review the application for completeness and either:

- Issue a written notification to the applicant indicating that all required information is submitted; or
- Specify, with particularity and in writing, any areas that are deficient. (Section 1 for counties; Section 4 for municipalities.)

For applications that do not require final action through a quasi-judicial or public hearing, the bill requires a local government to approve, approve with conditions, or deny the application for a development permit or order within 120 days after the local government has deemed the application complete. For applications that do require final action through a quasi-judicial or public hearing, local governments must approve, approve with conditions, or deny the application within 180 days after the local government has deemed the application complete. (Section 1 for counties; Section 4 for municipalities.)

The bill clarifies that any agreement between a local government and an applicant for an extension of time for processing an application must be in writing. (Section 1 for counties; Section 4 for municipalities.)

The bill provides that the timeframes for processing an application restart if an applicant makes a substantive change to the application. The bill defines a substantive change as an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel. (Section 1 for counties; Section 4 for municipalities.)

Requirement to Issue a Refund for Certain Zoning Application Fees

The bill requires a local government to issue a refund to an applicant equal to:

- Ten percent of the application fee if the local government fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.
- Ten percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to an initial request by the local government to furnish the additional information.
- Twenty percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to a second request by the local government to furnish the additional information.
- Fifty percent of the application fee if the local government fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day timeframe for processing applications.
- One hundred percent of the application fee if the local government fails to approve, approve with conditions, or deny an application 31 days or more after conclusion of the 120-day or 180-day timeframe for processing applications. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, however, a local government is not required to issue a refund in any of the foregoing scenarios if:

- The applicant and the local government agree to an extension of time;
- The delay is caused by the applicant; or
- The delay is attributable to an unforeseen, extraordinary circumstance. (Section 1 for counties; Section 4 for municipalities.)

Agricultural Lands and Practices

The bill provides that a purpose of the Agricultural Lands and Practices Act[2] (ALP Act) is to protect the property rights of agricultural land owners. (Section 2.)

[2] S. 163.3162, F.S. *See also*, University of Kentucky College of Arts and Sciences, *Florida's Right-to-Farm Summary*, https://onerural.uky.edu/right-to-farm/FL#footnote20_x1wgs2e (last visited Apr. 12, 2025).

The bill allows the owner of an agricultural enclave to apply for administrative approval of development regardless of the future land use map designation of the parcel or any conflicting comprehensive plan goals, objectives, or policies if the owner's request includes land uses and densities, and intensities of use that are consistent with the approved uses and densities and intensities of use of the industrial, commercial, or residential areas that surround the parcel. The bill requires authorized developments to be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning. (Section 2.)

Additionally, the bill:

- Requires authorized developments to be administratively approved, without any further action by the governing body of the local government being required.
- Prohibits a local government from enacting or enforcing any regulation or law for an agricultural enclave that is more burdensome than for other types of applications for comparable densities or intensities of use.
- Removes the provisions relating to good faith negotiations between an applicant and local government. (Section 2.)

Community Planning Act

The bill amends the definition of "agricultural enclave" under the Community Planning Act[3] to mean an unincorporated, undeveloped parcel or parcels that:

- Are owned by a single person or entity;
- Have been in continuous use for bona fide agricultural purposes[4] for a period of 5 years before the date of any comprehensive plan amendment application;
- Either:
    - Are surrounding by at least 75% of their perimeter by:
        - A parcel or parcels that have existing industrial, commercial, or residential development; or
        - A parcel or parcels that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75% of such parcel or parcels are existing industrial, commercial, or residential development; or
        - Do not exceed 640 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated in the local government's comprehensive plan and future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50% of their perimeter by a parcel or parcels within an urban service district, area, or line;
- Have public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, F.S.; and
- Do not exceed 1,280 acres; however, if the parcel or parcels are surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel or parcels may not exceed 4,480 acres. (Section 3.)

The bill clarifies that if a right-of-way or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the parcel or parcels across the right-of-way or canal. (Section 3.)

Alternative Fees for Educational Concurrency

The bill prohibits a school district from collecting, charging, or imposing any alternative fee in lieu of an impact fee to mitigate the effects of development on educational facilities unless the fee would meet the dual rational nexus test. If an alternative fee is challenged, the school district must prove by a preponderance of the evidence that the fee meets the requirements of the test. (Section 5.)

Definitions Under the Homeowners' Association Act

[3] *See* s. 163.3161(1), F.S.
[4] *See* s. 193.461(3)(b), F.S.

The bill amends the Florida Homeowners' Association Act[5] (HOA Act) to create definitions for the following terms:

- "Amenity dues" means amenity expenses and amenity fees, if any, in any combination, charged in accordance with a recreational covenant. The term does not include the expenses of a homeowners' association.
- "Amenity expenses" means the costs of owning, operating, managing, maintaining, and insuring privately owned commercial recreational facilities or amenities made available to parcel owners pursuant to a recreational covenant, whether directly or indirectly. The term includes, but is not limited to, maintenance, cleaning fees, trash collection, utility charges, cable service charges, management fees, reserves, repairs, replacements, refurbishments, payroll and payroll costs, insurance, working capital, and ad valorem taxes which may be levied or imposed against, or in connection with, the commercial recreational facilities or amenities made available to parcel owners pursuant to a recreational covenant. The term does not include income taxes or the initial cost of construction of recreational facilities or amenities.
- "Amenity fee" means any amounts, other than amenity expenses, due in accordance with a recreational covenant which are levied against parcel owners for recreational memberships or use. An amenity fee may be composed in part of profit or other components to be paid to a private third-party commercial recreational facility or amenity owner, which may be the developer, as provided in a recreational covenant. The term does not include the expenses of a homeowners' association.
- "Recreational covenant" means a recorded covenant, separate and distinct from a declaration of covenants, which provides the nature and requirements of a membership in or the use or purchase of privately owned commercial recreational facilities or amenities for parcel owners in one or more communities or community development districts and which:
    - Is recorded in the public records of the county in which the recreational facility or amenity or a property encumbered thereby is located;
    - Contains information regarding the amenity dues that may be imposed on members and other persons permitted to use the recreational facility or amenity and remedies that the recreational facility or amenity owner or other third party may have upon nonpayment of such amenity fees; and
    - Requires mandatory membership or mandatory payment of amenity dues by some or all of the parcel owners in a community. (Section 6.)

The bill also amends additional definitions under the Homeowners' Association Act as follows:

- "Assessment," rather than "amenity fee," means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel by the association. The term does not include amenity dues, amenity expenses, or amenity fees.
- "Governing documents" means:
    - The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto, and the articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.
    - The term does not include recreational covenants respecting commercial recreational facilities or amenities, regardless of whether such recreational covenants are attached as exhibits to a declaration of covenants for a community.
- "Member" means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment to the association. (Section 6.)

Scope of the Homeowners' Association Act

The bill modifies the scope of the HOA Act to exempt amenity or recreational properties governed by a recreational covenant, in a community that contains both residential parcels and parcels intended for commercial or industrial use. (Section 7.)

[5] Ch. 720, F.S.

The bill also provides that the HOA Act does not apply to recreational covenants or recreational facilities or amenities governed by a recreational covenant, except as provided below. (Section 7.)

Parcels Subject to a Recreational Covenant

The bill provides that recreational facilities and amenities governed by a recreational covenant are not a part of a common area. (Section 9.)

Additionally, the bill allows amenity dues to be imposed and collected only as provided in a recreational covenant. If the recreational facilities or amenities are intended to be converted to another use or sold, the parcels which are subject to mandatory membership in a club or to the imposition of mandatory amenities dues have the right of first refusal to purchase the facilities or amenities at fair market value, and shall be given notice at least 180 days prior to the intended conversion or sale. (Section 9.)

The bill requires a recreational covenant recorded on or after July 1, 2025, which creates mandatory membership in a club or imposes mandatory amenity dues on parcel owners, to specify all of the following:

- The parcels within the community which are or will be subject to mandatory membership in a club or to the imposition of mandatory amenity dues.
- The person responsible for owning, maintaining, and operating the recreational facility or amenity governed by the recreational covenant, which may be the developer.
- The manner in which amenity dues are apportioned and collected from each encumbered parcel owner, and the person authorized to collect such dues. The recreational covenant must specify the components that comprise the amenity dues, which may include any combination of the amenity expenses or amenity fees.
- The amount of any amenity fees included in the amenity dues. If the amount of such amenity fees is not specified, the recreational covenant must specify the manner in which such fees are calculated.
- The manner in which amenity fees may be increased, which increase may occur periodically by a fixed percentage, a fixed dollar amount, or in accordance with increases in the consumer price index.
- The collective rights and remedies that are available relating to enforcing payment of amenity dues.
- A statement of whether collection rights to enforce payment of amenity dues are subordinate to an association's right to collect assessments.
- A statement of whether the recreational facility or amenity is open to the public or may be used by persons who are not members or parcel owners within the community. (Section 9.)

The bill requires a recreational covenant recorded before July 1, 2025, to comply with certain requirements[6] in the bill by July 1, 2026, to remain valid and effective after that date. Further, if a recreational covenant recorded before July 1, 2025, does not specify the manner in which amenity fees may be increased, the bill limits the increase in the amenity fees to a maximum annual increase in an amount equal to the annual increase in the Consumer Price Index for All Urban Consumers: U.S. City Average, All Items.[7] (Section 9.)

The bill specifies that a recreational covenant that does not specify the amount by which amenity expenses may be increased is limited to a maximum annual increase of 25% of the amenity expenses from the preceding fiscal year. Under the bill, this limitation does not prohibit an increase in amenity expenses resulting from:

- A natural disaster;
- An act of God;
- An increase in insurance costs;
- An increase in utility rates;
- An increase in supply costs;
- An increase in labor rates; or
- Any other circumstance outside of the reasonable control of the owner or other person responsible for maintaining or operating the recreational facility or amenity governed by the recreational covenant. (Section 9.)

[6] The requirements include those provided in s. 720.319(3)(a)-(d), F.S., as created by the bill.
[7] *See* U.S. Bureau of Labor Statistics, *Consumer Price Index for All Urban Consumers* (last updated Apr. 10, 2025), https://www.bls.gov/news.release/cpi.t01.htm (last visited Apr. 12, 2025).

The bill prohibits a recreational covenant from requiring an association to collect amenity dues on behalf of a private third-party commercial recreational facility or amenity owner. The bill specifies that the private third-party commercial recreational facility or amenity owner is solely responsible for the collection of such dues. (Section 9.)

Beginning July 1, 2025, the bill requires each contract for the sale of a parcel by a developer or builder to a third party which is governed by an association, but is also subject to a recreational covenant, to contain in conspicuous type a clause that substantially states:

DISCLOSURE SUMMARY

YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT. AS A PURCHASER OF PROPERTY SUBJECT TO THE RECREATIONAL COVENANT, YOU WILL BE OBLIGATED TO PAY AMENITY DUES TO A PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER.

BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:

(1) THE RECREATIONAL FACILITY OR AMENITY GOVERNED BY THE RECREATIONAL COVENANT IS NOT A COMMON AREA OF THE HOMEOWNERS' ASSOCIATION AND IS NOT OWNED OR CONTROLLED BY THE HOMEOWNERS' ASSOCIATION. THE RECREATIONAL COVENANT IS NOT A GOVERNING DOCUMENT OF THE ASSOCIATION.

(2) CHARGES FOR AMENITY DUES WILL BE GOVERNED BY THE RECREATIONAL COVENANT. THE RECREATIONAL COVENANT CONTAINS IMPORTANT PROVISIONS AND RIGHTS AND IS AVAILABLE IN THE PUBLIC RECORDS OF THE COUNTY.

(3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION OF THE RECREATIONAL FACILITY OR AMENITY DETERMINES THE BUDGET FOR THE OPERATION AND MAINTENANCE OF SUCH RECREATIONAL FACILITY OR AMENITY. HOWEVER, THE PARCEL OWNERS SUBJECT TO THE RECREATIONAL COVENANT ARE STILL RESPONSIBLE FOR AMENITY DUES.

(4) AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE. AMENITY DUES ARE IN ADDITION TO, AND SEPARATE AND DISTINCT FROM, ASSESSMENTS LEVIED BY THE HOMEOWNERS' ASSOCIATION.

(5) FAILURE TO PAY AMENITY DUES OR OTHER CHARGES IMPOSED BY A PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER MAY RESULT IN A LIEN ON YOUR PROPERTY.

(6) THIRD PARTIES WHO ARE NOT MEMBERS OF THE HOMEOWNERS' ASSOCIATION MAY HAVE THE RIGHT TO ACCESS AND USE THE RECREATIONAL FACILITY OR AMENITY, AS DETERMINED BY THE ENTITY THAT CONTROLS SUCH PROPERTIES.

(7) MANDATORY MEMBERSHIP REQUIREMENTS OR OTHER OBLIGATIONS TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT OR OTHER RECORDED INSTRUMENT.

(8) THE PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER MAY HAVE THE RIGHT TO AMEND THE RECREATIONAL COVENANT WITHOUT THE APPROVAL OF MEMBERS OR PARCEL OWNERS, SUBJECT TO THE TERMS OF THE RECREATIONAL COVENANT AND SECTION 720.319, FLORIDA STATUTES.

(9) THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO THE RECREATIONAL COVENANTS BEFORE PURCHASE. THE RECREATIONAL COVENANT IS EITHER A MATTER OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED OR IS NOT RECORDED AND CAN BE OBTAINED FROM THE DEVELOPER. (Section 9.)

The bill specifies the above provisions may not be construed to impair the validity or effectiveness of a recreational covenant recorded before July 1, 2025, except as otherwise provided. (Section 9.)

Financial Reports

The bill amends the information to be included in the annual financial reports required under the HOA Act to include information related to amenity dues, amenities, and operational costs, expenses, and other amounts expended for the operation of certain facilities, amenities, or other properties. (Section 8.)

Retroactive Applicability

The bill's amendments made to ss. 720.301, 720.302, and 720.319(1), F.S., apply retroactively, but do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before July 1, 2025. The bill specifies such amendments are intended to clarify existing law. (Section 10.)

The bill has an effective date of October 1, 2025. (Section 17.)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on counties and municipalities to the extent those governments must issue refunds for failing to meet statutory deadlines relating to development permits and orders and on school districts to the extent any district charges an alternative fee that does not meet the requirement of the dual rational nexus test.

PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact to the extent applicants receive refunds from counties and municipalities that fail to meet statutory deadlines relating to development permits and orders and are no longer subject to alternative fees that do not meet the dual rational nexus test.

The bill's amendments to the Homeowners' Association Act may have an indeterminate impact on homeowners' associations in Florida, to the extent the homeowners' associations have recreational covenants or recreational facilities or amenities governed by a recreational covenant.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning

The Community Planning Act[8] provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[9] Each county and municipality must maintain a comprehensive plan to guide future development and growth.[10]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[11] A comprehensive plan is intended to provide for the

[8] Ch. 163, part II, F.S.
[9] S. 163.3167(1), F.S.
[10] S. 163.3167(2), F.S.
[11] S. 163.3194(1)(a), F.S.

future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.[12]

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.[13] A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[14] Local governments may also include optional elements in their comprehensive plan.[15] The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.[16]

Development Permits and Orders

Under the Community Planning Act, a development permit is any official action of a local government permitting the development of land.[17] Development plans include, but are not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.[18] A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.[19]

Within 30 days after receiving an application for approval of a development permit or development order, a county or municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient.[20] If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.

Within 120 days after the county or municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county or municipality must approve, approve with conditions, or deny the application for a development permit or development order.[21] Both the applicant and the local government may agree to an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. These timeframes do not apply in an area of critical state concern.

When reviewing an application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.[22]

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[12] *See, e.g.,* Comprehensive Plan of Sarasota County, Fla. Codified through Ordinance No. 2024-028 (May 2024). Future Land Use Policy 1.1.1. https://library.municode.com/fl/sarasota_county/codes/comprehensive_plan?nodeId=ELEMENT_3LAUS (last visited Mar. 8, 2025).
[13] S. 163.3177(1), F.S.
[14] S. 163.3177(6), F.S.
[15] S. 163.3177(1)(b), F.S.
[16] *Id*.
[17] S. 163.3164(16), F.S.
[18] *Id.*
[19] *See* ss. 125.022, F.S., 163.3164(15), F.S., and 166.033, F.S.
[20] Ss. 125.022(1), F.S. and 166.033(1), F.S.
[21] Ss. 125.022(1), F.S. and 166.033(1), F.S.
[22] Ss. 125.022(2)(a) and 166.033(2)(a), F.S.

If a county or municipality makes a request for additional information from the applicant and the applicant provides the information within 30 days of receiving the request, the county or the municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days of receiving the information, if the request is the county's or municipality's first request.[23]
- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days of receiving the additional information, if the request is the county's or municipality's second request.[24]
- Deem the application complete within 10 days of receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's or municipality's time limitations in writing, if the request is the county's or municipality's third request.[25]

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request that the county or municipality proceed to process the application for approval or denial.[26]

If a development permit or order is denied, the county or municipality must give written notice to the applicant and must reference the applicable legal authority for the denial of the permit.[27]

Concurrency

In the context of comprehensive planning, "concurrency" refers to the concept of providing additional public facilities necessary to achieve and maintain standards of service in the community in a timely manner in response to increased demand caused by development.[28] All local government comprehensive plans must provide for concurrency in providing public facilities and services for sanitary sewer, solid waste, drainage, and potable water, but local governments may extend concurrency requirements to other public facilities such as transportation and schools.[29] When concurrency is applied to other public facilities and services, the local comprehensive plan must provide sufficient principles, standards, and adopted levels of service to guide its implementation.[30] Concurrency requirements apply to state facilities and other public facilities to the same extent as all other facilities and development.[31]

Impact Fees

One method of funding local government concurrency requirements is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure[32] needed to expand local services to meet the demands of population growth caused by new development.[33] Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated based on a study using the most recent and localized data available within four years of the update.
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.

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[23] Ss. 125.022(2)(b) and 166.033(2)(b), F.S.
[24] Ss. 125.022(2)(c) and 166.033(2)(c), F.S.
[25] Ss. 125.022(2)(d) and 166.033(2)(d), F.S.
[26] Ss. 125.022(2)(e) and 166.033(2)(e), F.S.
[27] Ss. 125.022(3) and 166.033(3), F.S.
[28] See s. 163.3180(5)(d), F.S. See also David M. Layman, *Concurrency and Moratoria*, 71 Fla. B.J. 49 (January 1997).
[29] S. 163.3180(1), (5), and (6), F.S.
[30] S. 163.3180(1)(a), F.S.
[31] S. 163.3180(4), F.S.
[32] "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S. 163.31801(3), F.S.
[33] s. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.

- Charges imposed for the collection of impact fees must be limited to the actual administrative costs.
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending, or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.
- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.[34]

The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.[35] In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.[36] A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.[37] Local governments providing an exception or waiver of impact fees for the development or construction of affordable housing are not required to use any revenues to offset the impact of such development.[38]

Dual Rational Nexus Test

Both federal and Florida courts have found the imposition of impact fees appropriate where the local government meets two fundamental requirements known as the dual rational nexus test, which requires impact fees to have a reasonable connection or rational between the:

- Need for additional capital facilities and the population growth generated by the project, and
- Expenditures of the funds collected from the impact fees and the benefits accruing to the subdivision or project.[39]

Meeting the second criterion requires the local government ordinance imposing the impact fee to earmark the funds collected to acquire the new capital facilities necessary to benefit the new residents.

These requirements were codified in 2019.[40]

Agricultural Lands and Practices Act

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[34] S. 163.31801(4), F.S.
[35] *See* s. 163.31801(2), F.S.
[36] S. 553.79, F.S.
[37] S. 163.3164(16), F.S.
[38] S. 163.31801(11), F.S.
[39] *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611-12 (Fla. 4th DCA 1983). *See generally Nolan v. California Coastal Commission*, 483 U.S. 825 (1987) (exactions must have nexus to impact), *Dolan v. City of Tigard*, 512 U.S. 374 (1994) (exactions must be roughly proportional to impact), *Koontz v. St. John's Water Management District*, 570 U.S. 595 (2013) (*Nolan* and *Dolan* requirements apply to money and land), and *St. Johns County v. Northeast Florida Builders Ass'n, Inc.*, 583 So. 2d 635 (Fla. 1991).
[40] *See* ch. 2019-106, Laws of Fla., codified at s. 163.31801(4)(f) and (g), F.S.

The Agricultural Lands and Practices Act[41] (ALP Act) was passed in 2003 to prohibit duplicative and burdensome regulations placed on farmers and agricultural lands by government entities.[42] In 2013, the ALP Act was amended to prohibit local governments from adopting rules for practices on farms that are otherwise regulated by the Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or the water management districts.[43]

Homeowners' Association Act

A homeowners' association (HOA) is an entity responsible for the operation of a community in which the voting membership is made up of parcel[44] owners,[45] and in which membership is a mandatory condition of parcel ownership.[46] The Homeowners' Association Act[47] (HOA Act) regulates the operation of HOAs in Florida.[48] Under current law, the HOA Act does not apply to:

- A community that is composed of property primarily intended for commercial, industrial, or other nonresidential use; or
- The commercial or industrial parcels in a community that contains both residential parcels and parcels intended for commercial or industrial use.[49]

For a residential subdivision in which parcel owners must pay mandatory maintenance or amenity fees to the subdivision developer or to the owners of the common areas, recreational facilities, and other properties serving the lots or parcels, the HOA requires the developer or owner of such areas, facilities, or properties to make public, within 60 days following the end of each fiscal year, a complete financial report of the actual, total receipts of mandatory maintenance or amenity fees received by it, and an itemized listing of the expenditures made by it from such fees, for that year.[50] The report must be made public by mailing it to each parcel owner, by publishing it in a publication regularly distributed within the subdivision, or by posting it in prominent locations in the subdivision.[51]

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[41] S. 163.3162, F.S.
[42] S. 163.3162(1), F.S. *See also*, Florida Farm Bureau Federation, *Statutory Exemptions and Transportation Laws for Agriculture (2016 Edition)*, p. 11, https://www.floridafarmbureau.org/wp-content/uploads/2016/10/Statuatory-Exemptions-and-Transportation-Laws-for-Agriculture-2016-Updated.pdf (last visited Apr. 12, 2025).
[43] S. 163.3162(3)(a), F.S. *See also*, Florida Farm Bureau Federation, *Statutory Exemptions and Transportation Laws for Agriculture (2016 Edition)*, p. 11, https://www.floridafarmbureau.org/wp-content/uploads/2016/10/Statuatory-Exemptions-and-Transportation-Laws-for-Agriculture-2016-Updated.pdf (last visited Apr. 12, 2025).
[44] "Parcel" means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community, as described in the declaration which is capable of separate conveyance, and of which the parcel owner, or an association in which the parcel owner must be a member, is obligated: 1) by the governing documents to be a member of an association that serves the community; and 2) to pay the HOA assessments that, if not paid, may result in a lien. S. 720.301, F.S.
[45] "Parcel owner" means the record owner of legal title to a parcel. *Id.*
[46] *Id.*
[47] Ch. 720, F.S.
[48] Ss. 720.3015 and 720.302, F.S.
[49] S. 720.302(3), F.S.
[50] S. 720.3086, F.S.
[51] *Id.*

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/HB 791	Overdorf, Esposito	Perry	Required local governments to specify the minimum information necessary for certain zoning applications; Revised timeframes for processing certain zoning applications; Provided refund parameters if a local government failed to meet certain timeframes when processing an application. Died in the House before being voted off the House Floor. Senate companion was only heard in its first committee of reference.
2024	CS/CS/HB 1203	Esposito, Anderson, Porras	Bradley	Provided requirements for certain community association managers and community association management firms; Required HOAs to make public certain HOA documents; Required HOAs to apply and enforce certain HOA standards reasonably and equitably. Approved by Governor. Effective July 1, 204.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Fletcher

A bill to be entitled

An act relating to land use and development; amending ss. 125.022 and 166.033, F.S.; requiring counties and municipalities, respectively, to meet specified requirements regarding the minimum information necessary for certain zoning applications; revising timeframes for processing applications for approvals of development permits or development orders; defining the term "substantive change"; providing a refund requirement in situations in which the county or municipality, respectively, fails to meet certain timeframes; providing exceptions; amending s. 163.3162, F.S.; revising a statement of legislative purpose; removing language authorizing the owner of an agricultural enclave to apply for a comprehensive plan amendment; authorizing such owner to instead apply for administrative approval of a development regardless of future land use designations or comprehensive plan conflicts under certain circumstances; removing a certain presumption of urban sprawl; requiring that an authorized development be treated as a conforming use; prohibiting a local government from enacting or enforcing certain regulations or laws; requiring administrative approval of such development if it complies with certain requirements; amending s.

163.3164, F.S.; revising the definition of the term "agricultural enclave"; amending s. 163.3180, F.S.; prohibiting a school district from collecting, charging, or imposing any alternative fee for concurrency for educational facilities that does not meet certain requirements; providing standard of review for legal action challenging such fees; amending s. 720.301, F.S.; revising and providing definitions; amending s. 720.302, F.S.; revising applicability of the Homeowners' Association Act; amending s. 720.3086, F.S.; revising the persons to whom and the method by which a certain financial report must be made available; creating s. 720.319, F.S.; specifying that certain parcels may be subject to a recreational covenant and that certain recreational facilities and amenities are not a part of a common area; prohibiting the imposition or collection of amenity dues except as provided in a recreational covenant; providing requirements for certain recreational covenants recorded on or after a certain date; requiring that a recreational covenant recorded before a certain date comply with specified requirements to remain valid and effective; limiting the annual increases in amenity fees and amenity expenses in certain circumstances; providing

construction; prohibiting a recreational covenant from requiring an association to collect amenity dues; requiring a specified disclosure summary for contracts for the sale of certain parcels; providing construction; providing retroactive applicability; amending ss. 212.055, 336.125, 558.002, 617.0725, 718.116, and 720.3085, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make such information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county's website.

(2)~~(1)~~ Within 5 business days after receiving an application for approval of a development permit or development

order, a county shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete. Both parties may agree in writing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The

timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3) ~~(2)~~ (a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are

deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after

receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5) ~~(3)~~ When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit

or order.

(6) ~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7) ~~(5)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(8) ~~(6)~~ Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9) ~~(7)~~ This section does not prohibit a county from providing information to an applicant regarding what other state

or federal permits may apply.

Section 2. Subsections (1) and (4) of section 163.3162, Florida Statutes, are amended to read:

163.3162 Agricultural lands and practices.—

(1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, and improvement of agriculture will result in a general benefit to the health, safety, and welfare of the people of the state. It is the purpose of this act to protect reasonable agricultural activities conducted on farm lands from duplicative regulation and to protect the property rights of agricultural land owners.

(4) ADMINISTRATIVE APPROVAL ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN~~.—The owner of ~~a parcel of~~ land defined as an agricultural enclave under s. 163.3164 may apply for administrative approval of development regardless of the future land use map designation of the parcel or any conflicting comprehensive plan goals, objectives, or policies if the owner's request ~~an amendment to the local government comprehensive plan~~

~~pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it~~ includes land uses and densities and intensities of use that are consistent with the approved uses and densities and intensities of use of the industrial, commercial, or residential areas that surround the parcel. ~~This presumption may be rebutted by clear and convincing evidence.~~ Each application for administrative approval ~~a comprehensive plan amendment~~ under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights. A development authorized under this subsection must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

(a) A proposed development authorized under this subsection must be administratively approved, and no further action by the governing body of the local government is required. A ~~The~~ local government may not enact or enforce any regulation or law for an agricultural enclave that is more burdensome than for other types of applications for comparable densities or intensities of use. ~~and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government~~

~~receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

(b) ~~Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption~~

~~may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or

2. The Everglades Protection Area, as defined in s. 373.4592(2).

Section 3. Subsection (4) of section 163.3164, Florida Statutes, is amended to read:

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

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that:

(a) Are ~~Is~~ owned by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment application;

(c)1. Are ~~Is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.~~1.~~ A parcel or parcels ~~Property~~ that have ~~has~~ existing industrial, commercial, or residential development; or

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels are ~~property is~~ existing industrial, commercial, or residential development; or

2. Do not exceed 640 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated in the local government's comprehensive plan and future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line;

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel

or parcels are ~~property is~~ surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel or parcels may not exceed 4,480 acres.

If a right-of-way or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the parcel or parcels across the right-of-way or canal.

Section 4. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make such information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2)~~(1)~~ Within 5 business days after receiving an application for approval of a development permit or development order, a municipality shall confirm receipt of the application

using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the municipality has deemed the application complete. Both parties may agree in writing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes

contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3) ~~(2)~~ (a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for

completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)~~(3)~~ When a municipality denies an application for a

development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6) ~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7) ~~(5)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8) ~~(6)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits

and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9) ~~(7)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 5. Paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection to read:

163.3180 Concurrency.—

(6)

(j) A school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the requirements of s. 163.31801(4)(f) and (g). In any action challenging a fee under this paragraph, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meets the requirements of state legal precedent.

Section 6. Subsections (1) through (12) and (13) of section 720.301, Florida Statutes, are renumbered as subsections (4) through (15) and (17), respectively, present subsections (1), (8), and (10) are amended, and new subsections (1), (2), and (3) and subsection (16) are added to that section, to read:

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

(1) "Amenity dues" means amenity expenses and amenity fees, if any, in any combination, charged in accordance with a recreational covenant. The term does not include the expenses of a homeowners' association.

(2) "Amenity expenses" means the costs of owning, operating, managing, maintaining, and insuring privately owned commercial recreational facilities or amenities made available to parcel owners pursuant to a recreational covenant, whether directly or indirectly. The term includes, but is not limited to, maintenance, cleaning fees, trash collection, utility charges, cable service charges, management fees, reserves, repairs, replacements, refurbishments, payroll and payroll costs, insurance, working capital, and ad valorem taxes which may be levied or imposed against, or in connection with, the commercial recreational facilities or amenities made available to parcel owners pursuant to a recreational covenant. The term does not include income taxes or the initial cost of construction of recreational facilities or amenities.

(3) "Amenity fee" means any amounts, other than amenity expenses, due in accordance with a recreational covenant which are levied against parcel owners for recreational memberships or use. An amenity fee may be composed in part of profit or other components to be paid to a private third-party commercial recreational facility or amenity owner, which may be the developer, as provided in a recreational covenant. The term does

not include the expenses of a homeowners' association.

(4)~~(1)~~ "Assessment" ~~or "amenity fee"~~ means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel by the association. The term does not include amenity dues, amenity expenses, or amenity fees.

(11)~~(8)~~ "Governing documents" means:

(a) the recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and

(b) the articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

The term does not include recreational covenants respecting commercial recreational facilities or amenities, regardless of whether such recreational covenants are attached as exhibits to a declaration of covenants for a community.

(13)~~(10)~~ "Member" means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment to the association ~~or amenity~~

~~fee~~.

(16) "Recreational covenant" means a recorded covenant, separate and distinct from a declaration of covenants, which provides the nature and requirements of a membership in or the use or purchase of privately owned commercial recreational facilities or amenities for parcel owners in one or more communities or community development districts and which:

(a) Is recorded in the public records of the county in which the recreational facility or amenity or a property encumbered thereby is located;

(b) Contains information regarding the amenity dues that may be imposed on members and other persons permitted to use the recreational facility or amenity and remedies that the recreational facility or amenity owner or other third party may have upon nonpayment of such amenity fees; and

(c) Requires mandatory membership or mandatory payment of amenity dues by some or all of the parcel owners in a community.

Section 7. Subsection (3) of section 720.302, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

(a) A community that is composed of property primarily intended for commercial, industrial, or other nonresidential use; or

(b) The commercial or industrial parcels, including amenity or recreational properties governed by a recreational covenant, in a community that contains both residential parcels and parcels intended for commercial or industrial use.

(6) This chapter does not apply to recreational covenants or recreational facilities or amenities governed by a recreational covenant except as provided in ss. 720.3086 and 720.319.

Section 8. Section 720.3086, Florida Statutes, is amended to read:

720.3086 Financial report.—In a residential subdivision in which the owners of lots or parcels must pay ~~mandatory maintenance or~~ amenity dues ~~fees~~ to the subdivision developer or to the owners of the ~~common areas,~~ recreational facilities and amenities~~,~~ and other properties serving the lots or parcels, the developer or owner of such ~~areas,~~ facilities, amenities or properties shall make public, within 60 days following the end of each fiscal year, a complete financial report of the actual, total receipts of ~~mandatory maintenance or~~ amenity dues ~~fees~~ received by it, and an itemized listing of the expenditures made for the operational costs, expenses, or other amounts expended for the operation of such facilities, amenities, or properties by it ~~from such fees~~, for that year. Such report shall be made public by mailing it to each ~~lot or~~ parcel owner in the subdivision who is subject to the payment of such amenity dues,

by publishing it in a publication regularly distributed within the subdivision, or by posting it in a prominent location ~~locations~~ in the subdivision and in each such facility, amenity, or property. The report must also be made available to a parcel owner within the subdivision who makes a written request to inspect the report. This section does not apply to assessments or other amounts paid to homeowner associations pursuant to chapter 617, chapter 718, chapter 719, chapter 721, or chapter 723, or to amounts paid to local governmental entities, including special districts.

Section 9. Section 720.319, Florida Statutes, is created to read:

720.319 Parcels subject to a recreational covenant.—

(1) A parcel within a community may be subject to a recreational covenant. Recreational facilities and amenities governed by a recreational covenant are not a part of a common area.

(2) Amenity dues may only be imposed and collected as provided in a recreational covenant.

(3) If the recreactional facilities or amenities are intended to be converted to another use or sold, the parcels which are subject to mandatory membership in a club or to the imposition of mandatory amenities dues shall have the right of first refusal to purchase the facilities or amenities at fair market value, and shall be given notice at least 180 days prior

to the intended conversion or sale.

(4) A recreational covenant recorded on or after July 1, 2025, which creates mandatory membership in a club or imposes mandatory amenity dues on parcel owners must specify all of the following:

(a) The parcels within the community which are or will be subject to mandatory membership in a club or to the imposition of mandatory amenity dues.

(b) The person responsible for owning, maintaining, and operating the recreational facility or amenity governed by the recreational covenant, which may be the developer.

(c) The manner in which amenity dues are apportioned and collected from each encumbered parcel owner, and the person authorized to collect such dues. The recreational covenant must specify the components that comprise the amenity dues, which may include any combination of the amenity expenses or amenity fees.

(d) The amount of any amenity fees included in the amenity dues. If the amount of such amenity fees is not specified, the recreational covenant must specify the manner in which such fees are calculated.

(e) The manner in which amenity fees may be increased, which increase may occur periodically by a fixed percentage, a fixed dollar amount, or in accordance with increases in the consumer price index.

(f) The collective rights and remedies that are available

relating to enforcing payment of amenity dues.

(g) A statement of whether collection rights to enforce payment of amenity dues are subordinate to an association's right to collect assessments.

(h) A statement of whether the recreational facility or amenity is open to the public or may be used by persons who are not members or parcel owners within the community.

(5)(a) A recreational covenant recorded before July 1, 2025, must comply with the requirements of paragraphs (3)(a)-(d) by July 1, 2026, to remain valid and effective after that date.

(b) If a recreational covenant recorded before July 1, 2025, does not specify the manner in which amenity fees may be increased as required by paragraph (4)(e), the increase in such amenity fees is limited to a maximum annual increase in an amount equal to the annual increase in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items.

(6) A recreational covenant that does not specify the amount by which amenity expenses may be increased is limited to a maximum annual increase of 25 percent of the amenity expenses from the preceding fiscal year. This limitation does not prohibit an increase in amenity expenses resulting from a natural disaster, an act of God, an increase in insurance costs, an increase in utility rates, an increase in supply costs, an increase in labor rates, or any other circumstance outside of the reasonable control of the owner or other person responsible

for maintaining or operating the recreational facility or amenity governed by the recreational covenant.

(7) A recreational covenant may not require an association to collect amenity dues on behalf of a private third-party commercial recreational facility or amenity owner. The private third-party commercial recreational facility or amenity owner is solely responsible for the collection of such dues.

(8) Beginning July 1, 2025, each contract for the sale of a parcel by a developer or builder to a third party which is governed by an association but is also subject to a recreational covenant must contain in conspicuous type a clause that substantially states:

DISCLOSURE SUMMARY

YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT. AS A PURCHASER OF PROPERTY SUBJECT TO THE RECREATIONAL COVENANT, YOU WILL BE OBLIGATED TO PAY AMENITY DUES TO A PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER.

BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:

(1) THE RECREATIONAL FACILITY OR AMENITY GOVERNED BY THE RECREATIONAL COVENANT IS NOT A COMMON AREA OF THE

HOMEOWNERS' ASSOCIATION AND IS NOT OWNED OR CONTROLLED BY THE HOMEOWNERS' ASSOCIATION. THE RECREATIONAL COVENANT IS NOT A GOVERNING DOCUMENT OF THE ASSOCIATION.

(2) CHARGES FOR AMENITY DUES WILL BE GOVERNED BY THE RECREATIONAL COVENANT. THE RECREATIONAL COVENANT CONTAINS IMPORTANT PROVISIONS AND RIGHTS AND IS AVAILABLE IN THE PUBLIC RECORDS OF THE COUNTY.

(3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION OF THE RECREATIONAL FACILITY OR AMENITY DETERMINES THE BUDGET FOR THE OPERATION AND MAINTENANCE OF SUCH RECREATIONAL FACILITY OR AMENITY. HOWEVER, THE PARCEL OWNERS SUBJECT TO THE RECREATIONAL COVENANT ARE STILL RESPONSIBLE FOR AMENITY DUES.

(4) AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE. AMENITY DUES ARE IN ADDITION TO, AND SEPARATE AND DISTINCT FROM, ASSESSMENTS LEVIED BY THE HOMEOWNERS' ASSOCIATION.

(5) FAILURE TO PAY AMENITY DUES OR OTHER CHARGES IMPOSED BY A PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER MAY RESULT IN A

LIEN ON YOUR PROPERTY.

(6) THIRD PARTIES WHO ARE NOT MEMBERS OF THE HOMEOWNERS' ASSOCIATION MAY HAVE THE RIGHT TO ACCESS AND USE THE RECREATIONAL FACILITY OR AMENITY, AS DETERMINED BY THE ENTITY THAT CONTROLS SUCH PROPERTIES.

(7) MANDATORY MEMBERSHIP REQUIREMENTS OR OTHER OBLIGATIONS TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT OR OTHER RECORDED INSTRUMENT.

(8) THE PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER MAY HAVE THE RIGHT TO AMEND THE RECREATIONAL COVENANT WITHOUT THE APPROVAL OF MEMBERS OR PARCEL OWNERS, SUBJECT TO THE TERMS OF THE RECREATIONAL COVENANT AND SECTION 720.319, FLORIDA STATUTES.

(9) THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO THE RECREATIONAL COVENANTS BEFORE PURCHASE. THE RECREATIONAL COVENANT IS EITHER A MATTER OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE

THE PROPERTY IS LOCATED OR IS NOT RECORDED AND CAN BE OBTAINED FROM THE DEVELOPER.

(9) This section may not be construed to impair the validity or effectiveness of a recreational covenant recorded before July 1, 2025, except as provided in paragraph (5)(a).

Section 10. The amendments made to ss. 720.301 and 720.302, Florida Statutes, and s. 720.319(1), Florida Statutes, as created by this act, are intended to clarify existing law and shall apply retroactively, but do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before July 1, 2025.

Section 11. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide.

Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-

term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(42) ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service

vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are

affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district's classrooms. As used in this sub-subparagraph, the term "instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling,

or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 12. Paragraph (a) of subsection (1) of section 336.125, Florida Statutes, is amended to read:

336.125 Closing and abandonment of roads; optional conveyance to homeowners' association; traffic control jurisdiction.—

(1)(a) In addition to the authority provided in s. 336.12, the governing body of the county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision

plat and simultaneously convey the county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a homeowners' association for the subdivision, if the following conditions have been met:

1. The homeowners' association has requested the abandonment and conveyance in writing for the purpose of converting the subdivision to a gated neighborhood with restricted public access.

2. No fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the homeowners' association.

3. The homeowners' association is both a corporation not for profit organized and in good standing under chapter 617, and a "homeowners' association" as defined in s. 720.301(12) ~~s. 720.301(9)~~ with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks, and pavement in the subdivision.

4. The homeowners' association has entered into and executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation, maintenance, and repair and the periodic reconstruction or

replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.

Section 13. Subsection (2) of section 558.002, Florida Statutes, is amended to read:

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

(2) "Association" has the same meaning as in s. 718.103, s. 719.103(2), s. 720.301(12) ~~s. 720.301(9)~~, or s. 723.075.

Section 14.. Section 617.0725, Florida Statutes, is amended to read:

617.0725 Quorum.—An amendment to the articles of incorporation or the bylaws which adds, changes, or deletes a greater or lesser quorum or voting requirement must meet the same quorum or voting requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, whichever is greater. This section does not apply to any corporation that is an association, as defined in s. 720.301(12) ~~s. 720.301(9)~~, or any corporation regulated under chapter 718 or chapter 719.

Section 15.. Paragraph (b) of subsection (1) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(1)

(b)1. The liability of a first mortgagee or its successor or assignees who acquire title to a unit by foreclosure or by deed in lieu of foreclosure for the unpaid assessments that became due before the mortgagee's acquisition of title is limited to the lesser of:

a. The unit's unpaid common expenses and regular periodic assessments which accrued or came due during the 12 months immediately preceding the acquisition of title and for which payment in full has not been received by the association; or

b. One percent of the original mortgage debt. The provisions of this paragraph apply only if the first mortgagee joined the association as a defendant in the foreclosure action. Joinder of the association is not required if, on the date the complaint is filed, the association was dissolved or did not maintain an office or agent for service of process at a location which was known to or reasonably discoverable by the mortgagee.

2. An association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments is not liable for any unpaid assessments, late fees, interest, or reasonable attorney's fees and costs that came due before the association's acquisition of title in favor of any other association, as defined in s. 718.103 or s. 720.301(12) ~~s. 720.301(9)~~, which holds a superior lien interest on the unit. This subparagraph is intended to clarify existing law.

Section 16. Paragraph (d) of subsection (2) of section

720.3085, Florida Statutes, is amended to read:

720.3085 Payment for assessments; lien claims.—

(2)

(d) An association, or its successor or assignee, that acquires title to a parcel through the foreclosure of its lien for assessments is not liable for any unpaid assessments, late fees, interest, or reasonable attorney's fees and costs that came due before the association's acquisition of title in favor of any other association, as defined in s. 718.103 or s. 720.301(12) ~~s. 720.301(9)~~, which holds a superior lien interest on the parcel. This paragraph is intended to clarify existing law.

Section 17. This act shall take effect October 1, 2025.

COMMERCE COMMITTEE

PCS for CS/HB 579 by Rep. Overdorf
Land Use and Development

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Duggan (Line 95): The amendment allows a county and an applicant to agree in a public meeting or hearing to an extension of time for processing an application for a development permit or order.

Amendment 2 by Rep. Overdorf (Line 202):

- Creates new processes, requirements, and restrictions related to a local government certifying a parcel of land as an agricultural enclave.
- Specifies that the new processes, requirements, and restrictions do not preempt or replace any protection currently existing for properties located on certain military bases.
- Modifies the definition of "agricultural enclave" to mean certain parcels that, as of January 1, 2025, do not exceed ***700 acres***, rather than 640 acres; are located within the boundary of certain established rural study areas; or meet certain other requirements.
- Specifies requirements for calculating the perimeter of an agricultural enclave if a right-of-way, canal, or ***body of water*** exists along the perimeter of a parcel.
- Provides that the bill's changes to the definition of "agricultural enclave" are repealed January 1, 2027.

Amendment 3 by Rep. Duggan (Line 336):

- Clarifies that certain comprehensive plan amendments are deemed withdrawn unless extended by agreement between an applicant and a local government.
- Provides that a comprehensive plan amendment is adopted within 180 days of a second hearing on the amendment, if the amendment is not adopted at that second hearing.

Amendment 4 by Rep. Duggan (Line 370): The amendment adopts the changes made by Amendment 3 for counties, and applies the changes to municipalities.

Amendment 5 by Rep. Overdorf (Line 495):

- Removes the definitions of "amenity dues," "amenity expenses," and "amenity fee."
- Removes the exclusion of "amenity dues," "amenity expenses," and "amenity expenses" from the definition of "assessment."
- Specifies that the definition of "governing documents" excludes recreational covenants for privately-owned recreational amenities.

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: Commerce Committee

Representative Duggan offered the following:

Amendment

Remove line 95 and insert:

the application complete. Both parties may agree in writing or in a public meeting or hearing to ~~a~~

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: Commerce Committee
Representative Overdorf offered the following:

Amendment

Remove lines 202-335 and insert:

Section 2. Subsections (1) and (4) of section 163.3162, Florida Statutes, are amended to read:

163.3162 Agricultural lands and practices.—

(1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement,

development, and improvement of agriculture will result in a general benefit to the health, safety, and welfare of the people of the state. It is the purpose of this act to protect reasonable agricultural activities conducted on farm lands from duplicative regulation and to protect the property rights of agricultural land owners.

~~(4) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.~~

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to~~

~~reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

(4) PUBLIC HEARING PROCESS.

(a) Notwithstanding any other law, local ordinance, resolution, or regulation to the contrary, the owner of a parcel of land may apply to the governing body of the local government for certification as an agricultural enclave as defined in s. 163.3164, provided that one or more adjacent parcels or an adjacent development permits the same or higher density as the proposed development.

(b) Within 30 days after the local government's receipt of such an application, the local government must provide a report solely as to the application's compliance with the subsection in writing.

(c) Within 30 days after the local government’s issuance of the report, the local government must hold a public hearing to certify or deny the land that is the subject of the application as an agricultural enclave.

(d) Within 90 days after the local government’s receipt of the application, the land shall be certified unless denied. If the application is denied, the governing body shall issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may seek review of the denial

by filing a petition for writ of certiorari in the circuit court within 30 days after the date the local government renders its decision.

(e) If the application is certified, the owner of land certified as an agricultural enclave may submit development plans for single family residential housing that must be consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or adjacent developments. A development authorized under this subsection must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

(f) A local government may not enact or enforce any regulation or law for an agricultural enclave that is more burdensome than for other types of applications for comparable uses or densities. A local government must treat an agricultural enclave that is adjacent to an urban service district as if it were within the urban service district.

(g) Within 30 business days after the local government's receipt of such development plans, the local government and owner of land certified as an agricultural enclave, must agree in writing to a process and schedule for information submittal, analysis and final approval, which may be administrative in nature, of the single-family residential development plans. The local government may not require the owner to agree to a process

that is longer than 180 days in duration or that includes further review of the plans in a quasi-judicial process or public hearing.

(h) ~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or

2. The Everglades Protection Area, as defined in s. 373.4592(2).

3. A military institution identified in s. 163.3175(2).

Section 3. Subsection (4) of section 163.3164, Florida Statutes, is amended to read:

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

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that as of January 1, 2025:

(a) Are ~~Is~~ owned or controlled by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment or development application;

(c)1. Are ~~Is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.~~1.~~ A parcel or parcels ~~Property~~ that have ~~has~~ existing industrial, commercial, or residential development; or

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map~~,~~ and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels are ~~property is~~ existing industrial, commercial, or residential development; or

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated on the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line; or

3. Are located within the boundary of an established rural study area adopted in the local government’s comprehensive plan that was intended to be developed with residential uses and is surrounded on at least 50 percent of its perimeter by a parcel or parcels that the local government has designated on the local government's future land use plan as land that can be developed for industrial, commercial, or residential purposes.

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; and

(e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel or parcels are ~~property is~~ surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, ~~then~~ the area must ~~shall~~ be determined to be urban and the parcel or parcels may not exceed 4,480 acres.

If a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

Section 4. The amendments made by this act to s. 163.3164(4), Florida Statutes, expire January 1, 2027, and the text of that subsection shall revert to that in existence on September 30, 2025, except that any amendments to such text

enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

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: Commerce Committee

Representative Duggan offered the following:

Amendment (with title amendment)

Between lines 336 and 337, insert:

Section 4. Paragraph (c) of subsection (3) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.

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

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt~~

~~the comprehensive plan amendments,~~ the amendments are deemed withdrawn unless extended by agreement between the applicant and the local government, with notice to the state land planning agency and any affected person that provided comments on the amendment. If not adopted at the second public hearing, the amendment shall be formally adopted by the local government within 180 days after holding the second public hearing or else it is deemed withdrawn. ~~The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.~~

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

a. The adoption ordinance or ordinances;

b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;

c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and

d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

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

Remove line 33 and insert:
amending 163.3184, F.S.; revising second public hearing requirements; amending s. 720.301, F.S.; revising and providing

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: Commerce Committee

Representative Duggan offered the following:

Amendment

Remove line 370 and insert:

complete. Both parties may agree in writing or in a public meeting or hearing to ~~a reasonable~~

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: Commerce Committee
Representative Overdorf offered the following:

Amendment

Remove lines 495-583 and insert:

Section 6. Subsections (1), (8), and (10) of section 720.301, Florida Statutes, are amended, current subsection (13) is renumbered as subsection (14), and a new subsection (13) is created to read:

(1) "Assessment" ~~or "amenity fee"~~ means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel by the association.

(8)(a) "Governing documents" means:

1.~~(a)~~ the recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and

2.~~(b)~~ the articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

(b) Consistent with s. 720.302(3)(b), recreational covenants respecting privately-owned recreational amenities are not governing documents of an association, even if the recreational covenants are attached as exhibits to, or referenced in, a declaration of covenants.

(10) "Member" means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment ~~or amenity fee~~ to the association.

(13) "Recreational covenant" means a recorded covenant, separate and distinct from a declaration of covenants, which provides the nature and requirements of a membership in or the use or purchase of privately owned commercial recreational facilities or amenities for parcel owners in one or more communities or community development districts and which:

(a) Is recorded in the public records of the county in which the recreational facility or amenity or a property encumbered thereby is located;

(b) Contains information regarding the amenity dues that may be imposed on members and other persons permitted to use the recreational facility or amenity and remedies that the recreational facility or amenity owner or other third party may have upon nonpayment of such amenity fees; and

(c) Requires mandatory membership or mandatory payment of amenity dues by some or all of the parcel owners in a community.

Section 7. Subsection (3) of section 720.302, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

(a) A community that is composed of property primarily intended for commercial, industrial, or other nonresidential use; ~~or~~

(b) The commercial or industrial parcels in a community that contains both residential parcels and parcels intended for commercial or industrial use; or

(c) Privately-owned recreational amenities.

(6) This chapter does not apply to recreational covenants or recreational facilities or amenities governed by a

recreational covenant except as provided in ss. 720.3086 and 720.319.

PCS for CS/HB 795

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 CS/HB 795	**COMPANION BILL:** CS/CS/SB 594 (Rodriguez)
TITLE: Anchoring and Mooring at Seaports	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill authorizes seaports to designate no anchoring or mooring zones for uninsured boats that have been anchored for more than 45 days in waters surrounding a seaport for specified purposes. The no anchoring or mooring zones may not exceed:

- Within the navigational harbor of the seaport, 1,250 feet from a navigation channel that provides entrance to the harbor or from a pier or wharf adjacent to a navigation channel or turning basin.
- Beyond the navigational harbor of the seaport, 500 feet from a navigation channel that provides entrance to the harbor.

Additionally, the bill authorizes such seaports to apply to the Florida Fish and Wildlife Conservation Commission (FWC) to establish a no anchoring or mooring zone and requires the seaport to hold two public hearings prior to applying to FWC. The bill requires FWC to consult with certain agencies when considering an application for a no anchoring or mooring zone.

The bill requires each seaport to include any approved no anchoring or mooring zones that are in effect in its seaport security and strategic plans.

Fiscal or Economic Impact:

The bill may have an insignificant negative fiscal impact on FWC associated with reviewing applications for no anchoring or mooring zones as authorized by the bill.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill authorizes seaports to designate no anchoring or mooring zones for uninsured boats anchored for more than 45 days in the waters surrounding the seaport for the following purposes:

- Implementing port security measures.
- Ensuring freight and passenger commerce is not impeded.
- Promoting the safety and security of residents and visitors of the state.
- Maintaining and protecting the flow of legitimate trade and travel at all times. (Section 1)

The no anchoring or mooring zones may not exceed:

- Within the navigational harbor of the seaport, 1,250 feet from a navigation channel that provides entrance to the harbor or from a pier or wharf adjacent to a navigation channel or turning basin.
- Beyond the navigational harbor of the seaport, 500 feet from a navigation channel that provides entrance to the harbor. (Section 1)

Additionally, the bill authorizes such seaports to apply to the Florida Fish and Wildlife Conservation Commission (FWC) to establish a no anchoring or mooring zone. Before applying to FWC, the bill requires the seaport to hold at least two public hearings displaying the boundaries of the proposed no anchoring or mooring zone. FWC is required to consult with the United States Coast Guard, the U.S. Army Corps of Engineers, and the Department of Transportation when considering an application for, and the boundaries of, a no anchoring or mooring zone. When considering an application for a no anchoring or mooring zone, FWC may modify the proposed boundaries of such zone. (Section 1)

After approval of a no anchoring or mooring zone, the bill requires the seaport to review the no anchoring or mooring zone boundaries annually, and if necessary, submit a revised application to FWC with any proposed modifications to the boundaries. (Section 1)

The bill requires each seaport to include any approved no anchoring or mooring zones that are in effect in its seaport security and strategic plans. (Section 1)

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant negative fiscal impact on FWC associated with reviewing applications for no anchoring or mooring zones as authorized by the bill and with enforcing zones where no anchoring or mooring zones have been established.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC), created by Art. IV, s. 9 of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Senate.[1] Pursuant to its constitutional authority, FWC exercises the regulatory and executive powers of the state with respect to wild animal life, freshwater aquatic life, and marine life.[2]

FWC is also the agency responsible for regulating boating safety in the state. Through its Division of Law Enforcement, FWC manages the state's waterways to ensure boating safety for residents and visitors to the state.[3] This responsibility includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public water and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.[4]

Seaports

The seaports designated in statute include Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.[5] The designees of these seaports, the secretary of the Department of Transportation, and

[1] Art. IV, s. 9, Fla. Const.
[2] *Id.*
[3] FWC, Boating, https://myfwc.com/boating/ (last visited Apr. 10, 2025).
[4] FWC, Law Enforcement, https://myfwc.com/about/inside-fwc/le/ (last visited Apr.10, 2025). *See* Section 327.70(1), F.S. and Section 327.70(4), F.S.
[5] Section 311.09(1), F.S.

the Secretary of the Department of Commerce make up the Florida Seaport Transportation and Economic Development Council.[6]

Florida's 16 seaports, through cargo and cruise activities, support 900,000 direct and indirect jobs and contribute $117.6 billion in economic value, representing 13.3 percent of Florida's Gross Domestic Product.[7] Florida's seaport governing bodies may be municipalities, counties, or special districts.

Seaport Security and Strategic Plans

Each seaport is required to adopt, maintain, and periodically revise, a seaport-specific security plan to provide for secure seaport infrastructure and to promote the safety and security of state residents and visitors and the flow of legitimate trade and travel.[8]

Additionally, each seaport is required to develop a strategic plan with a 10-year horizon, which includes information relating to economic development, infrastructure development and improvement, port-related intermodal transportation facilities, intergovernmental coordination, and the physical, environmental, and regulatory barriers that seaports face.[9]

Federal Seaport Regulations

Current federal regulations address vessel and port operations, including anchoring, port security, and vessel traffic.[10] The Secretary of Homeland Security (Secretary) may construct, operate, maintain, improve, or expand vessel traffic services in any port or place under the jurisdiction of the U.S., in the navigable waters of the U.S., or in any area covered by an international agreement regarding vessel standards and traffic services.[11] The Secretary may also control vessel traffic in areas subject to U.S. jurisdiction that are hazardous or affected by reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances.[12] The Secretary may provide for local variances to account for the unique vessel traffic, waterway characteristics, and any additional factors appropriate to enhance navigational safety in any area where vessel traffic services are provided.[13]

Additionally, the Secretary may define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the U.S. whenever the maritime or commercial interests of the U.S. require such anchorage ground for safe navigation and the establishment of the anchorage ground has been recommended by the U.S. Army Corps of Engineers Chief of Engineers.[14]

Anchoring or Mooring

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel, while mooring refers to attaching a vessel to a device that is permanently affixed to the bottom of a waterway.[15] Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.[16]

Mooring Fields

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[6] *Id*.
[7] Florida Seaport Transportation and Economic Development Council, *2023-2024 Seaport Mission Plan,* 4, *available at* https://flaports.org/wp-content/uploads/2023-2024-Seaport-Mission-Plan.pdf (last visited Apr. 10, 2025).
[8] Section 311.12(2)(a), F.S.; Section 311.13, F.S., provides a public record exemption for seaport security plans.
[9] Section 311.14(2), F.S.
[10] *See* 46 U.S.C. §70001 (2025); The federal rules include the regulation of federal safety zones, security zones, and regulated navigation areas. They also establish special anchorage areas, wherein vessels not more than 65 feet long are not required to carry or exhibit anchorage lights when at anchor. 33 C.F.R. §§109-110, 165 (2025).
[11] 46 U.S.C. §70001 (2025).
[12] *Id*.
[13] *Id*.
[14] 46 U.S.C. §70006 (2025).
[15] Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2, (March 2011), *available at* https://repository.library.noaa.gov/view/noaa/36905 (last visited Apr. 10, 2025).
[16] *Id*.

Mooring fields are areas designated and used for a system of properly spaced moorings.[17] Local governments are authorized by general permit to construct, operate, and maintain public mooring fields, each for up to 100 vessels.[18] Mooring fields must be located in areas where navigational access already exists between the mooring field and the nearest customarily used access channel or navigable waters that the mooring field is designed to serve. Each mooring field must be associated with a land-based support facility that provides amenities and conveniences, such as parking, bathrooms, showers, and laundry facilities. Major boat repairs and maintenance, fueling activities other than from the land-based support facility, and boat hull scraping and painting are not authorized within mooring fields.[19]

State Regulation of the Anchoring of Vessels

The Legislature has delegated the responsibility of managing sovereign submerged lands to the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (Board). Pursuant to this responsibility, the Board is authorized to adopt rules governing anchoring, mooring, or otherwise attaching vessels, floating homes, or any other watercraft to the bottom of sovereign submerged lands.[20] The Board has not exercised its authority to adopt rules regulating anchoring.

Florida law prohibits a person from anchoring a vessel, except in case of emergency, in a manner that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel.[21] Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference if it is unreasonable under the prevailing circumstances.[22] Interference with navigation is a noncriminal infraction and punishable by a fine.[23]

With certain exceptions, the owner or operator of a vessel or floating structure may not anchor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any marina, boat ramp, boatyard, or vessel launching or loading facility;
- Within 500 feet of a superyacht repair facility; or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the local government within which the mooring field is located.[24]

Local Regulation of the Anchoring of Vessels

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the anchoring of floating structures[25] or live-aboard vessels[26] within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.[27] However, they are prohibited from enacting, continuing in effect, or enforcing any ordinance or local regulation that regulates the anchoring of vessels, other than live-aboard vessels and commercial vessels, excluding commercial fishing vessels, outside the marked boundaries of permitted mooring fields.[28]

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[17] *Id*.
[18] Section 373.118(4), F.S.; Rule 62-330.420(1), F.A.C.
[19] Rule 62-330.420, F.A.C.
[20] Section 253.03(7), F.S.
[21] Section 327.44(2), F.S.
[22] *Id*.
[23] Section 327.73(1)(j), F.S.
[24] Section 327.4109(1), F.S.
[25] "Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes an entity used as a residence, place of business, or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Section 327.02(14), F.S.
[26] "Live-aboard vessel" means a vessel used solely as a residence and not for navigation; or a vessel for which a declaration of domicile has been filed. The definition expressly excludes commercial fishing boats. Section 327.02(23), F.S.
[27] Section 327.60(2)(f), F.S.
[28] Section 327.60(3), F.S.

Anchoring Limitation Areas

Current law designates certain densely populated urban areas that have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas.[29] In these anchoring limitation areas, a person is prohibited from anchoring a vessel at any time during the period between one half-hour after sunset and one half-hour before sunrise.[30] However, a person may anchor in these anchoring limitation areas if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the people onboard unless the vessel anchors;
- Imminent or existing weather conditions in the vicinity pose an unreasonable risk of harm to the vessel or the people onboard unless the vessel anchors; or
- The vessel is attending a regatta, race, marine parade, tournament, exhibition,[31] or other special event, including, but not limited to, public music performances, local government waterfront activities, or a fireworks display.[32]

Current law also authorizes a county, except for Monroe County, to establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.[33] The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.[34] Each county anchoring limitation area must:

- Be less than 100 acres in size;[35]
- Not include any mooring field or marina; and
- Be clearly marked with signs[36] and buoys.[37]

A person may not anchor a vessel for more than 45 consecutive days in any six-month period in a county-established anchoring limitation area.[38]

Anchoring limitation areas do not apply to vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes; construction or dredging vessels on an active job site; vessels actively engaged in commercial fishing; or vessels engaged in recreational fishing, if the individuals on board are actively tending hook and line fishing gears or nets.[39]

Boating-restricted Areas

Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on state waters for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards, or to protect seagrasses on privately owned submerged lands.[40] FWC may, by rule, establish boating-restricted areas.[41]

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[29] Section 327.4108, F.S.
[30] Section 327.4108(1), F.S.
[31] Section 327.48, F.S.
[32] Section 327.4108(4), F.S.
[33] Section 327.4108(2)(a), F.S.
[34] "Navigable-in-fact waterways" means waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable, but the term does include lakes or streams that have practical usefulness to the public as highways for transportation. *See* Section 327.4108(2)(a), F.S.
[35] The calculated size of the anchoring limitation area does not include any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area. *See* Section 327.4108(2)(a)1.,F.S.
[36] Signs must provide reasonable notice to boaters identifying the duration of time beyond which anchoring is limited and identifying the county ordinance by which the anchoring limitation area was created. *See* Section 327.4108(2)(a)3.a., F.S.
[37] The county that has created an anchoring limitation area must install and maintain buoys marking the boundary of the anchoring limitation area. *See* Section 327.4108(2)(a)3.b., F.S.
[38] Section 327.4108(2)(b), F.S.
[39] Section 327.4108(5), F.S.
[40] Section 327.46(1), F.S.
[41] Section 327.46(1)(a), F.S.; *See* rule 68D-24, F.A.C.

Municipalities and counties may establish, by ordinance, boating-restricted areas, including speed and wake restrictions, if certain conditions are met.[42] Municipalities and counties may establish by ordinance additional boating-restricted areas for safety reasons and vessel exclusion zones for certain purposes.[43]

Any ordinances establishing boating-restricted areas for safety purposes will not take effect until FWC has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety.[44] FWC must review and act on any application within 90 days after receiving a completed application.[45] Within 30 days after a municipality or county submits an application, FWC must advise the municipality or county as to what information, if any, is needed to deem the application complete.[46] An application is considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. FWC's action on the application is subject to review under the Administrative Procedure Act.[47]

Each boating-restricted area must be developed in consultation and coordination with the governing body of the county or municipality in which the boating-restricted area is located, and, when the proposed boating-restricted area is on the navigable waters of the U.S., with the U.S. Coast Guard and the U.S. Army Corps of Engineers.[48] Restrictions in a boating-restricted area do not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.[49]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Rodriguez

[42] Section 327.46(1)(b), F.S.
[43] Section 327.46(1)(c), F.S.
[44] *Id.*
[45] *Id.*
[46] *Id.*
[47] *Id.*
[48] Section 327.46(2), F.S.
[49] Section 327.46(4), F.S.

A bill to be entitled

An act relating to anchoring and mooring at seaports; creating s. 311.104, F.S.; authorizing certain seaports to designate no anchoring or mooring zones for certain boats anchored in certain waters for a specified time period for specified purposes; specifying boundary limits for no anchoring or mooring zones; authorizing certain seaports to apply to the Fish and Wildlife Conservation Commission to establish no anchoring or mooring zones; requiring an applicant to hold a specified number of public hearings; requiring the commission to consult with other entities; authorizing the commission to modify no anchoring or mooring zone boundaries; requiring certain seaports to annually review the boundaries of approved no anchoring or mooring zones and submit a revised application under certain circumstances; requiring certain information to be included in seaport security plans and seaport strategic plans; providing an effective date.

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

Section 1. Section 311.104, Florida Statutes, is created to read:

311.104 Designation of no anchoring or mooring zones.—

(1) Each seaport listed in s. 311.09(1) may designate no anchoring or mooring zones for uninsured boats anchored for more than 45 days in the waters surrounding the seaport as required in s. 327.4109 for all of the following purposes:

(a) Implementing port security measures.

(b) Ensuring freight and passenger commerce is not impeded.

(c) Promoting the safety and security of residents and visitors of this state.

(d) Maintaining and protecting the flow of legitimate trade and travel at all times.

(2) The boundary of any designated no anchoring or mooring zone may not exceed:

(a) Within the navigational harbor of the seaport, 1,250 feet from a navigation channel that provides entrance to the harbor or from a pier or wharf adjacent to a navigation channel or turning basin. The navigational harbor of the seaport includes navigation channels, turning basins, navigation aids, and breakwaters and jetties.

(b) Beyond the navigational harbor of the seaport, 500 feet from a navigation channel that provides entrance to the harbor.

(3) A seaport listed in s. 311.09(1) may apply, pursuant to chapter 327, to the Fish and Wildlife Conservation Commission to establish a no anchoring or mooring zone.

(4) Before applying to the Fish and Wildlife Conservation Commission to establish a no anchoring or mooring zone, an applicant must hold at least two public hearings displaying the boundaries of the proposed no anchoring or mooring zone.

(5) The Fish and Wildlife Conservation Commission shall consult with the United States Coast Guard, the United States Army Corps of Engineers, and the Department of Transportation when considering an application for, and the boundaries of, a no anchoring or mooring zone.

(6) When considering an application for a no anchoring or mooring zone, the Fish and Wildlife Conservation Commission may modify the proposed boundaries of such no anchoring or mooring zone.

(7) After approval of a no anchoring or mooring zone, the seaport must review the no anchoring or mooring zone boundaries annually, and if necessary, submit a revised application to the Fish and Wildlife Conservation Commission with any proposed modifications to the boundaries.

(8) Each seaport must include in its seaport security plan and in its seaport strategic plan, as required under ss. 311.12 and 311.14, respectively, any approved no anchoring or mooring zones that are in effect.

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

PCS for HB 999

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 999	**COMPANION BILL:** CS/SB 132 (Rodriguez)
TITLE: Legal Tender	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill:

- Recognizes certain high-purity gold and silver coins as legal tender.
- Exempts such coins from sales tax and removes taxation on legal tender sold above face value.
- Allows, but does not require, government entities to accept legal tender coins via electronic transfer.
- Permits public entities to contract with qualified public depositories for such transactions.
- Defines "custodian of gold or silver coin" and brings custodians under money services business laws.
- Requires custodians to be licensed and meet standards for storage, insurance, audits, and security.
- Establishes consumer protections for customers of custodians, including disclosures and redemption rights.
- Allows money services businesses and financial institutions to opt out of handling gold or silver coin.
- Imposes regulatory requirements on entities that voluntarily engage in such activities.
- Adds gold and silver coins to the definition of "monetary instruments" under Florida's anti-money laundering law.

Fiscal or Economic Impact:

The Revenue Estimating Conference has not estimated the impact of this bill on state and local government revenues. Staff estimates that this bill will have a recurring impact of -$1.6 million on General Revenue and -$0.6 million on local government revenues beginning in Fiscal Year 2025-26.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Legal Tender Designation

The bill creates a new legal tender statute recognizing, effective January 1, 2026, gold and silver coins of at least 99.5% and 99.9% purity, respectively, as legal tender for paying debts in Florida. The bill defines key terms, including "gold coin[1]," "silver coin[2]," "legal tender[3]," and "electronic transfer[4]," and specifies that:

[1] The bill defines "Gold coin" to mean a precious metal with the chemical element of atomic number 79 in solid form, typically in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and which consists of at least 99.5 percent purity. The term "coin" does not mean any goods as defined in s. 672.105(1), F.S., such as jewelry, other items of utility such as picture frames, or keepsakes.

[2] The bill defines "Silver coin" to mean a precious metal with the chemical element of atomic number 47, in solid form typically in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with a weight that consists of at least 99.9 percent purity. The term "coin" does not mean any goods as defined in s. 672.105(1), F.S.,such as jewelry, other items of utility such as picture frames, or keepsakes.

[3] The bill defines "Legal tender" to mean a medium of exchange that is authorized by this state pursuant to s. 10, Art. I of the United States Constitution for the payment of a debt.

- No person may be required to offer or accept gold or silver coin as payment, unless required by contract.
- Governmental entities may accept gold or silver coin as payment for taxes or fees, but only via electronic transfer (not in physical form).
- Governmental entities may contract with qualified public depositories to process such payments. (Section 2)

Sales and Use Tax

The bill removes a provision taxing legal tender sold at a rate in excess of face value and adds a new taxable category for coins sold based on precious metal content. The bill exempts from sales tax any gold or silver coin that is legal tender in Florida under the newly created legal tender statute. (Section 1).

Custody of Public Deposits

The bill requires any custodian of gold or silver coin that holds public deposits to meet the standards of a qualified public depository but specifies that such custodians are not required to be insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Share Insurance Fund. (Section 3)

Licensing and Regulation of Custodians

The bill defines "custodian of gold coin or silver coin" and incorporates the terms "gold coin" and "silver coin" into existing definitions of "money services business," "foreign currency exchanger," and "money transmitter." These changes bring gold and silver coin custody under the regulatory framework for money services businesses. (Section 4).

The bill requires the Office of Financial Regulation (OFR) to approve both initial and renewal license applications for entities seeking to act as custodians of gold or silver coin if they demonstrate compliance with applicable rules related to storage, insurance, auditing, administration, and asset handling. The bill also authorizes OFR to conduct a pre-licensing examination. (Sections 5 and 6).

The bill states that money services businesses are not required to offer services related to gold or silver coin, such as storing, transmitting, or accepting such coin. However, if a money services business chooses to offer such services, it must:

- Insure deposits at full replacement value;
- Securely store physical coins with a licensed custodian located in Florida;
- Ensure the coins are sourced from accredited refiners or wholesalers and include any conversion fees in the total allowable transaction charges; and
- Comply with chain of custody protocols and all other applicable state and federal regulations. (Section 7).

The bill amends licensing requirements to prohibit any person from engaging in, or advertising as engaging in, custodial activity involving gold or silver coin for compensation without a license. (Section 8)

The bill creates new application requirements for custodians, including submission of proof of insurance, asset control, depository accreditation, and a business plan demonstrating safe and sound custodial operations. (Section 9).

The bill creates a comprehensive regulatory framework for licensed custodians of gold and silver coin. It requires custodians to:

- Be physically located to allow for quick asset movement or rapid law enforcement response;
- Meet industry security standards, including:
    - A high-security vault rated by Underwriters' Laboratories,
    - 24/7 physical security and video surveillance,
    - Biometric or multi-factor access controls,

[4] The bill defines "Electronic transfer" to mean any instruction, other than a transaction by check, draft, or similar paper instrument, which is initiated through debit card, mobile application, or computer to order, instruct, or authorize a financial institution as defined in s. 655.005(1)(i), F.S., or a money services business as defined in s. 560.103, F.S., to debit or credit an account with gold coin or silver coin or any fraction thereof, the equivalent value in United States currency converted at current market price. For debit card transactions, this instruction shall authorize the debit in at the point of sale.

    - Disaster-resistant facility design, and
    - Regular reviews of security procedures;
- Segregate customer assets from the custodian's own assets and from assets not involving gold or silver coin;
- Store customer holdings on a fully allocated basis,[5] with each owner having an undivided interest[6] in the total pool of assets;
- Comply with chain of custody requirements established by rule of the Financial Services Commission (FSC);
- Maintain an inventory system including serial and bar number tracking and ledger accounts;
- Undergo annual audits by an independent Certified Public Account (CPA) or other auditor approved by the OFR to confirm the custodian holds sufficient assets for all customers;
- Maintain insurance covering 100% of the full replacement value of stored assets under an all-risk policy issued by an authorized or eligible surplus lines insurer;
- Permit visits or inspections with advance notice;
- Maintain secure technology, including:
    - Encrypted data in transit and at rest,
    - Two-factor authentication,
    - A secure online account portal, and
    - Regular cybersecurity audits or vulnerability assessments;
- Maintain physical custody of the same quantity and type of gold or silver coin entrusted by each customer; and
- Refrain from selling, lending, pledging, rehypothecating[7], or encumbering any customer asset unless directed by the customer for a transaction. (Section 10)

If a custodian has a direct contractual relationship with the customer, it must also:

- Provide clear written disclosures at account opening and annually, including risk information and a statement that holdings are not insured by FDIC, National Credit Union Association (NCUA), or Securities Investor Protection Corporation (SIPC);
- Disclose products, services, storage and transaction fees transparently;
- Provide quarterly account statements;
- Return customer holdings upon request within 30 days, including delivery of physical gold or silver coin in minimum whole troy ounces or, at the custodian's discretion, conversion of fractional holdings to U.S. currency;
- Allow the customer to request delivery of converted U.S. currency instead of physical coin;
- Make recent audit reports available to the customer within 30 days of request; and
- Maintain customer confidentiality and prohibit disclosure of customer information except with the account holder's written consent, by court order, or as otherwise authorized by law. Any records obtained in violation of this confidentiality requirement are inadmissible in any proceeding if timely objected to. (Section 10)

The bill states that:

- Any violation of these provisions is a violation of the chapter and may result in license suspension or revocation;
- Custodial obligations are fiduciary in nature for determining priority in claims or losses;
- The Financial Services Commission may adopt rules to implement the section. (Section 10)

[5] The bill defines "Fully allocated" to mean that each owner has a direct and specific legal claim to the exact gold coin or silver coin, or portion thereof, equal to their deposit that is held by the custodian of gold coin or silver coin.
[6] The bill defines "Undivided Interest" to mean all owners share the physical gold coin or silver coin collectively, with each owner entitled to a proportional share of the total holdings equal to their ownership, even though the gold coin or silver coin may be stored as a larger unit.
[7] Rehypothecation is a practice in the financial industry where a broker or financial institution reuses the collateral that has been pledged by a client or borrower to secure a loan or margin account.

Financial Institutions and Anti-Money Laundering
The bill includes gold and silver coins in the definition of "monetary instruments" for purposes of Florida's anti-money laundering law. (Section 11).

The bill prohibits financial institutions from being required to accept or exchange gold or silver coin. If a financial institution voluntarily accepts such deposits, it must comply with the same standards applicable to licensed custodians, including insurance, separate storage, and sourcing requirements. (Section 12).

Legal Tender and Reporting
The bill clarifies that state law does not compel buyers or sellers to use gold or silver coin as legal tender unless contractually agreed. (Section 13)

The bill requires the Department of Financial Services (DFS) to submit a report by January 1, 2026, to the Governor, Senate President, and Speaker of the House of Representatives on the implementation of the legal tender provisions and any additional legislation needed to ensure acceptance of gold and silver coin as legal tender. (Section 14)

The bill makes a conforming cross-reference change in the Financial Technology Sandbox law. (Section 15)

The bill takes effect upon becoming law. (Section 16).

RULEMAKING:

The bill authorizes the OFR to adopt rules to implement provisions related to the operation of vendors and bullion depositories, including provisions for insurance of deposits and security measures for the storage of bullion and specie.[8]

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.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference has not estimated the impact of this bill. Staff estimates that this bill will have a recurring impact of -$1.6 million on General Revenue beginning in Fiscal Year 2025-26.

LOCAL GOVERNMENT:

The Revenue Estimating Conference has not estimated the impact of this bill. Staff estimates that this bill will have a recurring impact of -$0.6 million on local government revenues beginning in Fiscal Year 2025-26 from the total exemption of sales tax on the sales of bullion.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Legal Tender under Federal and State Law
Under Article I, Section 10, Clause 1 of the United States Constitution, states are prohibited from coining money but are expressly authorized to "make gold and silver coin a tender in payment of debts."[9] This provision authorizes states to recognize gold and silver coin as legal tender for the payment of debts and taxes but prohibits states from

[8] The Office of Financial Regulation, Agency Analysis of 2025 HB 999, p. 2 (March 13, 2025).
[9] U.S. Const. art. 1. § 10. Cl. 1.

creating or issuing their own currencies or recognizing other forms of money as tender.[10] In contrast, Article I, Section 8, Clause 5 of the U.S. Constitution grants Congress the exclusive power to coin money and regulate its value.[11] However, Congress has not preempted state authority to recognize specie[12] as legal tender for state and private transactions.

Under 31 U.S.C. § 5103, only United States coins and currency (including Federal Reserve notes) are recognized as legal tender for the payment of debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts under federal law, though they may be lawfully bought, sold, and owned as commodities or investment assets.[13] However, a state may choose to recognize gold and silver coins as legal tender within its jurisdiction, though such coins would not have national legal tender status.

Tax Treatment of Specie and Bullion

Federal Taxation

At the federal level, gold and silver coins and bullion are classified as "collectibles" under 26 U.S.C. § 408(m), and gains from their sale are subject to a maximum long-term capital gains tax rate of 28%.[14] The Internal Revenue Code defines "collectible" to include "any metal or gem" and "any coin" not specifically exempted.[15]

Florida Taxation

Florida provides a limited sales tax exemption for sales of U.S. coins and currency and for foreign currency transactions exceeding $500.[16] Additionally, Florida provides a limited sales tax exemption on the sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction, that applies when the total sales price of such bullion exceeds $500.[17] Florida law does not provide a state-level exemption for capital gains derived from the sale of gold and silver, as Florida does not impose a personal state income tax.[18]

Florida law does not explicitly address whether precious metals are classified as tangible personal property subject to ad valorem taxation, although the statutory definition of tangible personal property includes "all goods, chattels, and other articles of value . . . capable of manual possession."[19] Tangible personal property includes office furniture, fixtures, tools, machinery, household appliances, signs, equipment, leasehold improvements, supplies, leased equipment, and other similar items.[20]

Insurance and Regulatory Requirements for Asset-Holding Institutions

Because gold and silver are often stored outside traditional banking institutions, it is important to distinguish how such assets are protected—or not protected—under federal insurance programs. The Federal Deposit Insurance Corporation (FDIC) provides coverage of up to $250,000 per depositor, per insured bank, for each account ownership category.[21] The National Credit Union Share Insurance Fund (NCUSIF), administered by the National Credit Union Administration (NCUA), provides equivalent coverage for member accounts in federally insured

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[10] *Id*.
[11] U.S. Const. art. 1. § 8. Cl. 5.
[12] *Specie* refers to money in the form of coins, especially those made of gold or silver. See *Black's Law Dictionary* (11th ed. 2019) ("Specie: Coined money, as opposed to paper money; esp., gold or silver coins.").
[13] 31 U.S.C. § 5103
[14] "Form S-3" Securities and Exchange Commission, 27. Feb. 2025, P. 42, https://www.sec.gov/Archives/edgar/data/1690437/000149315225008435/forms-3.htm
[15] 26 U.S.C. § 408(m)(2)(A)–(D).
[16] s. 212.05(1)(j), F.S.
[17] s. 212.08(7)(ww), F.S.
[18] Art. VII, s. 5(a), Fla. Const.
[19] s. 192.001(11)(d), F.S.
[20] Rule 12D-16.002, F.A.C., Tangible Personal Property Tax Return (DR-405). The return includes these specific categories as taxable items.
[21] 12 U.S.C. § 1821(a).

credit unions.[22] While there is no explicit statutory prohibition on insuring such assets, precious metals are not considered "deposits" under federal law and are not among the asset types covered by federal deposit insurance.[23]

In Florida, institutions that hold funds or assets on behalf of the state must comply with the Qualified Public Depository Act. A qualified public depository is a financial institution that meets the requirements of Florida's Qualified Public Depository Act and is designated by the Chief Financial Officer to receive or hold public funds.[24] These institutions must secure public deposits with collateral,[25] file monthly reports,[26] and comply with minimum liquidity and solvency standards.[27] Institutions must generally be federally insured, although limited exemptions may apply for entities that hold non-cash assets.[28]

Financial Services Regulatory Bodies in Florida

Florida's financial regulatory framework includes the OFR and the FSC. The OFR is responsible for overseeing and licensing financial institutions, money services businesses, securities firms, and mortgage entities.[29] The FSC, composed of the Governor and Cabinet, serves as the rulemaking body for the OFR and provides overall policy direction.[30] The OFR operates under the policy direction of the FSC and enforces state financial laws and regulations. Together, these entities are responsible for implementing and enforcing Florida's financial regulatory laws.

Anti-Money Laundering

The Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act (the Act) establishes reporting and recordkeeping requirements for financial institutions to help detect and prevent money laundering and terrorist financing.[31] The Act is intended to deter the use of financial institutions to conceal or transfer proceeds related to criminal or terrorist activity and to provide information useful in regulatory and law enforcement investigations.[32]

Other States' Treatment of Specie and Bullion

Several states have adopted laws to recognize gold and silver as legal tender or to remove various tax barriers to facilitate their use in commerce. These laws vary in scope and effect, ranging from simple tax exemptions to the establishment of state-run bullion depositories.

- Utah was the first state to recognize U.S.-minted gold and silver coins as legal tender through its Legal Tender Act of 2011. Utah law also provides a tax exemption for capital gains derived from the sale or exchange of gold and silver coins that are recognized as legal tender. In addition, Utah permits private firms to operate accounts backed by physical precious metals, which allows individuals to conduct transactions denominated in gold and silver.[33]
- Texas has established a state-operated bullion depository, known as the Texas Bullion Depository, to securely store precious metals for individuals, businesses, and governmental entities. The depository provides secure storage and the ability for account holders to deposit and withdraw physical bullion. Although Texas law enables secure in-state storage of precious metals, it does not authorize gold and silver as official legal tender for payment of state taxes or other obligations.[34]

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[22] 12 U.S.C. §§ 1781(a), 1787(k).
[23] See 12 U.S.C. § 1813(l) (definition of "deposit"); 12 C.F.R. § 330.1(n).
[24] See s. 280.02(26), F.S. (defining "qualified public depository").
[25] See s. 280.04(1), F.S.
[26] See s. 280.16, F.S.
[27] See Rule 69C-2.026, F.A.C.
[28] See s. 280.03(3), F.S. (permitting exceptions to federal insurance requirements under certain conditions).
[29] s. 20.121(3), F.S.
[30] s. 20.121(3)(c), F.S.
[31] s. 655.50, F.S.
[32] S. 655.50(2), F.S.
[33] Utah Code §§ 59-1-1501 et seq.; H.B. 317 (2011). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 122. February 28, 2025.
[34] Tex. Gov't Code § 2116; S.B. 483 (2015). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 116. February 28, 2025.

- Wyoming enacted legislation in 2018 declaring gold and silver legal as tender and exempting the sale of these metals from state sales and use taxes. Wyoming law also prohibits the treatment of specie as taxable tangible personal property, effectively removing several barriers to the private holding and use of gold and silver for commerce.[35]
- Arizona has removed state capital gains taxes on sales of precious metals and has authorized gold and silver coins as legal tender for private transactions. Like Wyoming, Arizona's approach focuses on tax treatment rather than establishing state-operated depositories or payment systems.[36]

Other states, such as Oklahoma, Louisiana, Kansas, and Indiana, have adopted various forms of tax exemptions related to the sale or exchange of gold and silver bullion, though these laws do not necessarily recognize precious metals as legal tender or create infrastructure to support their use as a medium of exchange.[37]

While these states have taken steps to encourage the use of gold and silver by removing tax barriers and recognizing their status as lawful money in specific contexts, no state currently operates a fully integrated, government-supported electronic payment system backed by physical precious metals that is recognized for payment of all state taxes, fees, or other obligations. Most existing laws focus on facilitating private holding and exchange of gold and silver and on removing disincentives such as sales and capital gains taxes, rather than creating comprehensive alternative currency systems.[38]

Precious Metals-Backed Electronic Payment Systems

Precious metals-backed electronic payment systems are digital platforms that allow users to store and transact using units backed by physical precious metals, primarily gold and silver.[39] These systems typically allow users to maintain accounts denominated in gold or silver, and to spend from those accounts using debit cards or mobile applications.[40]

Such systems rely on physical bullion stored in secure vaults, often accredited by international organizations that set industry standards. Users may conduct transactions based on their bullion holdings and may redeem their digital balances for physical delivery of gold or silver.[41] While these systems offer an alternative to traditional fiat currency (government-issued currency that is not backed by a physical commodity) transactions, they are typically not insured by the Federal Deposit Insurance Corporation and are subject to various state and federal regulatory requirements, including anti-money laundering, cybersecurity, and fraud prevention measures.[42]

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[35] Wyo. Stat. §§ 34-29-101 to 34-29-103; SF111 (2018). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 128. February 28, 2025.
[36] Ariz. Rev. Stat. § 43-1027. *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 102. February 28, 2025.
[37] *Bullion Feasibility Study, supra* note 36.
[38] *Id*. at 14, 20, 22-23.
[39] *See generally* H.B. 306, 65th Leg., Gen. Sess. (Utah 2025), https://le.utah.gov/Session/2025/bills/introduced/HB0306.pdf; Christian Bender, *A Gold Standard for the Internet? An Introductory Assessment*, 11 **Electronic Markets** p. 123 (2001), https://electronicmarkets.org/fileadmin/user_upload/doc/Issues/Volume_11/Issue_02/V11I2_A_Gold_Standard_for_the_Internet-_An_Introductory_Assessment.pdf.
[40] Bender, supra note 1, at 122.
[41] *See generally* London Bullion Market Ass'n, *LBMA Launches Digital Database for Gold Bars to Improve Transparency*, Reuters (Jan. 29, 2025), https://www.reuters.com/markets/commodities/london-bullion-association-launches-digital-database-gold-bars-2025-01-29; *Digital Gold: Understanding Cryptocurrency Backed by Physical Gold*, BlockApps (2023), https://blockapps.net/blog/digital-gold-understanding-cryptocurrency-backed-by-physical-gold.
[42] Lael Brainard, Governor, Bd. of Governors of the Fed. Rsrv. Sys., *The Digitalization of Payments and Currency: Some Issues for Consideration* (Feb. 5, 2020), https://www.federalreserve.gov/newsevents/speech/brainard20200205a.htm.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	697	Bankson and LaMarca	Martin	The bill died in the State Affairs Committee.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Herrera

A bill to be entitled

An act relating to legal tender; amending s. 212.02, F.S.; revising the term "tangible personal property"; amending s. 212.05, F.S.; revising the sales and use tax of coin or currency tax exemption; specifying that a person who claims the sales tax exemption bears the burden for determining whether the gold coin or silver coin meets a specified definition; providing a presumption regarding the purity requirements of gold coin and silver coin; creating s. 215.986, F.S.; defining terms; specifying, beginning on a specified date, that gold coin and silver coin are legal tender for a specified purpose; providing construction; prohibiting persons from being required to offer or accept any legal tender for a specified purpose; prohibiting persons from incurring liability for refusing to offer or accept legal tender; providing an exception; authorizing a governmental entity to accept gold coin or silver coin for a specified purpose and only in a specified manner; providing applicability; providing construction; authorizing governmental entities to enter into written contracts under certain circumstances; requiring certain custodians of gold coin or silver coin to meet certain requirements; specifying that a governmental entity that tenders or

accepts gold coin or silver coin under certain circumstances need not comply with certain provisions; creating s. 280.21, F.S.; requiring custodians of gold coin or silver coin which hold public deposits to meet certain requirements; amending s. 560.103, F.S.; revising definitions and defining terms; amending s. 560.141, F.S.; requiring the Office of Financial Regulation to approve an application for a custodian of gold coin or silver coin under certain circumstances; authorizing the office to conduct an examination of certain applicants before issuing a specified license; amending s. 560.142, F.S.; requiring the office to approve a renewal application for a custodian of gold coin or silver coin under certain circumstances; creating s. 560.150, F.S.; prohibiting money services businesses from being required to offer certain products or services; specifying certain requirements if money services businesses offer certain products or services; authorizing the Financial Services Commission to adopt rules; amending s. 560.204, F.S.; prohibiting a person from engaging in or advertising that they engage in the activity of a custodian of gold or coin or silver coin for compensation without a license; amending s. 560.205, F.S.; requiring applicants seeking to operate

as a payment instrument seller, money transmitter, or a custodian of gold coin or silver coin to provide specified information to the office; amending s. 560.214, F.S.; requiring a custodian of gold coin or silver coin to meet certain requirements; specifying that certain actions constitute a violation of certain provisions; authorizing the office to take certain disciplinary actions; specifying that the obligations of a custodian to an owner of gold coin or silver coin are fiduciary in nature for a specified purpose; authorizing the commission to adopt rules; amending s. 655.50, F.S.; revising the definition of the term "monetary instrument"; creating s. 655.970, F.S.; prohibiting financial institutions from being required to take certain actions; requiring financial institutions to take actions under certain circumstances; authorizing the commission to adopt rules; amending s. 672.511, F.S.; providing construction; requiring, by a specified date, the Department of Financial Services to submit a specified report to the Governor and the Legislature; amending s. 559.952, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Paragraph (j) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making or facilitating remote sales; who rents or furnishes any of the things or services taxable under this chapter; or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(j)1. Notwithstanding any other provision of this chapter, there is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

a. Is not legal tender; or

b. If legal tender, is sold, exchanged, or traded at a rate in excess of its face value.~~; or~~

~~c. Is sold, exchanged, or traded at a rate based on its precious metal content.~~

2. Such tax shall be at a rate of 6 percent of the price

at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States ~~and which is sold, exchanged, or traded, such tax shall not be levied~~ or any gold coin or silver coin that is legal tender in this state pursuant to s. 215.986.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the taxable amount represented by the sale of such coins or currency exceeds $500, the entire amount represented by the sale of such coins or currency is exempt from the tax imposed under this paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency and is exempt under this subparagraph.

Section 2. Section 215.986, Florida Statutes, is created to read:

215.986 Gold and silver coin as legal tender.—

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

(a) "Debt" means an obligation for the payment of money

under contract, whether expressed or implied, which includes judgments and recognizance. The term "debt" does not include taxes, charges, or dues imposed by the state.

(b) "Electronic transfer" means any instruction, other than a transaction by check, draft, or similar paper instrument, which is initiated through debit card, mobile application, or computer to order, instruct, or authorize a financial institution as defined in s. 655.005(1)(i) or a money services business as defined in s. 560.103 to debit or credit an account with gold coin or silver coin or any fraction thereof, the equivalent value in United States currency converted at current market price. For debit card transactions, this instruction shall authorize the debit in at the point of sale.

(c) "Gold coin" means a precious metal with the chemical element of atomic number 79 in solid form, typically in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and which consists of at least 99.5 percent purity. The term "coin" does not mean any goods as defined in s. 672.105(1), such as jewelry, other items of utility such as picture frames, or keepsakes.

(d) "Governmental entity" means a state, regional, county, municipal, special district, or other political subdivision, whether executive, judicial, or legislative, including, but not limited to, a department, a division, a board, a bureau, a

commission, an authority, a district, or an agency thereof, or a public school, a Florida College System institution, a state university, or an associated board.

(e) "Legal tender" means a medium of exchange that is authorized by this state pursuant to s. 10, Art. I of the United States Constitution for the payment of a debt.

(f) "Silver coin" means a precious metal with the chemical element of atomic number 47, in solid form typically in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with a weight that consists of at least 99.9 percent purity. The term "coin" does not mean any goods as defined in s. 672.105(1), such as jewelry, other items of utility such as picture frames, or keepsakes.

(2) LEGAL TENDER.-Effective January 1, 2026, gold coin and silver coin are legal tender for the payment of a debt in this state.

(a) This section may not be construed to restrict the electronic transfer of gold coin or silver coin as tender for the payment of a debt.

(b) A person may not be required to offer or accept any recognized legal tender, as described in this subsection, for the payment of a debt, deposit, or any other purpose. A person may not incur any liability for refusing to offer or accept such legal tender, except as specifically provided for by contract.

(c) A governmental entity may accept gold coin or silver coin for the payment of taxes or fees levied by the state or local government or any subdivision thereof. However, a governmental entity may tender or accept gold coin or silver coin as payment for a debts, taxes, or fees only by electronic transfer and may not tender or accept gold coin or silver coin in physical form.

(d) This section may not be construed as altering the legal tender status of any United States coins or currency that has been prescribed as legal tender under Federal law. Such coins or currency do not fall within the scope of this section.

(3) GOVERNMENT IMPLEMENTATION.—Each governmental entity that intends to tender or to accept payment of gold coin or silver coin may enter into a written contract which must be procured through competitive bidding with a qualified public depository as defined in s. 280.02.

(a) Unless otherwise provided in chapter 280, a custodian of gold coin or silver coin, as that term is defined in s. 560.103, which holds gold coin or silver coin as public deposits must meet the requirements for qualified public depositories under that chapter.

(b) A governmental entity that tenders or accepts gold coin or silver coin as payment of a debt by one of the exemptions listed in s. 280.03(3) need not comply with this subsection for purposes of tendering or accepting such gold coin

or silver coin.

Section 3. Section 280.21, Florida Statutes, is created to read:

280.21 Custodians of gold coin and silver coin.—A custodian of gold coin or silver coin as that term is defined in s. 560.103 which holds public deposits must do all of the following:

(1) Meet the definition of a qualified public depository as defined in s. 280.02, except that such custodian is not required to be insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund for purposes of holding gold coin or silver coin as defined in s. 215.986.

(2) Comply with all other applicable qualified public depository requirements and be subject to the provisions of this chapter.

Section 4. Present subsections (13) through (19), (20) through (34), and (35) and (36) of section 560.103, Florida Statutes, are redesignated as subsections (14) through (20), (22) through (36), and (38) and (39), respectively, new subsections (13), (21), and (37) are added to that section, and present subsections (18), (23), and (24) of that section are amended, to read:

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

(13) "Custodian of gold coin or silver coin" means any

entity providing secure vault facilities for the safekeeping and storage of gold coin or silver coin, the ownership of which is or may be transferred electronically as defined in s. 215.986(1). The term includes any person who holds gold coin or silver coin for more than 10 days.

(19) ~~(18)~~ "Foreign currency exchanger" means a person who exchanges, for compensation, currency of the United States or a foreign government, gold coin, or silver coin to currency of another government.

(21) "Gold coin" has the same meaning as in s. 215.986.

(25) ~~(23)~~ "Money services business" means any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, ~~or~~ money transmitter, or custodian of gold coin or silver coin.

(26) ~~(24)~~ "Money transmitter" means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which receives currency, monetary value, a payment instrument, gold coin or silver coin, or virtual currency for the purpose of acting as an intermediary to transmit currency, monetary value, a payment instrument, gold coin or silver coin, or virtual currency from one person to another location or person by any means, including transmission by wire, facsimile, electronic transfer, courier,

the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country. The term includes only an intermediary that has the ability to unilaterally execute or indefinitely prevent a transaction.

(37) "Silver coin" has the same meaning as in s. 215.986.

Section 5. Subsection (3) is added to section 560.141, Florida Statutes, to read:

560.141 License application.—

(3) The office must approve an application for a custodian of gold coin or silver coin if the applicant demonstrates compliance with the provisions of this chapter and the rules adopted by the commission requiring guidelines for the storage, security, insurance, auditing, administration, authorized access, transacting, and transfer of gold coin or silver coin. The office may conduct an examination of the applicant before issuing a license to determine the applicant's ability to conduct business immediately upon opening for business.

Section 6. Present subsection (5) of section 560.142, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

560.142 License renewal.—

(5) The office must approve a renewal application for a custodian of gold coin or silver coin if the licensee demonstrates compliance with the applicable provisions of this

chapter and with the rules adopted by the commission requiring guidelines for the storage, security, insurance, auditing, administration, authorized access, transacting, and transfer of gold coin or silver coin.

Section 7. Section 560.150, Florida Statutes, is created to read:

560.150 Gold and silver coin as legal tender.—

(1) A money services business may not be required to offer products or services, including, but not limited to, transmitting, storing, exchanging, or accepting payment in gold coin or silver coin. To the extent that a money services business offers such products or services, the money services business must do all of the following:

(a) Insure the gold coin or silver coin, if not otherwise insured by an independent custodian of gold coin or silver coin, for 100 percent of the full replacement value of any deposit under an all-risk insurance policy issued by a nongovernmental operated insurer that is an authorized insurer or eligible surplus lines insurer.

(b) Securely store and safeguard all physical gold coin or silver coin with a custodian of gold coin or silver coin within this state.

(c) Include any fee to convert gold coin or silver coin to coin or currency of the United States or of another country in the total maximum interchange transaction fee that an issuer may

charge with respect to an electronic debit transaction as provided under the Electronic Fund Transfer Act in 15 U.S.C. s. 1693 et seq.

(d) Ensure that any gold coin or silver coin that is purchased for use or circulation as legal tender is from an accredited refiner or wholesaler, as prescribed by commission rule, that certifies that the gold coin or silver coin being purchased meets the requirements of gold coin and silver coin defined in s. 215.986.

(e) Comply with chain of custody requirements, as prescribed by commission rule.

(f) Comply with all other applicable state and federal regulations.

(2) The commission may adopt rules as necessary to implement this section.

Section 8. Subsection (1) of section 560.204, Florida Statutes, is amended to read:

560.204 License required.—

(1) Unless exempted, a person may not engage in, or in any manner advertise that they engage in, the activity of a payment instrument seller, ~~or~~ money transmitter, or custodian of gold coin or silver coin for compensation, without first obtaining a license under this part. For purposes of this subsection, the term "compensation" includes profit or loss on the exchange of currency, monetary value, or virtual currency.

Section 9. Section 560.205, Florida Statutes, is amended to read:

560.205 Additional license application requirements.—In addition to the license application requirements under part I of this chapter, an applicant seeking a license under this part must also submit any information required by this section to the office.~~:~~

(1) Any applicant seeking to operate as a payment instrument seller or money transmitter must provide all of the following information to the office:

(a) A sample authorized vendor contract, if applicable.

(b)~~(2)~~ A sample form of payment instrument, if applicable.

(c)~~(3)~~ Documents demonstrating that the net worth and bonding requirements specified in s. 560.209 have been fulfilled.

(d)~~(4)~~ A copy of the applicant's financial audit report for the most recent fiscal year. If the applicant is a wholly owned subsidiary of another corporation, the financial audit report on the parent corporation's financial statements satisfies ~~shall satisfy~~ this requirement.

(2) Any applicant seeking to operate as a custodian of gold coin or silver coin must provide all of the following information to the office:

(a) All requirements specified in subsection(1).

(b) Evidence of:

1. Insurance against loss for all gold coin and silver coin held in its custody;

2. Custody of the same quantity and type of asset for all current gold coin or silver coin held in its custody; and

3. Depository accreditation from an entity approved by the office.

(c) A statement of a business plan providing for the safe and sound operation of custodial services pertaining to the storage, security, insurance, auditing, administration, authorized access, transacting, and transfer of gold coin or silver coin to the satisfaction of the office or in accordance with rules adopted by the commission.

Section 10. Section 560.214, Florida Statutes, is created to read:

560.214 Custodians of gold coin or silver coin.—

(1) A custodian of gold coin or silver coin must meet all of the following requirements:

(a) Be located in a manner that allows quick and efficient movement of the gold coin or silver coin, or enables rapid response time from law enforcement if necessary.

(b) Meet security requirements in accordance with industry standards, including, but not limited to:

1. Use of a high-security vault rated by Underwriters' Laboratories, Inc.

2. Physical security and video surveillance 24 hours a

day, 7 days a week;

3. Biometric or multi-factor access controls;

4. Facility design that is disaster-resistant including resistant to fire, flood, or earthquakes; and

5. Regular review and updates of security procedure.

(c) Keep customer assets segregated from the custodian's own assets and from asset classes that are not gold coin and silver coin.

(d) Store gold coin or silver coin on a fully allocated basis with an undivided interest for each owner. As used in this paragraph, the term:

1. "Fully allocated" means that each owner has a direct and specific legal claim to the exact gold coin or silver coin, or portion thereof, equal to their deposit that is held by the custodian of gold coin or silver coin.

2. "Undivided Interest" means all owners share the physical gold coin or silver coin collectively, with each owner entitled to a proportional share of the total holdings equal to their ownership, even though the gold coin or silver coin may be stored as a larger unit.

(e) Comply with chain of custody requirements as prescribed by commission rule.

(f) Maintain records detailing the inventory system, including, but not limited to, serial number and bar number tracking and ledger accounts.

(g) Have its custodial holdings examined or audited at least annually by an independent certified public accountant or other auditor acceptable to the office. The auditor must verify that the custodian's custodial assets are sufficient to cover all customer holdings and are held as represented. The results of such audit or examination must be reported to the office.

(h) Maintain insurance covering 100 percent of the full replacement value of the stored gold coin or silver coin under an all-risk insurance policy for loss, theft, damage, and employee dishonesty by an authorized insurer or eligible surplus lines insurer.

(i) Permit visits or inspections with advance notice.

(j) Maintain secure technology, including all of the following cybersecurity measures:

1. Secure online portal for account access.

2. Data encrypted in transit and at rest.

3. Two-factor authentication for login.

4. Regular cybersecurity audits or vulnerability assessments.

(k) Maintain custody of the same quantity and type of gold coin or silver coin as that entrusted by each customer.

(l) Refrain from selling, lending, pledging, rehypothecating, or encumbering any customer's gold coin or silver coin except to the extent directed by the customer for a transfer or transaction.

(m) Comply with anti-money laundering regulation pursuant to this chapter, and any applicable state or federal regulation.

(2) For a custodian that has a direct contractual relationship with the owner of the gold coin or silver coin, such custodian must also comply with all of the following requirements:

(a) Furnish to each owner, at the inception of the relationship and on at least an annual basis, a clear, written disclosure of the terms and conditions of the custodial arrangement and the associated risks. Such disclosure must also state that gold or silver assets are not insured by the FDIC, NCUA, or SIPC and that the owner's assets are held by a licensed custodian under Florida law.

(b) Provide transparent contracts, products, services, and fees, including storage and transaction fees.

(c) Provide quarterly account statements to an owner which itemize the assets in custody for that owner, and promptly deliver an updated statement.

(d) Return of the owner’s gold coin or silver coin to the owner upon the owner’s request.

1. The custodian must deliver possession of the physical gold coin or silver coin no later than 30 days from the date of the owner's request;

2. The custodian is obligated to return physical gold coin or silver coin at the minimum weight of any whole troy ounce of

gold coin or silver coin that is held by the custodian as may be requested by the owner;

3. Any holdings of gold coin or silver coin less than one troy ounce may be converted, at the discretion of the custodian, to United States currency at the market rate at the time the request is received by such custodian;

4. The owner may direct that any or all of his or her holdings of gold coin or silver coin be converted to United States currency and be delivered to the owner within the timeframe provided in subparagraph 1.;

5. The owner and the custodian may agree on any other terms of delivery; and

(e) Within 30 days of a request, make available to an owner a copy of any audit report required pursuant to paragraph (1)(e) which has been completed within the most recent 2-year period.

(f) A custodian, or any of its subcontractors or agents, may not disclose information relating to an account holder, including, but not limited to, the account holder's identity, account balances, account transactions, or other related data, except under any of the following circumstances:

1. The disclosure is made with the express written consent of the account holder.

2. The disclosure is made pursuant to a court order or a subpoena issued by a court of competent jurisdiction in a civil or criminal proceeding.

3. The disclosure is otherwise authorized or required by state or federal law.

Any records obtained in violation of this paragraph are inadmissible in any proceeding if a timely objection is made.

(3) A violation of any provision of this section or rules adopted hereunder constitutes a violation of this chapter. The office may take disciplinary action against a custodian or licensee or suspend or revoke the license, as applicable, for any violation of this section including, but not limited to, failure to safeguard assets, insolvency, commingling of customer assets, unauthorized use of assets, failure to maintain required records or reports, or other unsafe or unsound practices as defined in s. 655.005(1)(y).

(4) Obligations of a custodian to an owner of gold coin or silver coin under this section are fiduciary in nature for purposes of determining the priority of claims or losses.

(5) The commission may adopt rules as necessary to implement this section.

Section 11. Paragraph (e) of subsection (3) of section 655.50, Florida Statutes, is amended to read:

655.50 Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act.—

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

(e) "Monetary instruments" means coin or currency of the

United States or of any other country, travelers' checks, personal checks, bank checks, money orders, stored value cards, prepaid cards, gold coin or silver coin as those terms are defined in s. 215.986, investment securities or negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery, or similar devices.

Section 12. Section 655.970, Florida Statutes, is created to read:

655.970 Gold and silver coin as legal tender.—

(1) A financial institution may not be required to take any of the following actions:

(a) Receive deposits, as that term is defined in s. 658.26(5)(c), consisting of gold coin or silver coin, as those terms are defined in s. 215.986, whether in physical form or by electronic transfer.

(b) Exchange gold coin or silver coin for coin or currency of the United States or of another country.

(2) To the extent that a financial institution accepts gold coin or silver coin deposits, the financial institution shall do all of the following:

(a) Maintain separate accounts for any gold coin or silver coin and not commingle such gold coin or silver coin with any other coin or currency of the United States or of another country.

(b) Insure the gold coin or silver coin, if not otherwise

insured by the custodian of gold coin or silver coin, for 100 percent of the full replacement value of any deposit under an all-risk insurance policy issued by a nongovernmental-operated insurer that is an authorized insurer or an eligible surplus lines insurer.

(c) Securely store and safeguard all physical gold coin or silver coin with a custodian of gold or silver coin within this state.

(d) Comply, or be responsible and accountable for any third-party vendor that stores such gold coin and silver coin to comply, with the requirements for a custodian of gold coin or silver coin as provided in s. 560.214.

(e) Ensure that any gold coin or silver coin purchased for use or circulation as legal tender is from an accredited refiner or wholesaler that certifies that the gold coin or silver coin being purchased meets the requirements of gold coin and silver coin defined in s. 215.986.

(f) Comply with all other applicable state and federal regulations.

(3) The commission may adopt rules as necessary to implement this section.

Section 13. Subsection (2) of section 672.511, Florida Statutes, is amended to read:

672.511 Tender of payment by buyer; payment by check.—

(2) Tender of payment is sufficient when made by any means

or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives any extension of time reasonably necessary to procure it. As provided in s. 215.986(2)(b), this section may not be construed to compel a person to tender payment in gold coin or silver coin.

Section 14. The Department of Financial Services must submit a report by January 1, 2026 to the Governor, the President of the Senate, and the Speaker of the House of Representatives which contains all the following information:

(1) The progress of implementing s. 215.986, Florida Statutes.

(2) An explanation of any challenge that requires additional legislation to ensure that gold coin or silver coin may be accepted by the state as legal tender for payment of debts pursuant to s. 215.986, Florida Statutes.

Section 15. Paragraph (a) of subsection (4) of section 559.952, Florida Statutes, is amended to read:

559.952 Financial Technology Sandbox.—

(4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE REQUIREMENTS.—

(a) Notwithstanding any other law, upon approval of a Financial Technology Sandbox application, the following provisions and corresponding rule requirements are not applicable to the licensee during the sandbox period:

1. Section 516.03(1), except for the application fee, the investigation fee, the requirement to provide the social security numbers of control persons, evidence of liquid assets of at least $25,000 or documents satisfying the requirements of s. 516.05(10), and the office's authority to investigate the applicant's background. The office may prorate the license renewal fee for an extension granted under subsection (7).

2. Section 516.05(1) and (2), except that the office shall investigate the applicant's background.

3. Section 560.109, only to the extent that the section requires the office to examine a licensee at least once every 5 years.

4. Section 560.118(2).

5. Section 560.125(1), only to the extent that the subsection would prohibit a licensee from engaging in the business of a money transmitter or payment instrument seller during the sandbox period.

6. Section 560.125(2), only to the extent that the subsection would prohibit a licensee from appointing an authorized vendor during the sandbox period. Any authorized vendor of such a licensee during the sandbox period remains liable to the holder or remitter.

7. Section 560.128.

8. Section 560.141, except for s. 560.141(1)(a)1., 3., 7.-10. and (b), (c), and (d).

9. Section 560.142(1) and (2), except that the office may prorate, but may not entirely eliminate, the license renewal fees in s. 560.143 for an extension granted under subsection (7).

10. Section 560.143(2), only to the extent necessary for proration of the renewal fee under subparagraph 9.

11. Section 560.204(1), only to the extent that the subsection would prohibit a licensee from engaging in, or advertising that it engages in, the activity of a payment instrument seller or money transmitter during the sandbox period.

12. Section 560.205(1)(b) ~~Section 560.205(2)~~.

13. Section 560.208(2).

14. Section 560.209, only to the extent that the office may modify, but may not entirely eliminate, the net worth, corporate surety bond, and collateral deposit amounts required under that section. The modified amounts must be in such lower amounts that the office determines to be commensurate with the factors under paragraph (5)(c) and the maximum number of consumers authorized to receive the financial product or service under this section.

Section 16. This act shall take effect upon becoming a law.

COMMERCE COMMITTEE

PCS for HB 999 by Rep. Bankson
Legal Tender

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Bankson (line 104): The amendment corrects a drafting error by clarifying that the sales tax exemption applies when gold or silver coins qualify as legal tender.

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: Commerce Committee

Representative Bankson offered the following:

Amendment

Remove lines 104-105 and insert:

~~traded,~~ or any gold coin or silver coin that is legal tender in this state pursuant to s. 215.986, such tax shall not be levied.

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 CS/HB 1015	**COMPANION BILL:** CS/CS/SB 948 (Bradley)
TITLE: Flood Disclosures	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill requires landlords of residential properties to provide prospective tenants with a flood disclosure prior to or when a rental agreement is executed. If a landlord fails to disclose flood information truthfully, the tenant may terminate the rental agreement within a certain timeframe, and the landlord must refund the tenant all amounts paid in advance by the tenant. However, a tenant's liability for sums owed to the landlord prior to the date the rental was terminated by the tenant is not affected by such termination. These requirements also apply to mobile home park owners and prospective lessees of a mobile home lot.

The bill revises:

- The type of flood information that must be disclosed to prospective purchasers of residential real property to include whether the seller is aware of damage to the property caused by flooding during the seller's ownership of the property.
- The information that a developer must disclose to prospective purchasers of a residential condominium unit to include a statement that the homeowners' insurance policy does not cover damage for flooding, and whether the developer is aware of damage to the property caused by flooding, has filed a claim for flood damage, or has received assistance for flood damage.

Fiscal or Economic Impact:

The bill has an indeterminate impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Disclosure of Flood Risks to Prospective Tenants of Residential Real Property

The bill amends the Florida Residential Landlord and Tenant Act. Under the bill, a landlord is required to complete and provide a flood disclosure to a prospective tenant of residential real property at or before the execution of a rental agreement for a term of 1 year or longer. The bill specifies that the flood disclosure must be in a separate document from the lot rental agreement and must be made in substantially the following form:

> FLOOD DISCLOSURE
>
> Flood Insurance: Renters' insurance policies do not include coverage for damage resulting from floods. Tenant is encouraged to discuss the need to purchase separate flood insurance coverage with Tenant's insurance agent.
>
> 1. Landlord is ☐ is not ☐ aware of damage to the dwelling unit caused by flooding during the Landlord's ownership of the property.

2. Landlord has ☐ has not ☐ filed a claim with an insurance provider relating to flood damage to the dwelling unit, including, but not limited to, a claim with the National Flood Insurance Program.
3. Landlord has ☐ has not ☐ received assistance for flood damage to the dwelling unit, including, but not limited to, assistance from the Federal Emergency Management Agency.
4. For purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the dwelling unit caused by any of the following:
    a. The overflow of inland or tidal waters.
    b. The unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch.
    c. Sustained periods of standing water resulting from rainfall. (Section 1.)

The bill provides that if a landlord violates the foregoing requirements and the tenant suffers a substantial loss or damage to the tenant's personal property as a result of flooding, the tenant may terminate the rental agreement. Under the bill there is a "substantial loss or damage" if the total cost of repairs to or replacement of the tenant's personal property is 50 percent or more of that property's market value on the date the flooding occurred. (Section 1.)

If the tenant chooses to terminate the rental agreement, the tenant must give written notice of termination and surrender possession of the premises to the landlord no later than 30 days after the date of the damage or loss. Under the bill, a tenant's termination of a rental agreement is effective when the tenant vacates the property. (Section 1.)

If a tenant terminates a rental agreement as provided by the bill, the landlord must refund the tenant all rent or other amounts paid in advance under the rental agreement for any period after the effective date of the termination of the rental agreement. However, a tenant's termination does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the date the rental agreement was terminated by the tenant. (Section 1.)

Disclosure of Flood Risks to Prospective Lessees of Mobile Home Lots

The bill amends the Florida Mobile Home Act. The bill requires mobile home lot owners to complete and provide a flood disclosure to a prospective lessee of a mobile home lot. The disclosure must be made before execution of a lot rental agreement or at the time of occupancy, whichever occurs first. The flood disclosure must be made in a separate document from the lot rental agreement and must be made in substantially the same form as the disclosure for prospective tenants of residential real property. (Section 5.)

The bill provides that if a mobile home park owner violates the above requirements and the lessee suffers a substantial loss or damage to the lessee's personal property as a result of flooding, the lessee may terminate the lot rental agreement. Under the bill, there is a "substantial loss or damage" if the total cost of repairs to or replacement of the mobile home and personal property is 50 percent or more of the mobile home's and personal property's market value on the date the flooding occurred. (Section 5.)

If the lessee chooses to terminate the lot rental agreement, the lessee must give written notice of termination no later than 30 days after the date of the damage or loss. Under the bill, a lessee's termination of a lot rental agreement is effective when the requirements of s. 723.023(5), F.S.,[1] are met. (Section 5.)

If a tenant terminates a rental agreement as provided by the bill, the landlord must refund the tenant all rent or other amounts paid in advance under the rental agreement for any period after the effective date of the

[1] S. 723.023(5), F.S., requires mobile home owners and lessees, when vacating the premises of a mobile home, to remove any debris and other property of any kind which is left on the mobile home lot.

termination of the rental agreement. However, a tenant's termination does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the date the rental agreement was terminated by the tenant. (Section 1.)

Disclosures of Flood Risks to Prospective Purchasers of Residential Real Property

The bill revises the flood disclosures that must be made by a seller to a prospective purchaser of residential real property to include a disclosure of whether the seller is aware of damage to the property caused by flooding during the seller's ownership of the property. (Section 2.)

Disclosures of Flood Risks to Prospective Purchasers of Residential Condominium Units

The bill revises the disclosures that must be made by a developer to a prospective purchaser or lessor of a residential condominium unit. Under the bill, a contract for the sale or lease of a residential condominium unit for an unexpired term of more than 5 years must contain the following statement in conspicuous type:

> HOMEOWNERS' INSURANCE POLICIES DO NOT INCLUDE COVERAGE FOR DAMAGE RESULTING FROM FLOODING. BUYER IS ENCOURAGED TO DISCUSS THE NEED TO PURCHASE SEPARATE FLOOD INSURANCE COVERAGE WITH BUYER'S INSURANCE AGENT.
>
> DEVELOPER IS ☐ IS NOT ☐ AWARE OF DAMAGE TO THE PROPERTY CAUSED BY FLOODING DURING THE DEVELOPER'S OWNERSHIP OF THE PROPERTY.
>
> DEVELOPER HAS ☐ HAS NOT ☐ FILED A CLAIM WITH AN INSURANCE PROVIDER RELATING TO FLOOD DAMAGE ON THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, A CLAIM WITH THE NATIONAL FLOOD INSURANCE PROGRAM.
>
> DEVELOPER HAS ☐ HAS NOT ☐ RECEIVED ASSISTANCE FOR FLOOD DAMAGE TO THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
>
> FOR THE PURPOSES OF THIS DISCLOSURE, THE TERM "FLOODING" MEANS A GENERAL OR TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF THE PROPERTY OR COMMON ELEMENTS CAUSED BY THE OVERFLOW OF INLAND OR TIDAL WATERS; THE UNUSUAL AND RAPID ACCUMULATION OF RUNOFF OR SURFACE WATERS FROM ANY ESTABLISHED WATER SOURCE, SUCH AS A RIVER, STREAM, OR DRAINAGE DITCH; OR SUSTAINED PERIODS OF STANDING WATER RESULTING FROM RAINFALL. (Section 3 for condominiums; Section 4 for cooperatives.)

The bill has an effective date of October 1, 2025. (Section 6.)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have an indeterminate positive impact on the private sector, as the following individuals will be better informed about the condition of a property prior to or when executing a lease agreement or sales contract:

- Prospective tenants of residential real property.
- Prospective lessees of a mobile home lot.
- Prospective purchasers of residential real property.
- Prospective purchasers of a residential condominium unit that is part of a condominium association or cooperative association.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida's Residential Landlord and Tenant Act

The Florida Residential Landlord and Tenant Act[2] (Landlord-Tenant Act) governs the rental of dwelling units and the relationship between landlords[3] and tenants[4] in Florida.[5] Significant provisions in the Landlord-Tenant Act include those relating to unconscionable rental agreements,[6] the duration of the rental agreement and the duration of the tenancy,[7] prohibited provisions in rental agreements,[8] maintenance obligations of landlords and tenants,[9] a landlord's access to a dwelling unit,[10] terminations of tenancies and rental agreements,[11] and actions for damages.[12]

Other than an obligation of good faith[13] and a requirement for the landlord to disclose their name and address,[14] the Landlord-Tenant Act does not currently require the landlord to disclose any specific information regarding the property or dwelling unit prior to or when executing a rental agreement.

Florida's Mobile Home Act

The Florida Mobile Home Act[15] (Mobile Home Act) applies to any residential tenancy in which a mobile home is placed upon a rented or leased lot in a mobile home park in which 10 or more lots are offered for rent or lease.[16] When both the mobile home and lot are rented or when fewer than 10 lots are available for rent or lease, the tenancy is governed by the Landlord-Tenant Act.[17]

Under the Mobile Home Act, an owner of a mobile home park containing 26 or more lots must file a prospectus with the Division of Florida Condominiums, Timeshares, and Mobile Homes (Division), housed within the Florida Department of Business and Professional Regulation (DBPR).[18] Prior to entering into an enforceable rental agreement for a mobile home lot, the park owner must deliver to the homeowner a prospectus approved by the Division.[19]

Flood Risk and Flood Insurance

Florida receives an average of 59.21 inches of rain each year, and Florida's flat terrain makes it more susceptible to flooding.[20] As a result, one-third of properties in Florida are at risk of severe flooding in the next thirty years.[21]

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[2] The Florida Residential Landlord and Tenant Act (Landlord-Tenant Act) is codified in part II of ch. 83, F.S. Nonresidential tenancies and all tenancies not otherwise governed by the Landlord-Tenant Act are governed by pt. I of ch. 83, F.S. *See* s. 83.001, F.S.

[3] "Landlord" means the owner or lessor of a dwelling unit. S. 83.43(9), F.S.

[4] "Tenant" means any person entitled to occupy a dwelling unit under a rental agreement. S. 83.43(17), F.S.

[5] S. 83.41, F.S.

[6] *See* s. 83.45, F.S.

[7] *See* s. 83.46, F.S.

[8] *See* s. 83.47, F.S.

[9] Landlords have an obligation to maintain the premises, whereas tenants have an obligation to maintain the dwelling unit. *See* ss. 83.51, F.S. and 83.52, F.S.

[10] *See* s. 83.53, F.S.

[11] For terminations of tenancies without a specific term, *see* s. 83.57, F.S. For termination of tenancies with a specific duration, *see* s. 83.575, F.S.

[12] *See* s. 83.55, F.S.

[13] Every rental agreement or duty under the Landlord-Tenant Act imposes an obligation of good faith in its performance or enforcement. S. 83.44, F.S.

[14] Under the Act, the landlord (or a person authorized to enter into a rental agreement on the landlord's behalf) must disclose in writing to the tenant, at or before the commencement of the tenancy, the name and address of the landlord or a person authorized to receive notices and demands on the landlord's behalf. S. 83.50, F.S.

[15] The Florida Mobile Home Act (Mobile Home Act) is codified in ch. 723, F.S.

[16] S. 723.002(1), F.S.

[17] *Id.*

[18] S. 723.011(1)(a), F.S.

[19] *Id.*

[20] Florida Flood Insurance, *Flood History*, www.floridafloodinsurance.org/flood-history/ (last visited Mar. 25, 2025).

Although 36 percent of homeowners believe that homeowner's insurance covers flood-related damage,[22] most homeowner's insurance and hurricane insurance policies do not cover flood-related damage.[23] In addition, renter's insurance generally does not cover flood damage.[24]

National Flood Insurance Program

If a tenant or a homeowner wishes to have flood insurance, usually the tenant or homeowner must purchase flood insurance as a separate insurance policy through the National Flood Insurance Program (NFIP).[25] The NFIP is managed by the Federal Emergency Management Agency (FEMA) and is delivered to the public by more than 50 insurance companies and the NFIP Direct.[26] The NFIP provides flood insurance to property owners, renters, and businesses, and having this coverage has the potential to help such persons recover faster when flood waters recede.[27] A NFIP policy covers losses directly caused by flooding.[28] In the event of a flood, NFIP policies generally cover the building, the contents in a building, or both.[29]

Disclosures of Flood Risks to Prospective Purchasers of Residential Real Property

Currently, Florida law requires that a seller must complete and provide a flood disclosure to a purchaser of residential real property at or before the time the sales contract is executed.[30] The flood disclosure must be made in the following form:

> FLOOD DISCLOSURE
>
> Flood Insurance: Homeowners' insurance policies do not include coverage for damage resulting from floods. Buyer is encouraged to discuss the need to purchase separate flood insurance coverage with Buyer's insurance agent.
>
> (1) Seller has [___] has not [___] filed a claim with an insurance provider relating to flood damage on the property, including, but not limited to, a claim with the National Flood Insurance Program.
>
> (2) Seller has [___] has not [___] received federal assistance for flood damage to the property, including, but not limited to, assistance from the Federal Emergency Management Agency.
>
> (3) For the purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the property caused by any of the following:
>
> (a) The overflow of inland or tidal waters.
>
> (b) The unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch.
>
> (c) Sustained periods of standing water resulting from rainfall.[31]

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[21] Manuel Bojorquez, *More than One-Third of Florida Properties Face Looming Flood Risk, but Some Residents Are Unaware*, CBS News (June 1, 2023), www.cbsnews.com/news/florida-insurance-flooding-properties/ (last visited Mar. 25, 2025).
[22] Jason Metz, *72% of Homeowners Don't Understand Essential Home Insurance Coverage*, Forbes (Oct. 21, 2024), www.forbes.com/advisor/homeowners-insurance/survey-homeowners-insurance-knowlege/#:~:text=36%25%20of%20homeowners%20think%20that,damage%2C%20but%20it%20does%20not (last visited Mar. 25, 2025).
[23] Jason Metz, *Does Homeowners Insurance Cover Water Damage from Rain or a Leak?* Forbes (Oct. 27, 2023), www.forbes.com/advisor/homeowners-insurance/water-damage/ (last visited Mar. 25, 2025).
[24] Federal Emergency Management Agency, *The National Flood Insurance Program: What Your Clients Need to Know* (Jan. 2023), https://agents.floodsmart.gov/articles/national-flood-insurance-program-what-your-clients-need-know (last visited Mar. 25, 2025).
[25] FEMA, *Flood Insurance*, Flood Insurance | FEMA.gov (last visited Mar. 25, 2025).
[26] *Id.*
[27] *Id.*
[28] National Flood Insurance Program, *Flooding Happens Everywhere*, | Homepage | FloodSmart (last visited Mar. 25, 2025).
[29] *Id.*
[30] S. 689.302, F.S.
[31] *Id.*

Other required disclosures under Florida law for a seller of residential real property include disclosures relating to ad valorem taxes,[32] subsurface rights,[33] and known defects in sanitary sewer laterals.[34]

Disclosures to Prospective Purchasers of Residential Condominium Units

Under current law, a contract for the sale or lease of a residential condominium unit by the developer for an unexpired term of more than 5 years must contain certain disclosures.[35] The required disclosures for a developer include, but are not limited to, the following:

- If the unit has been occupied by someone other than the buyer, the contract must contain a statement that the unit has been occupied.[36]
- If the contract is for the sale or transfer of a unit subject to a lease, the contract must include an inconspicuous statement that the unit is subject to a lease or sublease and, as an exhibit to the contract, a copy of the executed lease.[37]
- If the contract is for the lease of a unit for a term of 5 years or more, the contract must include as an exhibit a copy of the proposed lease.[38]
- If the contract is for the sale or lease of a unit that is subject to a lien for rent payable under a lease of a recreational facility or other commonly used facility, the contract must contain an inconspicuous statement to that effect and that failure to pay rent may result in foreclosure of the lien.[39]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 1049	Hunschofsky	Bradley	The bill created flood risk disclosure requirements for a seller of residential real property. Effective October 1, 2024.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Fletcher

[32] *See* s. 689.261, F.S.
[33] *See* s. 689.29, F.S.
[34] *See* s. 689.301, F.S. A sanitary sewer lateral is the privately owned pipeline connecting a property to the main sewer line.
[35] *See, generally,* s. 718.503(1)(a), F.S.
[36] S. 718.503(1)(a)3., F.S.
[37] S. 718.503(1)(a)4., F.S.
[38] S. 718.503(1)(a)5., F.S.
[39] S. 718.503(1)(a)6., F.S.

A bill to be entitled

An act relating to flood disclosures; creating s. 83.512, F.S.; requiring a landlord of residential real property to provide specified information to a prospective tenant at or before the time the rental agreement is executed; specifying how such information must be disclosed; defining the term "flooding"; providing that if a landlord fails to disclose flood information truthfully and a tenant suffers substantial loss or damage, the tenant may terminate the rental agreement by giving a written notice of termination and surrendering possession of the premises to the landlord within a specified timeframe; defining the term "substantial loss"; requiring a landlord to refund the tenant all amounts paid in advance for any period after the effective date of the termination of the rental agreement; providing that a tenant is still liable for any sum owed to the landlord before the termination of the rental agreement; amending s. 689.302, F.S.; revising the flood information that must be disclosed to prospective purchasers of residential real property; amending ss. 718.503 and 719.503, F.S.; requiring a developer of a residential condominium unit or a residential cooperative unit to provide specified

information to a prospective purchaser at or before the time the sales contract is executed; specifying how such information must be disclosed; defining the term "flooding"; amending s. 723.011, F.S.; requiring a mobile home park owner to provide specified information to a prospective lessee at or before the time the rental agreement is executed; specifying how such information must be disclosed; defining the term "flooding"; providing that if a mobile home park owner fails to disclose flood information truthfully and a lessee suffers substantial loss or damage, the lessee may terminate the rental agreement by giving a written notice of termination to the mobile home park owner within a specified timeframe; defining the term "substantial loss"; requiring a mobile home park owner to refund the lessee all amounts paid in advance for any period after the effective date of the termination of the rental agreement; providing that a lessee is still liable for any sum owed to the mobile home park owner before the termination of the rental agreement; providing an effective date.

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

Section 1. Section 83.512, Florida Statutes, is created to

read:

83.512 Disclosure of flood risks to prospective tenant of residential real property.—

(1) A landlord must complete and provide a flood disclosure to a prospective tenant of residential real property at or before the execution of a rental agreement for a term of 1 year or longer. The flood disclosure must be in a separate document from the rental agreement. The flood disclosure must be made in substantially the following form:

FLOOD DISCLOSURE

Flood Insurance: Renters' insurance policies do not include coverage for damage resulting from floods. Tenant is encouraged to discuss the need to purchase separate flood insurance coverage with Tenant's insurance agent.

1. Landlord is ☐ is not ☐ aware of damage to the dwelling unit caused by flooding during the landlord's ownership of the property.

2. Landlord has ☐ has not ☐ filed a claim with an insurance provider relating to flood damage to the dwelling unit, including, but not limited to, a claim with the National Flood Insurance Program.

3. Landlord has ☐ has not ☐ received assistance for flood damage to the dwelling unit, including, but

not limited to, assistance from the Federal Emergency Management Agency.

4. For purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the dwelling unit caused by any of the following:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch.

c. Sustained periods of standing water resulting from rainfall.

(2) If a landlord violates this section and a tenant suffers a substantial loss or damage to the tenant's personal property as a result of flooding, the tenant may terminate the rental agreement by giving a written notice of termination and surrendering possession of the premises to the landlord no later than 30 days after the date of the damage or loss. Termination of a rental agreement under this section is effective upon the tenant surrendering possession of the property. For purposes of this section, the term "substantial loss or damage" means the total cost of repairs to or replacement of the personal property is 50 percent or more of the personal property's market value on the date the flooding occurred.

(3) A landlord shall refund the tenant all rent or other amounts paid in advance under the rental agreement for any period after the effective date of the termination of the rental agreement.

(4) This section does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the date the rental agreement was terminated by the tenant under this section.

Section 2. Section 689.302, Florida Statutes, is amended to read:

689.302 Disclosure of flood risks to prospective purchaser.—A seller must complete and provide a flood disclosure to a purchaser of residential real property at or before the time the sales contract is executed. The flood disclosure must be made in the following form:

FLOOD DISCLOSURE

Flood Insurance: Homeowners' insurance policies do not include coverage for damage resulting from floods. Buyer is encouraged to discuss the need to purchase separate flood insurance coverage with Buyer's insurance agent.

(1) Seller is ☐ is not ☐ aware of damage to the property caused by flooding during the Seller's ownership of the property.

(2)~~(1)~~ Seller has ☐ has not ☐ filed a claim with an insurance provider relating to flood damage on the property, including, but not limited to, a claim with the National Flood Insurance Program.

(3)~~(2)~~ Seller has ☐ has not ☐ received ~~federal~~ assistance for flood damage to the property, including, but not limited to, assistance from the Federal Emergency Management Agency.

(4)~~(3)~~ For the purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the property caused by any of the following:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch.

(c) Sustained periods of standing water resulting from rainfall.

Section 3. Paragraph (a) of subsection (1) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(a) Contents of contracts.—Any contract for the sale of a

residential unit or a lease thereof for an unexpired term of more than 5 years shall:

1. Contain the following legend in conspicuous type:

THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER, AND RECEIPT BY BUYER OF ALL OF THE ITEMS REQUIRED TO BE DELIVERED TO HIM OR HER BY THE DEVELOPER UNDER SECTION 718.503, FLORIDA STATUTES. THIS AGREEMENT IS ALSO VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF RECEIPT FROM THE DEVELOPER OF ANY AMENDMENT WHICH MATERIALLY ALTERS OR MODIFIES THE OFFERING IN A MANNER THAT IS ADVERSE TO THE BUYER. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS AFTER THE BUYER HAS RECEIVED ALL OF THE ITEMS REQUIRED. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING. FIGURES CONTAINED IN ANY BUDGET DELIVERED TO THE BUYER PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT ARE ESTIMATES ONLY AND REPRESENT AN APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND CIRCUMSTANCES EXISTING AT THE TIME OF THE PREPARATION

OF THE BUDGET BY THE DEVELOPER. ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL ADVERSE CHANGES IN THE OFFERING.

2. Contain the following caveat in conspicuous type on the first page of the contract:

ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, REFERENCE SHOULD BE MADE TO THIS CONTRACT AND THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

3. If the unit has been occupied by someone other than the buyer, contain a statement that the unit has been occupied.

4. If the contract is for the sale or transfer of a unit subject to a lease, include as an exhibit a copy of the executed lease and shall contain within the text in conspicuous type: "THE UNIT IS SUBJECT TO A LEASE (OR SUBLEASE)."

5. If the contract is for the lease of a unit for a term of 5 years or more, include as an exhibit a copy of the proposed lease.

6. If the contract is for the sale or lease of a unit that

is subject to a lien for rent payable under a lease of a recreational facility or other commonly used facility, contain within the text the following statement in conspicuous type:

THIS CONTRACT IS FOR THE TRANSFER OF A UNIT THAT IS SUBJECT TO A LIEN FOR RENT PAYABLE UNDER A LEASE OF COMMONLY USED FACILITIES. FAILURE TO PAY RENT MAY RESULT IN FORECLOSURE OF THE LIEN.

7. State the name and address of the escrow agent required by s. 718.202 and state that the purchaser may obtain a receipt for his or her deposit from the escrow agent upon request.

8. If the contract is for the sale or transfer of a unit in a condominium in which timeshare estates have been or may be created, contain within the text in conspicuous type: "UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES." The contract for the sale of a fee interest in a timeshare estate shall also contain, in conspicuous type, the following:

FOR THE PURPOSE OF AD VALOREM TAXES OR SPECIAL ASSESSMENTS LEVIED BY TAXING AUTHORITIES AGAINST A FEE INTEREST IN A TIMESHARE ESTATE, THE MANAGING ENTITY IS GENERALLY CONSIDERED THE TAXPAYER UNDER FLORIDA LAW. YOU HAVE THE RIGHT TO CHALLENGE AN ASSESSMENT BY A TAXING AUTHORITY RELATING TO YOUR TIMESHARE ESTATE

PURSUANT TO THE PROVISIONS OF CHAPTER 194, FLORIDA STATUTES.

9. Contain within the text the following statement in conspicuous type:

HOMEOWNERS' INSURANCE POLICIES DO NOT INCLUDE COVERAGE FOR DAMAGE RESULTING FROM FLOODING. BUYER IS ENCOURAGED TO DISCUSS THE NEED TO PURCHASE SEPARATE FLOOD INSURANCE COVERAGE WITH BUYER'S INSURANCE AGENT.

DEVELOPER IS ☐ IS NOT ☐. AWARE OF DAMAGE TO THE PROPERTY CAUSED BY FLOODING DURING THE DEVELOPER'S OWNERSHIP OF THE PROPERTY.

DEVELOPER HAS ☐ HAS NOT ☐ FILED A CLAIM WITH AN INSURANCE PROVIDER RELATING TO FLOOD DAMAGE ON THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, A CLAIM WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

DEVELOPER HAS ☐ HAS NOT ☐ RECEIVED ASSISTANCE FOR FLOOD DAMAGE TO THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FOR THE PURPOSES OF THIS DISCLOSURE, THE TERM "FLOODING" MEANS A GENERAL OR TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF THE PROPERTY OR COMMON ELEMENTS CAUSED BY THE OVERFLOW OF INLAND OR TIDAL WATERS; THE UNUSUAL AND RAPID ACCUMULATION OF RUNOFF OR SURFACE WATERS FROM ANY ESTABLISHED WATER SOURCE, SUCH AS A RIVER, STREAM, OR DRAINAGE DITCH; OR SUSTAINED PERIODS OF STANDING WATER RESULTING FROM RAINFALL.

Section 4. Paragraph (a) of subsection (1) of section 719.503, Florida Statutes, is amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(a) Contents of contracts.—Any contracts for the sale of a unit or a lease thereof for an unexpired term of more than 5 years shall contain:

1. The following legend in conspicuous type:

THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER, AND RECEIPT BY BUYER OF ALL OF THE ITEMS REQUIRED TO BE DELIVERED TO HIM OR HER BY

THE DEVELOPER UNDER SECTION 719.503, FLORIDA STATUTES. THIS AGREEMENT IS ALSO VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF RECEIPT FROM THE DEVELOPER OF ANY AMENDMENT WHICH MATERIALLY ALTERS OR MODIFIES THE OFFERING IN A MANNER THAT IS ADVERSE TO THE BUYER. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS AFTER THE BUYER HAS RECEIVED ALL OF THE ITEMS REQUIRED. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING. FIGURES CONTAINED IN ANY BUDGET DELIVERED TO THE BUYER PREPARED IN ACCORDANCE WITH THE COOPERATIVE ACT ARE ESTIMATES ONLY AND REPRESENT AN APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND CIRCUMSTANCES EXISTING AT THE TIME OF THE PREPARATION OF THE BUDGET BY THE DEVELOPER. ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL ADVERSE CHANGES IN THE OFFERING.

2. The following caveat in conspicuous type shall be placed upon the first page of the contract:

ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS

CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, REFERENCE SHOULD BE MADE TO THIS CONTRACT AND THE DOCUMENTS REQUIRED BY SECTION 719.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

3. If the unit has been occupied by someone other than the buyer, a statement that the unit has been occupied.

4. If the contract is for the sale or transfer of a unit subject to a lease, the contract shall include as an exhibit a copy of the executed lease and shall contain within the text in conspicuous type: "THE UNIT IS SUBJECT TO A LEASE (OR SUBLEASE)."

5. If the contract is for the lease of a unit for a term of 5 years or more, the contract shall include as an exhibit a copy of the proposed lease.

6. If the contract is for the sale or lease of a unit that is subject to a lien for rent payable under a lease of a recreational facility or other common areas, the contract shall contain within the text the following statement in conspicuous type: "THIS CONTRACT IS FOR THE TRANSFER OF A UNIT THAT IS SUBJECT TO A LIEN FOR RENT PAYABLE UNDER A LEASE OF COMMON AREAS. FAILURE TO PAY RENT MAY RESULT IN FORECLOSURE OF THE LIEN."

7. The contract shall state the name and address of the

escrow agent required by s. 719.202 and shall state that the purchaser may obtain a receipt for his or her deposit from the escrow agent, upon request.

8. If the contract is for the sale or transfer of a unit in a cooperative in which timeshare estates have been or may be created, the following text in conspicuous type: "UNITS IN THIS COOPERATIVE ARE SUBJECT TO TIMESHARE ESTATES." The contract for the sale of a timeshare estate must also contain, in conspicuous type, the following:

FOR THE PURPOSE OF AD VALOREM TAXES OR SPECIAL ASSESSMENTS LEVIED BY TAXING AUTHORITIES AGAINST A TIMESHARE ESTATE, THE MANAGING ENTITY IS GENERALLY CONSIDERED THE TAXPAYER UNDER FLORIDA LAW. YOU HAVE THE RIGHT TO CHALLENGE AN ASSESSMENT BY A TAXING AUTHORITY RELATING TO YOUR TIMESHARE ESTATE PURSUANT TO THE PROVISIONS OF CHAPTER 194, FLORIDA STATUTES.

9. Contain within the text the following statement in conspicuous type:

HOMEOWNERS' INSURANCE POLICIES DO NOT INCLUDE COVERAGE FOR DAMAGE RESULTING FROM FLOODING. BUYER IS ENCOURAGED TO DISCUSS THE NEED TO PURCHASE SEPARATE FLOOD INSURANCE COVERAGE WITH BUYER'S INSURANCE AGENT.

DEVELOPER IS ☐ IS NOT ☐ AWARE OF DAMAGE TO THE PROPERTY CAUSED BY FLOODING DURING THE DEVELOPER'S OWNERSHIP OF THE PROPERTY.

DEVELOPER HAS ☐ HAS NOT ☐ FILED A CLAIM WITH AN INSURANCE PROVIDER RELATING TO FLOOD DAMAGE ON THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, A CLAIM WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

DEVELOPER HAS ☐ HAS NOT ☐ RECEIVED ASSISTANCE FOR FLOOD DAMAGE TO THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FOR THE PURPOSES OF THIS DISCLOSURE, THE TERM "FLOODING" MEANS A GENERAL OR TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF THE PROPERTY OR COMMON ELEMENTS CAUSED BY THE OVERFLOW OF INLAND OR TIDAL WATERS; THE UNUSUAL AND RAPID ACCUMULATION OF RUNOFF OR SURFACE WATERS FROM ANY ESTABLISHED WATER SOURCE, SUCH AS A RIVER, STREAM, OR DRAINAGE DITCH; OR SUSTAINED PERIODS OF STANDING WATER RESULTING FROM RAINFALL.

Section 5. Subsection (6) is added to section 723.011, Florida Statutes, to read:

723.011 Disclosure prior to rental of a mobile home lot; prospectus, filing, approval.—

(6)(a) A mobile home park owner must complete and provide a flood disclosure to a prospective lessee of a mobile home lot. Delivery must be made before execution of the lot rental agreement or at the time of occupancy, whichever occurs first. The flood disclosure must be in a separate document from the lot rental agreement. The flood disclosure must be made in substantially the following form:

FLOOD DISCLOSURE

Flood Insurance: Homeowners' and renters' insurance policies do not include coverage for damage resulting from floods. You are encouraged to discuss the need to purchase separate flood insurance coverage with your insurance agent.

1. The mobile home park owner is ☐ is not ☐ aware of damage to the property caused by flooding during the mobile home park owner's ownership of the property.

2. The mobile home park owner has ☐ has not ☐

filed a claim with an insurance provider relating to flood damage to the property, including, but not limited to, a claim with the National Flood Insurance Program.

3. The mobile home park owner has ☐ has not ☐ received assistance for flood damage to the property, including, but not limited to, assistance from the Federal Emergency Management Agency.

4. For purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the dwelling unit caused by any of the following:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch.

c. Sustained periods of standing water resulting from rainfall.

(b) If a mobile home park owner violates this section and a lessee suffers a substantial loss or damage to the lessee's mobile home or personal property as a result of flooding, the lessee may terminate the lot rental agreement by giving a written notice of termination to the mobile home park owner no later than 30 days after the date of the damage or loss.

Termination of a lot rental agreement under this section is effective when the requiremements of s. 723.023(5) are met. For purposes of this paragraph, the term "substantial loss or damage" means the total cost of repairs to or replacement of the mobile home and personal property is 50 percent or more of the mobile home's and personal property's market value on the date the flooding occurred.

(c) A mobile home park owner shall refund the lessee all rent or other amounts paid in advance under the lot rental agreement for any period after the effective date of the termination of the lot rental agreement.

(d) This section does not affect a lessee's liability for delinquent, unpaid rent or other sums owed to the mobile home park owner before the date the lot rental agreement was terminated by the lessee under this subsection.

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

PCS for HB 1137

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 1137	**COMPANION BILL:** CS/SB 1002 (Truenow)
TITLE: Utility Service Restrictions	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities that are expressly preempted from prohibiting certain types or fuel sources of energy production or the use of appliances that use these specified types or fuel sources of energy production.

The bill also provides that rural electric cooperatives may not prohibit certain types or fuel sources of energy production or the use of appliances that use these specified types or fuel sources of energy production.

Under the bill, the Florida Building Commission and the State Fire Marshal may not adopt any provision into the Florida Building Code or Florida Fire Prevention Code that prohibits or requires the installation of materials to facilitate the use of more than one type or fuel source of energy production used, delivered, converted, or supplied by the specified utilities and other entities, except to the extent required for the proper operation of an appliance, as specified by the appliance manufacturer

Fiscal or Economic Impact:

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Preemption Over Utility Service Restrictions (Section 1)

The bill adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities expressly preempted from enacting or enforcing a resolution, ordinance, rule, code, or policy, or taking any other action that restricts or prohibits, or has the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that these entities are authorized to serve:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators.

The bill also adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities that may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production described above.

The bill adds that any "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" action that violates the above preemptions over utility service restrictions and existed prior to July 1, 2021, is void.

Rural Electric Cooperatives (Section 2)

The bill provides that rural electric cooperatives may not adopt, enact, or enforce any bylaw, tariff, or policy, or take any other action, that would preclude the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the utilities and other entities listed above to serve customers they are authorized to serve.

The bill further provides that rural electric cooperatives may not adopt, enact, or enforce any bylaw, tariff, or policy, or take any other action, that would preclude the use of any appliance,[1] including a stove or grill, which uses the types or fuel source of energy production which may be used, delivered, converted, or supplied by the utilities or other entities listed above.

Florida Building Code (Section 3)

The bill prohibits the Florida Building Commission from adopting any provision into the Florida Building Code that prohibits or requires, or has the effect of prohibiting or requiring, the installation of materials to facilitate the use of more than one type or fuel source of energy production used, delivered, converted, or supplied by the utilities and other entities listed above, except to the extent required for the proper operation of an appliance, as specified by the appliance manufacturer. Under the bill, emergency power systems and standby power systems required by statute, the Florida Building Code, the Florida Fire Prevention Code, or local amendments adopted thereto are exempt from this requirement.

Florida Fire Prevention Code (Section 4)

The bill prohibits the State Fire Marshal from adopting any provision into the Florida Fire Prevention Code that prohibits or requires, or has the effect of prohibiting or requiring, the installation of materials to facilitate the use of more than one type or fuel source of energy production used, delivered, converted, or supplied by the utilities and other entities listed above, except to the extent required for the proper operation of an appliance, as specified by the appliance manufacturer. Under the bill, emergency power systems and standby power systems required by statute, the Florida Building Code, the Florida Fire Prevention Code, or local amendments adopted thereto are exempt from this requirement.

The bill has an effective date of July 1, 2025. (Section 5).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Local Government Authority

The Florida Constitution grants county and municipal governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[2] Those counties operating under a county charter have all powers of self-government not inconsistent with

[1] The bill defines the term "appliance" as a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.
[2] Art. VIII, s. 1(f), Fla. Const.

general law or special law approved by vote of the electors.[3] Likewise, municipalities[4] have those governmental, corporate, and proprietary powers enabling them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.[5]

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.[6] Special districts are created by general law,[7] special act,[8] local ordinance,[9] or by rule of the Governor and Cabinet.[10] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[11] As of March 8, 2025, there are 603 active dependent[12] special districts and 1,442 active independent special districts in Florida.[13]

State Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature "has preempted a particular subject area" or (2) the local enactment conflicts with a state statute. State preemption precludes a local government from exercising authority in that particular area.[14]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[15] Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.[16] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[17] In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.[18]

Preemption Over Utility Service Restrictions

Section 366.032, F.S., expressly preempts the area of restricting utility services. It prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy, or taking any other action that restricts or prohibits, or has

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[3] Art. VIII, s. 1(g), Fla. Const.
[4] A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term "municipality" may be used interchangeably with the terms "town," "city," and "village."
[5] Art. VIII, s. 2(b), Fla. Const. *See also* s. 166.021(1), F.S.
[6] *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).
[7] S. 189.031(3), F.S.
[8] *Id.*
[9] S. 189.02(1), F.S.
[10] S. 190.005(1), F.S. *See*, generally, s. 189.012(6), F.S.
[11] *Local Gov't Formation Manual,* p. 56, https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf (last visited Mar. 8, 2025).
[12] Dependent special districts are under some control by a single county or municipality. S. 189.012(2), F.S. An independent special district is any district that is not a dependent special district. S. 189.012(3), F.S. A special district that includes more than one county is independent unless it lies wholly within the boundaries of a single municipality.
[13] Florida Department of Commerce, Official List of Special Districts, https://specialdistrictreports.floridajobs.org/OfficialList/CustomList (last visited Mar. 28, 2025).
[14] Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited Mar. 8, 2025).
[15] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).
[16] *Mulligan*, 934 So. 2d at 1243.
[17] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).
[18] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So.2d 504 (Fla. 3d DCA 2002).

the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that these entities are authorized to serve:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators.[19]

An electric utility is an entity which owns, maintains, or operates an electric generation, transmission or distribution system. An electric utility can be investor-owned, municipally-owned, or a rural electric cooperative.[20] There are four investor-owned electric utilities in Florida: Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company, and Florida Public Utilities Corporation.[21]

Additionally, there are thirty-five municipal electric utilities and eighteen rural electric cooperatives.[22] Further, the Florida Municipal Power Agency was created through a series of interlocal agreements under s. 163.01, F.S., to provide wholesale power supply to municipal electric utilities.[23] Fuels that Florida electric utilities use to generate electric power include, but are not limited to: natural gas, nuclear, coal, and renewables like solar and biomass.[24]

A natural gas utility is a utility that supplies natural or manufactured gas, or liquefied gas with air admixture, or a similar gaseous substance by pipeline, to or for the public. A natural gas utility can be an investor-owned utility, gas district, or municipal gas utility.[25] Currently, there are five investor-owned natural gas utilities, twenty-seven municipally owned natural gas utilities, and four gas districts.[26]

Liquified petroleum gas is any material which is composed predominately of any of the following hydrocarbons, or mixtures: propane, propylene, butanes, and butylenes.[27] A category I liquid petroleum gas dealer is someone who sells or offers to sell by delivery, or at a stationary location, any liquified petroleum gas to a consumer for industrial, commercial, or domestic use.[28] A category II liquefied petroleum gas dispenser is a person who operates a liquefied petroleum gas dispensing unit for the purpose of serving liquid products to the consumer for industrial, commercial, or domestic use, and who sells, or offers to sell or lease equipment for the use of liquified petroleum gas.[29] A category III liquified petroleum gas cylinder exchange operator is a person who operates a storage facility used for the purpose of storing filled propane cylinders of certain capacities while awaiting sale to the consumer, or a facility used for the storage of empty or filled containers which have been offered for exchange.[30]

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[19] S. 366.032, F.S.
[20] S. 366.02, F.S.
[21] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry* (2024), p, 4, available at https://www.psc.state.fl.us/reports (last visited Mar. 8, 2025).
[22] *Id.* at 1.
[23] Currently, FMPA serves the following municipalities: Alachua, Bartow, Blountstown, Bushnell, Chattahoochee, Clewiston, Fort Meade, Fort Pierce, Gainesville, Green Cove Springs, Havana, Homestead, Jacksonville Beach, Key West, Kissimmee, Lake Worth Beach, Lakeland, Leesburg, Moore Haven, Mount Dora, New Smyrna Beach, Newberry, Ocala, Orlando, Quincy, St. Cloud, Starke, Tallahassee, Wauchula, Williston, and Winter Park. Florida Municipal Power Agency, *Members*, https://fmpa.com/members/ (last visited Mar. 8, 2025).
[24] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 20, p. 2.
[25] S. 366.04(3)(c), F.S.
[26] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 20, p. 14.
[27] S. 527.01(1), F.S.
[28] This category also includes "any person leasing or offering to lease, or exchanging or offering to exchange, any apparatus, appliances, and equipment for the use of liquefied petroleum gas; any person installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; any person installing carburetion equipment; or any person requalifying cylinders." S. 527.01(6), F.S.
[29] S. 527.01(7), F.S.
[30] S. 527.01(8), F.S.

Additionally, s. 366.032, F.S., prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy to take any action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed above. Current law provides an exception for circumstances in which the political subdivision must enforce the Florida Building Code or the Florida Fire Prevention Code.

Section 366.032(5), F.S., provides than any municipality, county, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that violates the above preemptions over utility service restrictions and existed prior to July 1, 2021, is void.

Rural Electric Cooperatives

Rural electric cooperatives are electric utilities that are owned by their consumer-members. These private companies are generally nonprofit, with their principal purpose being to deliver electrical service to their members. Rural electric cooperatives are mostly located in rural areas where, at least historically, the return on investment for building or installing electrical infrastructure was not enough for investor-owned utilities to want to provide service.[31]

These cooperatives operate in 57 of Florida's 67 counties and have more than 2.7 million customers.[32] Much like other areas of the U.S., Florida rural electric cooperatives serve a large percentage of area but have a low customer density. Specifically, Florida cooperatives serve approximately 10 percent of Florida's total electric utility customers, but their service territory covers 60 percent of Florida's total land mass. Each cooperative is governed by a board of cooperative members elected by the cooperative's membership.[33]

In addition to providing electric service, cooperatives in Florida are authorized to own and operate water and sewer systems.[34] To promote economic development, a cooperative may provide any energy or nonenergy services to its membership.[35]

Florida Building Code

The Florida Building Code provides a mechanism for adopting, updating, amending, interpreting, and enforcing a unified state building code from jurisdiction to jurisdiction.[36] The Florida Building Code contains or incorporates by reference all laws and rules, and enforces such laws and rules, which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.[37] The Florida Building Code is updated at least every three years, and the current edition of the Florida Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[38]

Florida Fire Prevention Code

Chapter 633, F.S., is Florida's fire prevention and control law, and it designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services, is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to

[31] University of Wisconsin Center for Cooperatives, *Research on the Economic Impact of Cooperatives*, https://reic.uwcc.wisc.edu/electric/ (last visited Apr. 11, 2025).
[32] Florida Electric Cooperative Association, *Our History*, https://feca.com/our-history/ (last visited Apr. 11, 2025).
[33] *Id.*
[34] S. 425.04(4), F.S.
[35] S. 425.04(15), F.S.
[36] S. 553.72(1), F.S.
[37] S. 553.73(1)(a), F.S.
[38] S. 553.73(7)(a), F.S.; DBPR, *Florida Building Code*, https://floridabuilding.org/bc/bc_default.aspx (last visited Apr. 11, 2025).

fire safety.[39] The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Code), which contains all
fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.[40]

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Code as the minimum fire prevention code. These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements, but may not enact fire safety ordinances that conflict with ch. 633, F.S., or any other state law.[41]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 1645	Payne	Collins	The bill became law on July 1, 2024.
2023	CS/CS/HB 1281	Buchanan	Collins	The bill became law on July 1, 2023.
2021	CS/CS/HB 919	Tomkow	Hutson	The bill became law on July 1, 2021.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Bauldree

[39] S. 633.104, F.S.
[40] S. 633.202, F.S.
[41] Ss. 633.108, 633.208, and 633.214, F.S.

A bill to be entitled

An act relating to utility service restrictions; amending s. 366.032, F.S.; prohibiting boards, agencies, commissions, and any authority of any county, municipal corporation, or political subdivision from restricting or prohibiting fuel sources and appliances used to provide energy to consumers; revising retroactive applicability to include boards, agencies, commissions, and any authority of any county, municipal corporation, and political subdivision; amending s. 425.04, FS.; prohibiting rural electric cooperatives from restricting or prohibiting certain fuel sources and appliances used to provide energy to consumers; amending s. 553.73, F.S.; prohibiting the Florida Building Commission from adopting specified restrictions; providing exceptions; amending s. 633.202, F.S.; prohibiting the State Fire Marshall from adopting specified restrictions; providing exceptions; providing an effective date.

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

Section 1. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended to read:

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter;

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;

(c) A natural gas utility as defined in s. 366.04(3)(c);

(d) A natural gas transmission company as defined in s. 368.103; or

(e) A Category I liquefied petroleum gas dealer or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality,

county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(5) Any municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act that existed before or on July 1, 2021, is void.

Section 2. A new subsection (18) is added to section 425.04, Florida Statutes, to read:

425.04 Powers.—A cooperative shall have all of the following powers:

(18) A rural electric cooperative organized pursuant to this chapter may not adopt, enact, or enforce any bylaw, tariff, or policy, or take any other action, that restricts or prohibits or has the effect of restricting or prohibiting:

(a) The types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in paragraphs (a)-(e) of subsection (1) of s. 366.032 to serve customers that such entities are authorized to serve.

(b) The use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in paragraphs (a)-(e) of subsection (1) of s. 366.032. As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

Section 3. Subsection (20) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be

equipped with a self-closing device.

(c) Adopt into the Florida Building Code any provision that prohibits or requires, or has the effect of prohibiting or requiring, the installation of materials to facilitate the use of more than one type or fuel source of energy production listed in paragraphs (a)-(e) of subsection (1) of s. 366.032, except to the extent that more than one type or fuel source of energy is required for the proper operation of an appliance, as specified by the appliance manufacturer. Emergency power systems and standby power systems required by statute, the Florida Building Code, the Florida Fire Prevention Code, or local amendments adopted thereto are exempt from this paragraph.

Section 4. A new subsection (21) is added to section 633.202, Florida Statutes, to read:

633.202 Florida Fire Prevention Code.—

(21) The State Fire Marshall may not adopt into the Florida Fire Prevention Code any provision that prohibits or requires, or has the effect of prohibiting or requiring, the installation of materials to facilitate the use of more than one type or fuel source of energy production listed in paragraphs (a)-(e) of subsection (1) of s. 366.032, except to the extent that more than one type or fuel source of energy is required for the proper operation of an appliance, as specified by the appliance manufacturer. Emergency power systems and standby power systems required by statute, the Florida Building Code,

the Florida Fire Prevention Code, or local amendments adopted thereto are exempt from this paragraph.

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

COMMERCE COMMITTEE

PCS for HB 1137 by Rep. Shoaf
Utility Service Restrictions

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Shoaf (line 71):

- Provides an exception from preemption for a separate legal entity that is created under s. 163.01, F.S., that does not provide utility services to customers and whose membership consists only of electric utilities.

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: Commerce Committee

Representative Shoaf offered the following:

Amendment (with title amendment)

Between lines 71 and 72, insert:

(6) For purposes of this section, the term "agency" does not apply to a separate legal entity that is created under s. 163.01, that does not provide utility services to consumers, and whose membership consists only of electric utilities.

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

Remove line 11 and insert:

political subdivisions; providing applicability; amending s. 425.04, F.S.;

PCS for HB 1467

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 1467	**COMPANION BILL:** CS/SB 1404 (Simon)
TITLE: Gambling	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill strengthens penalties for illegal gambling, authorizes the operation of fantasy sports contests, clarifies employee prohibitions governing the Florida Gaming Control Commission (Commission), revises reporting requirements related to changes in ownership for pari-mutuel wagering permitholders, and preempts local governments from regulating gaming activities unless expressly provided in Florida law.

The bill removes live racing requirements for thoroughbred permitholders under certain conditions, and allows certain thoroughbred permitholders that do not conduct live racing to retain the ability to continue to hold and/or apply for a slot machine and/or cardroom license. The bill revises requirements related to thoroughbred purses and certain agreements related to live racing, and contracting requirements between the horsemen's associations and permitholders. The bill creates a pathway for certain thoroughbred permitholders to operate racing at a licensed thoroughbred training center, and prohibits converted thoroughbred permitholders from obtaining slot machine and cardroom licenses under certain conditions.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state government and the private sector. Strengthening illegal gambling penalties and allowing thoroughbred permitholders to elect not to conduct live racing may increase enforcement revenues and reduce illegal gambling operations, and provide an operating cost savings to thoroughbred permitholders, respectively. The extent to which these impacts will occur is unknown.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

GAMING ENFORCEMENT

Florida Gaming Control Commission

The bill requires the Florida Gaming Control Commission (Commission) to include the following information in its annual report: the number of investigations that led to criminal charges being filed and the resolution of such criminal case; the number of complaints received by the Commission and a summary of the action taken on each complaint by the Commission; and a list of property seized by the Commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions. (Section 1)

Commissioner and Commission Employee Restrictions

The bill revises the restrictions on Commissioners and Commission employees that prohibit certain types of employment and business activities immediately before and for 2 years after service with the Commission, to prohibit being an employee, owner, or contractor for any entity that conducts an activity regulated, enforced, or investigated by the Commission, including fantasy sports contests and other betting activities. (Sections 2 and 3)

Amusement Games

The bill provides a procedure that allows any veterans' service organization granted a federal charter under Title 36, U.S.C, or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued that is in doubt about whether a machine meets the definition of an amusement machine under Florida's Family Amusement Games Act, to petition the Commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 489, F.S This includes games or machines that are currently on the premises. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization is not allowed to petition the Commission. (Section 4)

The bill:

- Requires the Commission to issue a declaratory statement within 60 days after receiving a petition.
- Prohibits the Commission from denying a petition.
- Requires such petitions to provide enough information for the Commission to issue the declaratory statement and be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises.
- Specifies that such declaratory statements are valid only for the game or machine for which they are requested and is invalid if the specifications for the game or machine has changed.
- Provides that the declaratory statement is binding on the Commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or chapter 849, F.S.
- Specifies that these provisions do not prevent the Commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- Specifies that an owner or operator is not required to request a declaratory statement in order to operate. (Section 4)

Pari-Mutuel Wagering

The bill removes the 5 percent ownership interest threshold for inclusion as an "ultimate equitable owner," which must be reported to the Commission based on a change in ownership of a pari-mutuel permit, so that all changes in ownership will now require reporting. (Sections 5 and 8)

Escheated Harness Horse and Thoroughbred Horse Permits

The bill removes the authority of the Commission to reissue escheated harness horse and thoroughbred horse permits for failure of the permitholder to pay the required tax on handle for live performances. (Sections 10 and 11)

Bribery in Athletic Contests

The bill makes it a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S., for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined. (Section 23)

Keeping Gambling Houses

The bill increases penalties from a second degree misdemeanor to a third degree felony for violations related to keeping a gambling house, and adds penalties for habitual offenders. (Section 24)

Agents or Employees of Keepers of Gambling Houses

The bill increases the penalty for violations of being an agent or employee of a keeper of a gambling house from a second degree misdemeanor, to:

- **For a first offense**, a misdemeanor of the first degree, punishable by up to one year in county jail and a $1,000 fine (first degree misdemeanor).
- **For a second offense**, a felony of the third degree, punishable by up to five years in prison and a $5,000 fine (third degree felony).
- **For a third or subsequent offense**, a felony of the second degree, punishable by up to 15 years in prison and a $5,000 fine (second degree felony). (Section 25)

Renting a Gambling House

The bill increases the penalties for renting a gambling house from a second degree misdemeanor, to:

- **For a first offense**, a third degree felony.
- **For a second or subsequent offense**, a second degree felony. (Section 26)

Gambling

Relating to gambling, the bill provides a definition for the terms "Internet gambling" and "Internet sports wagering" along with associated penalties, as follows:

- "Internet gambling" means "to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games."
- "Internet sports wagering" means "to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device." (Section 27)

The bill provides criminal penalties - a misdemeanor of the second degree - for a person who plays or engages in Internet gaming. Additionally, a person who plays or engages in Internet sports wagering commits:

- For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
- For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S. (Section 27)

The bill makes it a third degree felony to operate, conduct, or promote Internet gambling or Internet sports wagering, or receive in any manner whatsoever any money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or knowingly become the custodian or depositary of any money or other thing of value so offered, or aid assists, abet, or influence in any manner such acts. This does not apply to people participating in authorized gaming activities under s. 285.710(13), F.S., or any gaming compact, or activity conducted pursuant to ch. 550. (Section 27)

Cardrooms

The bill prohibits manipulating or attempting to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means. It also makes it a felony of the third degree punishable by up to five years in prison and a $5,000 fine. (Section 28)

Fantasy Sports Contests

The bill authorizes fantasy sports contests to operate in Florida if they meet certain requirements, and provides civil and criminal penalties for violations. Specifically, the bill:

- Defines "fantasy sports contest" as a contest in which a participant pays an entry fee and manages a fantasy or simulation sports team composed of athletes from a professional sports organization with the opportunity to win a cash prize. The term includes a simulation sports game.
- Requires fantasy sports contests to meet the following requirements:
    - Prizes and awards for the winning participants are established and disclosed to contest participants before entry.
    - All winning outcomes reflect the relative knowledge and skill of the fantasy sports contest participant.
    - All winning outcomes are determined predominantly by accumulated statistical results of the performance of more than one individual.
    - A winning outcome may not be based on:
        - The score, point spread, or performance of a team or combination of teams.
        - The single performance of an individual in a single event or a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002, F.S., as of January 1, 2025.
        - A game of poker or other card game.
        - The performance of participants in collegiate, high school, or youth sporting events.

    - Casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, may not be displayed or depicted.
- Makes violations punishable by a fine of $1,000 in addition to civil and criminal penalties.
- Provides that an operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is punishable by a fine of up to $100,000 per violation.
- Requires the Commission to investigate and refer violations for prosecution.
- Authorizes the Attorney General or state attorney to institute proceedings to enjoin any person found to be violating this section.
- Makes certain willful and knowing violations a first degree misdemeanor.
- Makes it a third degree felony for an operator or owner of any website, platform, or application to offer fantasy sports contests in violation of this section. (Section 29)

Games of Chance by Lot

The bill makes playing games of chance by lot by the use, at least in part, of the Internet, a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.

The bill makes it a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S., to:

- Set up, operate, conduct, promote, or receive in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited;
- Knowingly become the custodian or depositary of any money or other thing of value so offered; or
- Aid, assist, abet, or influence in any manner in any of such acts. (Section 30)

Subsequent Lottery Offenses

The bill revises the first degree misdemeanor penalty for subsequent offenses of lottery convictions to specify that second or subsequent violations for which there is no penalty specified must have the offense reclassified to an offense of the next higher degree, instead of an automatic first degree misdemeanor, and adds penalties for habitual offenders. (Section 31)

The bill also specifies that for purposes of sentencing, a felony offense that is reclassified under this provision is ranked one level above the ranking under s. 921.0022 or s. 921.0023, F.S., of the felony offense committed. (Section 31)

Betting on Trials or Contests of Skill

The bill revises the third degree felony for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, to adds penalties for habitual offenders. (Section 32)

Exempted Activities

The bill repeals a redundant section of law that exempts certain types of gaming from criminal violations and penalties under the state gambling law. These activities – conduct approved in the 2021 Compact, amusement games, pari-mutuel games, slot machine games, cardroom games, and bingo games - are authorized separately in Florida laws. (Section 33)

Slot Machines

The bill increases penalties for operators of businesses that manufacture, sell, or possess illegal slot machines, as follows:

- Creates the following graduated scale of criminal penalties:
    - **Makes it a first degree misdemeanor,** for general violations.
    - **Makes it a third degree felony**, for violations if:
        - At the time of the violation, the person was a person of authority; or
        - The person has one prior conviction for a violation.
    - **Makes it a second degree felony**, for violations that also include:
        - At the time of the violation, the person was a person of authority; and
        - The violation involves five or more slot machines or devices; or
        - The person has two or more prior convictions for a violation. (Section 34)
- Defines:

- "Conviction" as a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
- "Ownership interest" as being an officer, director, or managing member of a business, establishment, premises, or other location at which a slot machine or device is offered for play.
- "Person of authority" as a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:
  - Actual authority to act on behalf of the business, establishment, premises, or other location; or
  - Any ownership interest in the business, establishment, premises, or other location. (Section 34)

Trafficking Slot Machines

The bill prohibits trafficking in slot machines or devices. Specifically, the bill creates a first degree felony for knowingly selling, purchasing, manufacturing, transporting, delivering, or bringing into this state more than 15 slot machines or devices or any part thereof, and provides the following schedule of fines for violations:

- $100,000 fine, if the offense involved more than 15, but less than 25 slot machines or devices or any parts thereof.
- $250,000 fine, if the offense involved 25 or more, but less than 50 slot machines or devices or any parts thereof.
- $500,000 fine, if the offense involved 50 or more slot machines or devices or any parts thereof. (Section 35)

The bill provides an exemption for the transportation of slot machines as provided for in 15 U.S.C. SS. 1171-1177. The bill directs all fines imposed and collected pursuant to this section to be deposited into the Pari-mutuel Wagering Trust Fund and used by the Commission for the enforcement of chapters 546, 550, 551, and 849, F.S. (Section 35)

Making False or Misleading Statements Regarding Legality of Slot Machines

The bill makes it a third-degree felony to knowingly and willfully make a materially false or misleading statement or disseminating false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device. (Section 36)

The bill makes it a second degree felony for violations that involve five or more slot machines or devices. (Section 36)

Catchall Criminal Penalties

The bill repeals a catchall provision for many of the crimes related to gambling because the bill creates penalties in each individual criminal section. (Section 37)

Transporting Persons to Facilitate Illegal Gambling

The bill creates the following penalties for transporting certain persons to facilitate illegal gambling:

- **First degree misdemeanor,** for knowingly and willfully transporting, or procuring the transportation of, five or more other persons into or within this state when a person knows or reasonably should know such transportation is for the purpose of facilitating illegal gambling.
- **Third degree felony**, if the violation includes:
  - The transport, or procurement of transportation of:
    - A minor or a person 65 years of age or older; or
    - 12 or more persons.
  - Second or subsequent violations. (Section 38)

The bill defines the term "illegal gambling" as any criminal violation of chapters 546, 550, 551, or 849, F.S., that occurs at any business, establishment, premises, or other location. (Section 38)

Gambling Advertisements

The bill prohibits a person from knowingly and intentionally making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or

placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling. (Section 39)

The bill prohibits setting up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when the person knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling. (Section 39)

The bill makes violations a first-degree misdemeanor for their first offense and a third degree felony for a second or subsequent offense. (Section 39)

The bill specifies that it does not prohibit the printing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited. (Section 39)

Preemption

The bill prohibits a county, municipality, or other political subdivision of the state from enacting or enforcing any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by the State Constitution, general law, or special law. (Section 40)

Criminal Punishment Code

The bill also amends the criminal punishment code to increase the OSRC ranking for specified gaming offenses. (Section 41)

THOROUGHBRED PERMITHOLDERS

Intertrack Wagering Tax on Handle

The bill removes the live race requirement for the 0.5 percent tax on handle category for intertrack wagering where the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder. (Section 9)

Live Racing Requirements

The bill removes live racing requirements, under certain conditions, for certain thoroughbred permitholders who apply for a pari-mutuel wagering operating license. (Section 6)

The bill provides that a thoroughbred permitholder that does not conduct live racing:

- Retains its permit;
- Is a pari-mutuel facility;
- If such permitholder has been issued a slot machine license, the facility where such permit is located:
  - Remains an eligible slot machine facility;
  - Continues to be eligible for a slot machine license; and
  - Is exempt from thoroughbred horse racing purses and awards agreement requirements, and slot machine gaming area requirements;
- Is eligible, but not required, to be a guest track; and
- Remains eligible for a cardroom license. (Section 6)

The bill requires thoroughbred permitholders to give notice prior to ending live racing and to continue to offer a full schedule of live racing until the end of such notice period. The notice cannot be made prior to July 1, 2027, and the term of the notice must ensure that live racing continues for at least three (3) years after the date of the notice. Thus, the earliest date that a thoroughbred permitholder may elect to end live racing is July 1, 2030. (Section 6)

Thoroughbred Purses and Awards

The bill requires purse supplements to be given to the owners of Florida-bred racehorses as breeders' awards, and given as stallion awards to be used to incentivize the ownership and the breeding of registered Florida-bred horses; and requires the awards to be given at a uniform rate pursuant to an annual plan developed by the

Commission. The plan must be developed with input from the Department of Agriculture and Consumer Services (DACS), the thoroughbred racing and breeding industry, and the public, and must be published in the Florida Register by January 1 for implementation during the next licensed racing year. (Section 13)

Permitholders must make payments for awards to the Commission to be deposited in the Pari-mutuel Wagering Trust Fund by the 5th day of each month, which will be made available for distribution according to the Commission's annual plan, as follows:

- .955 % of pari-mutuel pools from wagering on race meets, including intertrack, interstate simulcast and Breeder's Cup races conducted outside the state.
- 3.475 % of gross revenue from host tracks for live racing in this state that is broadcast out-of-state. (Section 13)

The bill sets standards for registering horses in order to be considered for certain breeder's awards and allows the Florida Thoroughbred Breeders' Association to charge a fee of $75 for registration. The bill disqualifies stallions that are removed from the state for any period of time between February 1 and June 15 of any year for any reason from receiving a Florida stallion award. (Section 13)

Purses are required to be funded from pari-mutuel pools conducted by the permitholder and the bill provides for discipline by the Commission for failure to do so. A thoroughbred permit must pay as purses during its race meets an amount equal to 7.0 percent of all wagers placed as purses during its current race meet. (Section 13)

The bill requires the Commission, rather than the horsemen's association, to maintain complete records related to races conducted at thoroughbred tracks. The bill allows the Commission to adopt emergency rules for purposes of implementation, the Commission is not required to make certain findings and such rules are exempt from certain provisions of the administrative procedures act. (Section 13)

The bill requires any funds in the possession of the Florida Thoroughbred Breeders' Association related to payments from thoroughbred permitholders, or by DACS, to be paid to the Commission for deposit into the Pari-mutuel Wagering Trust Fund. (Section 13)

Horseracing, Minimum Purse Requirement, and Florida Breeders' and Owners' Awards

The bill repeals s. 550.2625, F.S., which governs the purse structure and the availability of breeder awards in horse racing meets in this state. (Section 14)

Limited Thoroughbred Racing Permits

For thoroughbred permitholders that hold a limited thoroughbred permit, the bill creates a pathway for such thoroughbred permitholders to operate racing at a licensed thoroughbred training center and requires such permitholders to continue to offer a full schedule of live racing if the permitholder wants to obtain a cardroom license. (Section 16)

The bill revises one of the designating authorities of the board of directors of the not-for-profit corporation that the holder of such permits is required to operate under to require the Commission to appoint four of the members instead of the Florida Thoroughbred Breeders' Association. (Section 16)

Intertrack Wagering, Purses, Breeders' Awards

The bill repeals s. 550.625, F.S., which governs the purse amounts from intertrack wagering for certain host tracks. (Section 19)

License to Conduct Slot Machine Gaming

The bill removes live racing requirements and makes conforming changes for thoroughbred permitholders with a slot machine license. (Section 21)

DACS Distribution of Funds for Florida Thoroughbred Breeding and Racing

The bill revises the requirements that DACS distribute funds from the Florida Agricultural Promotional Campaign Trust Fun to the thoroughbred breeding and racing industry, as follows:

- Requires DACS to distribute certain funds to the Commission, instead of the association, to be disbursed.
- **Requires one million five hundred thousand dollars** to be used for a program established by DACS for the recruitment and retention of thoroughbred stallions and mares for breeding, as follows:
    - Requires DACS to adopt rules to administer a grant program to implement this section which shall be available to new stallions and mares registered with the Florida Thoroughbred Breeders' Association, Inc. (association), after of the effective date of this act.
    - Authorizes funds to be used to assist with the cost of relocation of out of state stallions and mares and to subsidize the costs of breeding to registered Florida stallions. Reimbursement rates under the program shall be as follows:
        - **$25,000** available after verification by DACS of the relocation and the registration with the association of a new stallion from out of state. No more than ten new stallions each year that relocate to Florida and register with the association may be eligible for funds these funds.
        - **Up to $15,000 in additional funds** for each stallion registered with the association after the effective date of this act subject to performance criteria as a stud established by the department for payment at the conclusion of the first foaling season following year after its registration.
        - **$1,500** per mare that has previously been bred to a thoroughbred stallion in an out of state location upon the mare's relocation to Florida and the mare's registration with the association after the effective date of this act to assist in the costs associated with the mare's relocation to Florida and registration with the association.
        - **$1,000** per mare located in Florida that at the time of registration with the association has not previously been bred to a thoroughbred stallion.
- **Requires three million five hundred thousand dollars** to be used for the reimbursement of stallion fees to the owner of mares registered with the association after the mare produces a live foal from a breeding with a stallion participating in the program, as follows:
    - The owner of a mare may seek reimbursement after the mare produces a live foal and the foal's registration with the association
    - The owners of mares registered with the association may seek reimbursement for stallion stud fees from DACS under the following criteria:
        - Owners of mares may only seek reimbursement for stallion stud fees which were $10,000 or less at the time of the breeding. DACS is authorized to adjust this cap in its annual program beginning with the 2028 breeding season.
        - The owner of a mare registered with the association before the effective date of this act or the owner of a mare registered after the effective date of this act that received reimbursement for a stallion stud fee resulting in a live foal must receive reimbursement of fifty percent of the stallion fee, up to $7,500. DACS is authorized to adjust this cap in its annual program beginning with the 2029 breeding season.
        - The owner of a mare registered with the association after the effective date of this act must receive a reimbursement of one hundred percent of the stallion stud fee, up to $10,000 for its first live foal that the mare produces from a breeding to a stallion participating in the program.
- Authorizes the owner of any horse participating in or receiving funds from this program to only sell the participating mare or stallion in a private sale or via a public sale at a sales venue located in Florida and licensed by DACS.
- Authorizes DACS to adopt emergency rules, forms, and audit procedures, without being subject to the:
    - Findings requirements.
    - 90 day effective timeframe.
        - Specifies that such rules remain in effect until replaced by other emergency rules or by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act.
- Authorizes the association to charge a maximum registration fee of $75 for each registered mare participating in the program.
- Requires the association to submit annually to the Commission and DACS by July 30 a report detailing the new and current owners and horses participating in the program.

- Revises the distribution of certain funds to Gulfstream Park Racing Association, Inc., to be used as purses in thoroughbred races conducted by either Gulfstream Park Racing Association or Gulfstream Park Thoroughbred Aftercare and Retirement Association at the permitholder's racing location pursuant to a written agreement filed with its majority horsemen's group. (Section 22)

Cardroom Licensing
The bill removes the requirement for live racing for thoroughbred permitholders with a cardroom license. Such permitholders are no longer required to conduct at least 90 percent of the live performances during the initial year of licensure. (Section 28)

Effective Date
The effective date of the bill is October 1, 2025. (Section 44)

RULEMAKING:

The bill allows the Commission to adopt emergency rules for purposes of implementation and exempts the Commission from making certain findings. Further, such rules are exempt from certain provisions of chapter 120.

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.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Gaming Enforcement
The fiscal impact to state government is indeterminate. Creating new gaming offenses, increasing penalties for specified current gaming offenses, and listing specified gaming offenses on the OSRC, may result in:

- An increase in state expenditures related to:
  - Additional admissions to jail and prison facilities and offenders serving longer terms of incarceration in such facilities.
  - Administration and enforcement, which can likely be handled within existing resources.
- An increase in state revenues for the state governmental entities that receive proceeds from the collection of fines.

The Commission may experience an increase in revenues resulting from increased confiscation of contraband. The bill requires all fines imposed and collected for violations of trafficking in slot machines or devices to be deposited into the Pari-mutuel Wagering Trust Fund and authorizes the use of such funds by the Commission for the enforcement of certain gaming chapters 546, 550, 551, and 849, F.S.

Thoroughbred Permitholders
The bill may have an insignificant impact on state government revenues. It is unknown how many thoroughbred permitholders will elect to terminate live racing.

LOCAL GOVERNMENT:

Gaming Enforcement
The fiscal impact to local government is indeterminate. The bill may have an indeterminate positive impact on the jail bed population by creating new gaming offenses, increasing penalties for specified current gaming offenses, and listing specified gaming offenses on the OSRC, which may result in increased admissions to jail facilities and offenders serving longer terms of incarceration in such facilities.

The bill also creates new criminal fines for specified violations relating to illegal gambling. This may create a positive fiscal impact to local governmental entities that receive proceeds from the related fines. This may also create a negative fiscal impact to those entities relating to administration of enforcement.

PRIVATE SECTOR:

Gaming Enforcement
The bill may help to prevent or reduce illegal gambling, which may protect vulnerable populations and reduce secondary criminal activity, including money laundering, drug trafficking, and violent crime.

Requiring fantasy sports contest operators to meet certain requirements in order to operate, and subjecting them to civil and criminal penalties for violations, may result in a negative fiscal impact to such operators.

Thoroughbred Permitholders
Individuals and businesses associated with thoroughbred horse racing will experience an indeterminate impact associated with the election by thoroughbred permitholders to conduct or not conduct live racing. Removing live race requirements for such permitholders may reduce certain expenditures related to these activities.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

GAMBLING IN FLORIDA

Gambling is generally prohibited in Florida, unless specifically authorized. Gambling is defined in Florida law as playing or engaging in any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value.[1] The standard jury instructions for criminal cases in Florida provide that in order to prove the crime of gambling, the state must prove the following three elements beyond a reasonable doubt:[2]

- Playing or engaging in a game of chance.
- Risking money or property on the outcome of the game.
- Expecting to gain or lose money or property as a result of the game.

Gambling in Florida is highly regulated, and wagers on games that are not specifically authorized by law are considered illegal.

Section 7, Art. X, of the Florida Constitution prohibits lotteries, other than pari-mutuel pools, from being conducted in Florida.

Slot machines that are not operated by a licensed pari-mutuel facility or in accordance with a tribal compact or specific law are illegal in Florida.

Chapter 849, F.S., includes prohibitions against slot machines, keeping a gambling house, engaging in bookmaking, and running a lottery. However, a constitutional amendment approved by voters in 1986 authorized state-operated lotteries, and a constitutional amendment in 2004 authorized slot machines in Miami-Dade and Broward Counties.

The following gaming activities are also authorized by law and regulated by the state:

- Pari-mutuel[3] wagering;[4]

[1] S. 849.08, F.S.
[2] The Florida Bar, Criminal Jury Instructions Chapter 22, 22.1 Gambling, https://www.floridabar.org/rules/florida-standard-jury-instructions/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-22/ (last visited Feb. 21, 2024).
[3] "Pari-mutuel" is defined in Florida law as "a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. *See* s. 550.002(22), F.S.

- Gaming on tribal reservations in accordance with the federal Indian Gaming Regulatory Act and the 2021 Gaming Compact with the Seminole Tribe of Florida;
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;[5] and
- Cardrooms[6] at certain pari-mutuel facilities.

Under the Florida Contraband Forfeiture Act,[7] gambling proceeds, paraphernalia, and property may be seized as contraband. For example, a vehicle used for transporting an illegal slot machine is subject to seizure.[8]

Chapter 849, F.S., also authorizes, under specific and limited conditions, the conduct of penny-ante games,[9] bingo,[10] charitable drawings,[11] game promotions (sweepstakes),[12] bowling tournaments,[13] and skill-based amusement games and machines at specified locations.[14]

GAMING ENFORCEMENT

Florida Gaming Control Commission

The Commission is a five-member regulatory body that is responsible for exercising all regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts, and other forms of gambling authorized by the State Constitution or law, excluding the state lottery.[15] The Commission is also the State Compliance Agency responsible for monitoring compliance with the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.[16]

The Division of Gaming Enforcement (Division) is a criminal justice agency[17] tasked with the enforcement of Florida's gambling laws to combat illegal gambling activities.[18] While every law enforcement officer in the state of Florida has the authority to make arrests for violations of Florida's gambling laws, the Division is the first law enforcement agency whose primary responsibility is investigating illegal gambling.[19]

Illegal Gambling

According to reports, illegal gambling operations targeting vulnerable aging populations in Florida are increasing. The activity has especially grown since the pandemic with an "explosion of illegal gambling lounges opening up with unregulated slot machines."[20]

According to the Commission, "some of them register as amusement arcades through the Department of Revenue, which means they're acting like a Dave and Buster's or a Chuck E. Cheese, but in reality, they're offering illegal gambling devices such as slot machines. If the game has any element of chance built into it, under Florida statute,

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[4] *See* ch. 550, F.S., relating to the regulation of pari-mutuel activities.
[5] *See* FLA. CONST., art. X, s. 23, and ch. 551, F.S.
[6] S. 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility."
[7] Ss. 932.701-932.706, F.S., comprise the Florida Contraband Forfeiture Act.
[8] S. 849.36, F.S.
[9] S. 849.085, F.S.
[10] S. 849.0931, F.S.
[11] S. 849.0935, F.S.
[12] S. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.
[13] S. 849.141, F.S.
[14] s. 546.10, F.S.
[15] *See* ss. 16.71-16.716, F.S.
[16] S. 285.710, F.S.
[17] S. 16.711(1), F.S.
[18] Florida Gaming Control Commission, *Annual Report Fiscal Year 2022-2023*, pg. 6, https://flgaming.gov/pmw/annual-reports/docs/2022-2023%20FGCC%20Annual%20Report.pdf (last visited Feb. 21, 2024).
[19] Florida Gaming Control Commission, *Gaming Enforcement*, https://flgaming.gov/enforcement/ (last visited Feb. 21, 2024).
[20] Jordan Brown, *Florida seniors warned to be cautious of shady slot machines*, FOX 13 Tampa Bay (May 23, 2023), https://www.fox13news.com/news/illegal-gambling-operations-in-florida-re-targeting-aging-populations (last visited Mar. 25, 2025).

it's considered an illegal gambling device. They have the ability to dial up the winnings to entice play. Once they get a packed house, they dial down the winnings to almost zero. Then at that point, they're just stealing and using predatory practices and taking money from Florida's senior population."[21]

In 2023, the Commission investigated several illegal slot machine businesses operating in the state, and found that:[22]

- The scope of the problem is much larger than initially anticipated.
- There are significant adverse harms associated with the activity.
- Successfully shutting down such businesses will require collaborative and coordinated efforts.
- Obstacles will continue to evolve but can be overcome.

According to the Commission, during the 2023-2024 fiscal year, the Commission received over 2,000 complaints of unauthorized, illegal, or otherwise criminal gaming activities. These illegal gaming activities include backroom poker games, illegal slot machines and casinos, and illegal sports betting websites that fail to pay out wagers.[23]

The Commission participated in the following enforcement activities from the past fiscal year:[24]

- Nearly 1,000 illegal slot machines seized (with nearly 1,200 more to date in FY 2024-2025);
- More than $3.3 million of illicit funds seized (with nearly $700,000 more to date in FY 2024-2025);
- More than a dozen illegal casinos closed; and
- Outreach and ongoing collaboration with dozens of local, state, and federal law enforcement agencies.

Commission Annual Report

By December 1 of each year, the Commission is required to make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include, in part, a summary of actions taken and investigations conducted by the Commission.[25]

Commission Appointment and Employment Restrictions

Commissioners and Commission employees are restricted from certain activities for two years before and after their appointment or employment with the Commission. The restricted activities include:[26]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner[27] of such permitholder or licensee.
- Being an officer, official, employee, other person with duties or responsibilities, contractor, or ultimate equitable owner relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state;
- Being a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or while employed by a state agency during the normal course of employment; or
- Being a bingo game operator or an employee of a bingo game operator.

Commission Standards of Conduct

Commissioners, Commission employees, and certain family members are restricted from certain activities during service or employment and for 2 years after service or employment. The restricted activities, in part, include: [28]

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[21] *Id*.
[22] Florida Gaming Control Commission, Presentation to the House Regulatory Reform & Economic Development Subcommittee, (Oct. 17, 2023).
[23] Florida Gaming Control Commission, *Gaming Enforcement Investigations and Actions*, *Annual Report 2023-2024*, at pg. 8, https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited Mar. 25, 2025).
[24] *Id*.
[25] S. 16.712(3)(h), F.S.
[26] S. 16.713(2)(a), F.S.
[27] S. 550.002(37), F.S., defines "ultimate equitable owner" as a "natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof."
[28] S. 16.715(1)(b), F.S.

- **Employment or business activities**: While employed, and for 2 years after service as a Commissioner or for 2 years after employment with the Commission, a Commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the Commission; any person regulated by the Commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the Commission.
- **Financial interests**: While employed, and for 2 years after service as a commissioner or for 2 years after employment with the Commission, a Commissioner, an employee, or a relative living in the same household as a Commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the Commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the Commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the Commission. If a Commissioner, an employee, or a relative living in the same household as a Commissioner or an employee acquires any financial interest prohibited by this subsection during the Commissioner's term of office or the employee's employment with the Commission as a result of events or actions beyond the Commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest.

Former Commissioners and Employees

Commissioners are prohibited, for the 2 years immediately following the date of resignation or termination, from:[29]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner of such permitholder or licensee.
- Being employed or compensated by anyone regulated by the Commission or by a business entity or trade association that has been a party to a Commission proceeding within the 2 years preceding the member's resignation or termination of service on the Commission; or
- Being a bingo game operator or an employee of a bingo game operator.

Commission employees are also prohibited from, for the 2 years immediately following the date of termination or resignation from employment with the Commission, the following activities:[30]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner of such permitholder or licensee.
- Being a bingo game operator or an employee of a bingo game operator.

Amusement Games

The Family Amusement Games Act governs the operation of amusement games and machines, and distinguishes them from casino-style gambling.[31] The games or machines must be operated for bona fide entertainment of the general public, activated by certain currency, coin, card, coupon, slug, token, operated by skill with no material element of chance inherent in the game or machine, and the person playing or operating the game or machine controls the outcome of the game.[32]

The game or machine cannot include games like slot machines or other casino-style games.[33] The law also sets a maximum value for redemption prizes and requires the Department of Revenue to annually adjust this value based on inflation.

An action to enjoin the operation of a game or machine for violations may be brought only by:[34]

- The Attorney General, the state attorney for the circuit in which the game or machine is located, a federally recognized tribal government possessing sovereign powers and rights of self-governance which is a party to a compact with the state, or in the case of an alleged violation of statutes that it is charged with enforcing, the Department of Agriculture and Consumer Services or the Department of Business and Professional Regulation; or

[29] S. 16.715(2)(b), F.S.
[30] S. 16.715(3)(c), F.S.
[31] *See* s. 546.10, F.S.
[32] S. 546.10(3)(a), F.S.
[33] *Id.*
[34] S. 546.10(8), F.S.

- A substantially affected person who is a resident of the county where the place of business operating the game or machine is located, or any substantially affected person who has a business or residence within 5 miles of the place of business operating the game or machine.

In addition to other civil, administrative, and criminal sanctions, initial violations are a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, F.S. A second violation is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083. A person who violates this section after having been twice convicted is deemed a common offender and commits a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.[35]

Pari-mutuel Wagering

The Florida Pari-mutuel Wagering Act (Act)[36] provides specific permitting and licensing requirements for the conduct of the pari-mutuel industry.[37] 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.[38] Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.[39] Certain permitholders are also authorized to operate cardrooms[40] and slot machines at their facility.[41]

The Act generally requires that any transfer or assignment of a permit receive prior approval[42] by the Commission, which must determine the eligibility[43] 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.[44]

Ultimate Equitable Owner

"Ultimate equitable owner" is defined as "a natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof."[45]

Changes in Ownership Requirements

A pari-mutuel wagering permit may not be transferred or assigned except upon written approval by the Commission, except that the holder of any permit that has been converted to a jai alai permit may lease or build anywhere within the county in which its permit is located.[46] The requirements are based on percentages of changes in ownership interest, as follows:

- If a permit is held by a corporation or business entity other than an individual, the transfer of 10 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.[47]
- Changes in ownership or interest of a pari-mutuel permit of 5 percent or more of the stock or other evidence of ownership or equity in the permitholder must be approved by the Commission prior to such

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[35] S. 546.10(9), F.S.
[36] Ch. 550, F.S.
[37] S. 550.054(1), F.S.
[38] S. 550.054(2), F.S.
[39] S. 550.0115, F.S.
[40] S. 849.086, F.S.
[41] S. 551.104, F.S.
[42] 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.
[43] *See* s. 550.1815, F.S.
[44] S. 550.054(11)(b), F.S.
[45] S. 550.002(37), F.S.
[46] S. 550.054(11)(a), F.S.
[47] S. 550.054(11)(b), F.S.

change, unless the owner is an existing owner of that permit who was previously approved by the Commission.[48]
- Changes in ownership or interest of a pari-mutuel permit of less than 5 percent shall be reported to the Commission within 20 days of the change. The Commission may then conduct an investigation to ensure that the permit is properly updated to show the change in ownership or interest.[49]

Escheated Harness Horse Permits

Currently, the tax on handle for live harness horse performances is 0.5 percent of handle per performance.[50] The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.[51]

The Commission is authorized to reissue an escheated harness horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.[52]

Escheated Thoroughbred Permits

Currently, the tax on handle for thoroughbred horserace performances is 0.5 percent of handle per performance.[53] The permit of a thoroughbred permitholder who is conducting thoroughbred performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.[54]

The Commission is authorized to reissue an escheated thoroughbred horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.[55]

Bribery in Athletic Contests

Currently, bribery in athletic contests is a third degree felony. The law applies to:[56]
- Anyone who gives, promises, or offers a bribe, money, goods, or any valuable thing with the intent to influence a participant, official, owner, manager, coach, trainer, or relative of a participant to lose or cause to be lost any game, contest, match, race, or sport, or to limit the margin of victory, or to fix or throw any game;
- Any participant or prospective participant in any professional or amateur game, contest, match, race or sport, including officials, owners, coaches, trainers, or their relatives.

Keeping a Gambling House

Currently, it is a second degree misdemeanor[57] to keep a gambling house.[58] Specifically, a person is guilty of this offense if he or she:

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[48] S. 550.054(12), F.S.
[49] *Id.*
[50] S. 550.09512(2)(a), F.S.
[51] S. 550.09512(3)(a), F.S.
[52] S. 550.09512(3)(b), F.S.
[53] S. 550.09515(2)(a), F.S.
[54] S. 550.09515(3)(a), F.S.
[55] S. 550.09515(3)(b), F.S.
[56] S. 838.12, F.S.

- Habitually keeps, exercises, or maintains, for the purpose of gaming or gambling:[59]
  - A gaming table or room;
  - Gaming implements;
  - Gaming apparatus; or
  - A house, booth, tent, shelter, or other place.

Such penalty also applies to:
- Agents or employees of a keeper of a gambling house.[60]
- Anyone renting a house for gambling purposes.[61]

Gambling

Current law provides that whoever plays or engages in any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, shall be guilty of a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.[62]

Cardrooms

Currently, cardrooms are authorized at certain pari-mutuel facilities.[63] Under current law, notwithstanding any other provision of law, a pari-mutuel permitholder (other than a limited thoroughbred permitholder) may not be issued a license for 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.[64] An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and after it conducts its first day of pari-mutuel activities on live racing or games.[65]

A licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom.[66] An authorized game is a game or series of games of poker or dominoes.[67] Such games must be played in a non-banking manner,[68] where the participants play against each other, instead of against the house (cardroom).

Prohibited activities of cardrooms include the following:[69]
- Conducting any banking game or game not specifically authorized, or any game that violates the exclusivity provided in the gaming compact.
- Allowing persons under 18 years of age to hold a cardroom or employee license, or engage in any game.
- Allowing electronic or mechanical devices, except mechanical card shufflers to be used to conduct any authorized game in a cardroom.
- Allowing cards, game components, or game implements to be used in playing an authorized game unless such has been furnished or provided to the players by the cardroom operator.

Fantasy Sports Contests

Generally, fantasy sports contests are any of a number of games that permit a person to pay an entry fee and play either a virtual game or a virtual season of a sport based on the performance statistics of real sports players. The

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[57] *See* ss. 775.082 and 775.083, F.S.
[58] s. 849.01, F.S. (A second degree misdemeanor is punishable by up to 60 days in jail and a fine up to $500).
[59] s. 849.01, F.S.; *Ferguson v. State*, 377 So. 2d 709, 711 (Fla. 1979) (requiring an element of "habitualness" for a conviction under s. 849.01, F.S.).
[60] S. 849.02, F.S.
[61] S. 849.03, F.S.
[62] S. 849.08, F.S.
[63] S. 849.086, F.S.; S. 849.086(2)(c), F.S., defines "cardroom" to mean a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.
[64] S. 849.086(5), F.S.
[65] *Id*.
[66] Ss. 849.086(5) and (6), F.S.
[67] *See* s. 849.086(2)(a), F.S.
[68] *Id.*
[69] S. 849.086(12), F.S.

player acts as both general manager and field manager of their team by building a roster through a draft and trades. Players make lineups in pursuit of statistically beating other players. The term "commissioner" has been used in the context of fantasy leagues to denote a person who manages a fantasy league, establishes league rules, resolves disputes over rule interpretations, publishes league standings, or selects the Internet service for publication of league standings.[70]

Daily fantasy sports contests are an accelerated version of fantasy sports contests, which are played across a shorter period of time. For example, daily fantasy contests may be played over a single week in a season, rather than the entire season. Daily fantasy contests are typically played as "contests" which require an entry fee. The fee funds an advertised prize pool from which the fantasy contest operator (such as FanDuel or DraftKings) takes a percentage as revenue.[71] The legality of daily fantasy contests has been challenged in many states and jurisdictions, with some critics arguing that the contests more closely resemble proposition wagering on athlete performance than traditional fantasy contests.

Legality of Fantasy Sports Contests in Florida

Florida law does not specifically address fantasy sports contests. Currently, there is no constitutional, statutory, or regulatory framework expressly allowing for fantasy contests to be conducted in Florida. Moreover, Florida courts have not addressed whether Florida's constitutional and statutory prohibitions on gambling apply to fantasy contests. Florida's Attorney General has opined in the past that certain fantasy contests appear to violate state gambling laws.[72]

Current law provides that a stake, bet, or wager of money or another thing of value placed "upon the result of any trial or contest of skill, speed, power, or endurance of human or beast" is unlawful. Receiving money or acting as the custodian or depositary of money as part of such a stake, bet, or wager is also unlawful.[73]

Florida's anti-bookmaking law, defines bookmaking as "the act of taking or receiving, while engaged in the business or profession of gambling, any bet or wager upon the result of any trial or contest of skill, speed, power, or endurance of human, beast, fowl, motor vehicle, or mechanical apparatus or upon the result of any chance, casualty, unknown, or contingent event whatsoever."[74] The law includes factors that are to be considered evidence of bookmaking, including charging a percentage on accepted wagers, receiving more than five wagers in a day, and receiving over $500 in total wagers in a single day or over $1500 in a single week.[75]

On January 8th, 1991, Florida Attorney General (AG) provided an advisory legal opinion[76] regarding whether participation in a fantasy sports league violated Florida's gambling laws. The opinion concluded that the operation of a fantasy league would violate s. 849.14, F.S., and that since the fantasy sports league's entry fee was used to make up the prizes, it qualified as a "stake, bet, or wager" under Florida law.[77] The AG stated that, "while the skill of the individual contestant picking the members of the fantasy team is involved, the prizes are paid to the contestants based upon the performance of the individual professional football players in actual games."[78]

The AG concluded that contests in which the skill of the contestant predominates over the element of chance, such as in certain sports contests, are not prohibited lotteries. As an example, he noted that golf and bowling tournaments were contests of skill and were not prohibited. He considered that "it might well be argued that skill

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[70] *See* Bernhard & Eade, *Gambling in a Fantasy World: An Exploratory Study of Rotisserie Baseball Games,* 9 UNLV Gaming Research & Review Journal Issue 1, at 30, at http://digitalscholarship.unlv.edu/grrj/vol9/iss1/3/ (last visited Mar. 25, 2025).
[71] Adam Kilgore, The Washington Post, *Daily fantasy sports Web sites find riches in Internet gaming law loophole*, (Mar. 27, 2015) https://www.washingtonpost.com/sports/daily-fantasy-sports-web-sites-find-riches-in-internet-gaming-law-loophole/2015/03/27/92988444-d172-11e4-a62f-ee745911a4ff_story.html, (last visited Mar. 25, 2025).
[72] 91-03 Fla. Op. Att'y Gen. (1991).
[73] S. 849.14, F.S.
[74] S. 849.25, F.S.
[75] S. 849.25(1)(b), F.S.
[76] 91-03 Fla. Op. Att'y Gen. (1991).
[77] *Creash v. State*, 131 Fla. 111, 118 (Fla. 1938).
[78] 91-03 Fla. Op. Att'y Gen. (1991).

is involved in the selection of a successful fantasy team by requiring knowledge of the varying abilities and skills of the professional football players who will be selected to make up the fantasy team."[79]

Recently, the Commission has issued cease and desist correspondence to various companies operating fantasy contests in the state concerning possible violations of Florida's gambling laws. The letters have generated controversy, concern, and interest from contest operators, elected officials, and the Seminole Tribe of Florida, which has entered into gaming compacts with the state.[80]

Legality of Fantasy Sports in Federal Law

The federal Unlawful Internet Gambling Enforcement Act of 2006[81] (UIGEA) prohibits the processing of certain online financial wagering to prevent payment systems from being used in illegal online gambling. The UIGEA prohibits gambling businesses from knowingly accepting payments in connection with a "bet or wager" that involves the use of the Internet and that is unlawful under any federal or state law.

The UIGEA expressly states that participation in fantasy or simulation sports contests is not included in the definition of "bet or wager"[82] when certain conditions are met. For purposes of the UIGEA, participation in a fantasy or simulation sports contest is not a bet or wager when:

- Prizes and awards offered to winning participants are established and made known in advance of the game or contest and the value is not determined by the number of participants or amount of fees paid by the participants.
- Winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals.
- Winning outcomes are not based on the score, point spread, or any performance of any single sports team or combination of such teams or solely on a single performance of an individual athlete in a single sporting event.

Contest operators argue that they are legal under the UIGEA. In *Humphrey v. Viacom, Inc.*, the court determined that because the entry fee was paid "unconditionally," the owner did not participate, and the prizes were guaranteed and determined in advance, the fantasy contest entry fees were not "wagers" under the act.[83] However, although the UIGEA exempts fantasy and simulation sports contests from the application of the UIGEA, it does not make such contests legal generally. The UIGEA does not change or preempt any other federal or state law. As expressed in the Rule of Construction in the UIGEA, "no provision of this subchapter shall be construed as altering, limiting, or extending any federal or state law or tribal-state compact prohibiting, permitting, or regulating gambling within the United States."[84] Therefore, any other state or federal law could apply.

The federal Illegal Gambling Business Act of 1970 (IGBA)[85] defines an "illegal gambling business" as a gambling business that is in violation of the law of the state in which it is conducted, involves five or more persons who conduct or manage all or part of such business, and that has been in continuous operation for a period of more than 30 days or has a gross revenue of $2000 in a single day. The IGBA specifically exempts savings promotion raffles and bingo games, lotteries, or other games of chance operated by certain non-profit corporations.[86] An employee or company that has violated the IGBA is subject to penalties including fines, forfeiture of profits and assets, and imprisonment for up to 5 years.

Fantasy Sports Contests in the 2021 Gaming Compact

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[79] *Id.* Also, a 1990 Florida Attorney General advisory legal opinion provides that a golf hole-in-one contest, which is an exercise of skill, with an entry fee where such fee does not go toward the purse or prize does not violate the state's gambling laws. 90-58 Fla. Op. Att'y Gen. (1990).

[80] Florida Trend, *Questions Swirl Around Fantasy Sports*, https://www.floridatrend.com/article/38854/questions-swirl-around-fantasy-sports (last visited Mar. 25, 2025).

[81] 31 U.S.C. § 5361-5366 (2006).

[82] 31 U.S.C. § 5362(1) (2006).

[83] *Humphrey v. Viacom, Inc.*, 2007 WL 1797648 (D.N.J. June 20, 2007).

[84] 31 U.S..C. § 5361(b) (2006).

[85] 18 U.S.C. § 1995 (1970).

[86] *See* 26 U.S.C. § 501.

The Seminole Indian Tribe of Florida (the Tribe) is a federally recognized Indian tribe whose reservations and trust lands are located in the State. A Gaming Compact between the Tribe and the State of Florida was executed by Governor Ron DeSantis and the Tribe on April 23, 2021 (the 2021 Compact). The 2021 Compact was approved by the U.S. Department of the Interior on August 6, 2021, and became effective upon the publication of notice in the Federal Register on August 11, 2021.[87]

Under the 2021 Compact, "fantasy sports contest" means a fantasy or simulation sports game or contest offered by a contest operator or a noncommercial contest operator in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and that meets each of the following requirements:

- All prizes and awards offered to winning contest participants are established and made known to the contest participants in advance of the game or contest.
- All winning outcomes reflect the relative knowledge and skill of the contest participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.
- No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams, solely on any single performance of an individual athlete or player in any single actual event, on a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002, Florida Statutes, as of January 1, 2021, on a game of poker or other card game, or on the performances of participants in collegiate, high school, or youth sporting events.
- No casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are displayed or depicted.

The 2021 Compact allows the Tribe to offer fantasy sports contests at all their facilities. However, the 2021 Compact does not include fantasy sports contests in the games for which the Tribe is granted exclusivity to conduct in the state.

Games of Chance by Lot

Currently, it is a second degree misdemeanor to set up, promote or play any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest.[88]

Exempted Activities

Currently, gaming conducted under the 2021 Compact, amusement games, pari-mutuel games, slot machine games, cardroom games, and bingo games, are exempt from violations and penalties under the state gambling law.[89]

Subsequent Lottery Offenses

Currently, it is a first degree misdemeanor to be convicted of a subsequent offense forbidden by law in connection with lotteries.[90]

Betting on Trials or Contests of Skill

Currently, it is a third degree felony for anyone who:[91]

- Stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast;
- Receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;
- Knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result; or
- Aids, assists, abets, or influences in any manner in any of such acts.

[87] Fed. Register, Vol. 86, No. 153 at 44037.
[88] S. 849.11, F.S.
[89] S. 849.142, F.S.
[90] S. 849.13, F.S.
[91] S. 849.14, F.S.

Slot Machines

In Florida, a slot machine is defined as a machine or device that:[92]

- Is activated by inserting something of value (money, coin, account number, code, or other object or information);
- Is caused to operate or operated by a user **by application of skill, element of chance, or other outcome that is unpredictable to the user**; and
- The user receives or is entitled to receive something of value or additional chances or rights to use the device or machine.

There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.[93]

Slot machines are only authorized in licensed pari-mutuel facilities located in Miami-Dade and Broward counties and on tribal property.[94] At any location other than licensed pari-mutuel facilities, it is a violation to "manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof."[95]

A person who violates the prohibitions[96] against manufacturing, selling, or possessing slot machines or devices commits a:[97]

- Second degree misdemeanor upon a first conviction.[98]
- First degree misdemeanor upon a second conviction.[99]
- Third degree felony upon a third or subsequent conviction, and the person is deemed a "common offender."[100]

Unlicensed slot machines are illegal in Florida and are considered "contraband." Relating to contraband, Florida law specifies, "the right of property in and to any [illegal slot machine or device] and to all money and other things of value therein, is declared not to exist in any person, and…shall be forfeited…to the county in which the seizure was made."[101]

Florida law also provides that all sums of money and other value used, displayed in, or connected with illegal gambling or an illegal gambling device contrary to the laws of this state shall be forfeited.[102]

Pursuant to the federal Johnson Act, Florida law allows the shipment of gaming devices including slot machines into this state provided the destination of the shipment is an eligible slot machine facility, or the facility of a slot machine manufacturer or slot machine distributor.[103]

Preemption

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[104] To expressly preempt a subject area, the Legislature must

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[92] S. 849.16(1), F.S.
[93] S. 849.16(3), F.S.
[94] S. 551.101, F.S.
[95] S. 849.15(1)(a), F.S.
[96] Ss. 849.15, F.S. – 849.22, F.S.
[97] S. 849.23, F.S.
[98] A second degree misdemeanor is punishable by up to 60 days in county jail and a $500 fine. Ss. 775.082 or 775.083, F.S.
[99] A first degree misdemeanor is punishable by up to one year in county jail and a $1,000 fine. Ss. 775.082 or 775.083, F.S.
[100] A third degree felony is punishable by up to five years in prison and a $5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.
[101] S. 849.19, F.S.
[102] S. 849.12, F.S.
[103] S. 849.15(2), F.S.
[104] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005).

use clear statutory language stating its intention to do so.[105] Implied preemption occurs when the Legislature has demonstrated an intent to preempt an area, though not expressly. Florida courts find implied preemption when "the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature."[106]

Where state preemption applies, a local government may not exercise authority in that area.[107] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[108]

Criminal Punishment Code

The Criminal Punishment Code (Code) applies to all felony offenses, except capital felonies, committed on or after October 1, 1998.[109] Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10), either by being specifically listed in the offense severity ranking chart[110] (OSRC) or by default.[111] Judges must use the Code worksheet to compute a sentence score for each felony offender.[112]

Sentence points are assigned and accrue based on the level ranking assigned to the primary offense, additional offenses, and prior offenses.[113] Sentence points increase as the offense severity level increases from Level 1 (least severe) to Level 10 (most severe). Sentence points may be added for victim injury, and increase based on the type of injury and severity.[114] Sentence points may also be added or multiplied for other factors including possession of a firearm or the commission of certain offenses, such as drug trafficking.[115] If an offense is unlisted on the OSRC, the Code provides a ranking based on felony level.[116] For example, an unranked third degree felony is a level 1 offense.[117]

If total sentence points equal or are less than 44 points, the lowest permissible sentence is any nonstate prison sanction, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.[118] Absent mitigation,[119] the permissible range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.[120]

The OSRC ranks the following third degree felony gaming violations as a Level 1 offense:[121]

- Set up, promote, or conduct any lottery for money or for anything of value;[122]
- Dispose of any money or other property of any kind whatsoever by means of any lottery;[123]

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[105] *Mulligan*, 934 So. 2d at 1243.
[106] *Tallahassee Mem. Reg. Med. Ctr., Inc. v. Tallahassee Med. Ctr., Inc.*, 681 So. 2d 826, 831 (Fla. 1st DCA 1996).
[107] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[108] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So. 2d 504 (Fla. 3d DCA 2002).
[109] S. 921.002, F.S.
[110] S. 921.0022, F.S.
[111] S. 921.0023, F.S., addresses ranking unlisted felony offenses. For example, an unlisted felony of the third degree is ranked within offense level 1.
[112] S. 921.0024, F.S.
[113] *Id*.
[114] *Id*.
[115] *Id*.
[116] S. 921.0023, F.S.
[117] *Id*.
[118] S. 921.0022(2), F.S.
[119] The court may "mitigate" or "depart downward" from the scored lowest permissible sentence if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.
[120] S. 921.0022(2), F.S.
[121] S. 921.022(3)(a), F.S.
[122] S. 849.09(1)(a)-(d), F.S.
[123] *Id.*

- Conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise; [124]
- Aid or assist in the setting up, promoting, or conducting of any lottery or lottery drawing, whether by writing, printing, or in any other manner whatsoever, or be interested in or connected in any way with any lottery or lottery drawing; [125] and
- Engaging in bookmaking.[126]

THOROUGHBRED PERMITHOLDERS

Live Racing Requirements

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

Greyhound permitholders are prohibited from conducting live racing.

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.[127]

A greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games:[128]

- 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.

Pari-mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (Act)[129] provides specific permitting and licensing requirements for the pari-mutuel industry.[130] Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.[131] Certain permitholders are also authorized to operate cardrooms[132] and slot machines at their facility.[133]

Currently, there are three pari-mutuel operating licenses that were issued for fiscal year 2024-2025 to conduct live thoroughbred racing performances. These licenses and their locations include:[134]

- Gulfstream Park Racing Association Inc., operates at Gulfstream Park in Broward County.
- Gulfstream Park Thoroughbred After Racing Program, Inc., operates at Gulfstream Park in Broward County.

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[124] *Id.*
[125] *Id.*
[126] S. 849.25(2), F.S.
[127] S. 550.01215, F.S.(1)(b)1., F.S.
[128] *Id.*
[129] *See* ch. 550, F.S.
[130] S. 550.054(1), F.S.
[131] S. 550.0115, F.S.
[132] S. 849.086, F.S.
[133] S. 551.104, F.S.
[134] Email from Henry Mahler, Director of Legislative Affairs, Florida Gaming Control Commission, RE: Thoroughbred Permitholders (Jan. 31, 2025).

- Tampa Bay Downs, Inc., operates at Tampa Bay Downs in Hillsborough County.

Slot Machine Licensing

In order to apply to conduct slot machine gaming a permitholder must first obtain permission from the voters of the county where the applicant's facility is located by referendum as specified in s. 23, Art. X of the State Constitution.[135] Currently, slot machines are only authorized in eight licensed PMW facilities[136] located in Miami-Dade and Broward counties, and are also authorized by Compact on the Seminole Tribe of Florida's tribal property.[137]

Thoroughbred permitholders are required to conduct a full schedule of live racing, as defined in s. 550.002(10), F.S., in order to maintain their slot machine license.[138]

Cardroom Licensing

On order to apply for a cardroom license an applicant must first obtain a majority vote of the governing body of the municipality or county the facility is located in.[139]

Municipalities are authorized to prohibit the establishment of a cardroom on or after July 1, 2021, within their jurisdiction. This does not apply to a licensed pari-mutuel permitholder who held an operating license for the conduct of pari-mutuel wagering for fiscal year 2020-2021 in the municipality's jurisdiction or to a cardroom that was previously approved by the municipality.[140]

A cardroom license may only be issued to a licensed pari-mutuel wagering permitholder, and operated at the same facility at which the permitholder is authorized to conduct pari-mutuel wagering activities.[141]

A pari-mutuel permitholder, other than a converted quarter horse to thoroughbred permitholder or a purchaser, transferee, or assignee holding a valid permit for the conduct of pari-mutuel wagering, may not be issued a license for 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.[142]

In order for an initial cardroom license to be issued to a converted quarter horse to thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least a full schedule of live racing.[143]

Currently, in order for a cardroom license to be renewed by a thoroughbred permitholder, it must run a certain number of races each year:

> "conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year".[144]

Thoroughbred Purses and Awards

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[135] S. 551.104(2), F.S.
[136] S. 551.104(3), F.S.
[137] S. 551.101, F.S.
[138] S. 551.104(4)(c), F.S.
[139] S. 849.086(16)(a), F.S.
[140] *S.* 849.086(16)(b), F.S.
[141] S. 849.086(5)(a), F.S.
[142] S. 849.086(5)(c), F.S.
[143] *Id.*
[144] *Id.*

A slot machine license may not be issued, or renewed, to an applicant holding a permit to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the Commission a binding written agreement between the applicant and the:[145]

- Florida Horsemen's Benevolent and Protective Association, Inc., governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel facility.
- Florida Thoroughbred Breeders' Association, Inc., governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility.

The agreements may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses and awards are subject to the terms of chapter 550, F.S. All sums for breeders', stallion, and special racing awards are remitted monthly to the Florida Thoroughbred Breeders' Association, Inc., for the payment of awards subject to the administrative fee authorized in s. 550.2625(3), F.S.[146]

"Purse" means the cash portion of the prize for which a race or game is contested.[147] "Breeders' and stallions' awards" means financial incentives paid to encourage the agricultural industry to breeding racehorses in this state.[148]

Current law provides that "the purse structure and the availability of breeder awards are important factors in attracting the entry of well-bred horses in racing meets in this state which in turn helps to produce maximum racing revenues for the state and the counties."[149] Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.[150] Each horseracing permitholder conducting any thoroughbred race is required to pay a sum on all pari-mutuel pools conducted during any such race for the payment of breeders', stallion, or special racing awards.[151]

Limited Thoroughbred Racing Permits

Current law allowed a holder of a quarter horse racing permit to, within 1 year after the effective date of this law, which became effective in 2009, to apply to the Commission for a transfer of the quarter horse racing permit to a not-for-profit corporation, designated by the Florida Thoroughbred Breeders' Association, to request that the Commission convert the quarter horse racing permit to a permit authorizing the holder to conduct thoroughbred racing.[152]

The quarter horse racing permit nor its conversion to a limited thoroughbred permit are subject to the mileage limitation or the ratification election as set forth under s. 550.054(2) or s. 550.0651, F.S. After the conversion issuance of the initial license to conduct thoroughbred racing, the not-for-profit corporation is required to annually apply to the Commission for a thoroughbred racing license.[153]

Racing under the permit may take place only at the location for which the original quarter horse racing permit was issued, which may be leased by the not-for-profit corporation for that purpose; however, the not-for-profit corporation may, without the conduct of any ratification election pursuant to s. 550.054(13) or s. 550.0651, F.S., move the location of the permit to another location in the same county provided that such relocation is approved under the zoning and land use regulations of the applicable county or municipality.[154]

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[145] S. 551.104(10)(a)1., F.S.
[146] *Id.*
[147] S. 550.002(28), F.S.
[148] S. 550.002(2), F.S.
[149] S. 550.2625(1), F.S.
[150] *See* s. 550.2625(2)(a), F.S.
[151] *See* s. 550.2625(3), F.S.
[152] S. 550.3345(1), F.S.
[153] S. 550.3345(2), F.S.
[154] S. 550.3345(2)(d), F.S.

A converted permit and a license issued to the not-for-profit corporation under chapter 849 are not eligible for transfer to another person or entity.[155]

Unless otherwise provided, after conversion, the permit and the not-for-profit corporation are treated under the laws of this state as a thoroughbred permit and as a thoroughbred permitholder, respectively, with the exception of certain tax on handle and intertrack wagering requirements in ss. 550.09515(3) and 550.6308, F.S.[156]

Intertrack Wagering, Purses, Breeders' Awards

Currently, a host track racing under either a thoroughbred or quarter horse permit is required to pay an amount equal to 7.0 percent of all wagers placed pursuant to intertrack wagering, as purses during its current race meet. However, up to 0.50 percent of these wagers placed may, at the option of the host track, be deducted from the amount retained by the host track for purses to supplement the awards program for owners of Florida-bred horses.[157]

A host track racing under a harness permit is required to pay an amount equal to 7 percent of all wagers placed pursuant to intertrack wagering as purses during its current race meet. If a host track underpays or overpays purses, the provisions of s. 550.2625, F.S., apply to the overpayment or underpayment.[158]

Of all wagers placed pursuant to intertrack wagering, if the host track is:[159]

- A thoroughbred track, an amount equal to 0.75 percent is paid to the Florida Thoroughbred Breeders' Association, Inc., for the payment of breeders' awards;
- A harness track, an amount equal to 1 percent is paid to the Florida Standardbred Breeders and Owners Association, Inc., for the payment of breeders' awards, stallion awards, stallion stakes, additional purses, and prizes for, and the general promotion of owning and breeding, Florida-bred standardbred horses; or
- A quarter horse track, an amount equal to 1 percent is paid to the Florida Quarter Horse Breeders and Owners Association, Inc., for the payment of breeders' awards and general promotion.

The law also provides certain requirements for payment to a breeders' organization with regard to any other amounts received by the respective breeders' and owners' associations as so designated.[160]

DACS Distribution of Funds for Florida Thoroughbred Breeding and Racing

Current law relating to the promotion of Florida thoroughbred breeding and racing at Florida thoroughbred tracks, outlines the distribution of funds to encourage these activities. The law encourages the agricultural activity of breeding thoroughbred racehorses in Florida and thoroughbred racing at Florida tracks.[161]

DACS is responsible for distributing funds from the Florida Agricultural Promotional Campaign Trust Fund to achieve these goals. The law provides:[162]

- Purses or purse supplements for Florida-bred or Florida-sired horses registered with the association that participate in Florida thoroughbred races.
- Stallion Awards to the owners of thoroughbred stallions appropriately registered with the association and siring association for registered Florida-breds that finish first in a listed stakes race at a Florida thoroughbred track.

Recipients of funds under this section are required to submit a report to DACS detailing how all funds were used in the prior fiscal year.[163]

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[155] S. 550.3345(2)(e), F.S.
[156] S. 550.3345(3), F.S.
[157] S. 550.625(1), F.S.
[158] *Id.*
[159] S. 550.625(2), F.S.
[160] S. 550.625(3), F.S.
[161] *See* s. 571.265, F.S.
[162] S. 571.265(3), F.S.
[163] S. 571.265(4), F.S.

Intertrack Wagering Tax on Handle

Current law requires each permitholder to pay a tax on contributions to pari-mutuel pools, known as "handle," on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance. If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.[164]

The tax on handle for intertrack wagering is broken down into the following categories:[165]

- **2 percent** of the handle if the host track is a horse track;
- **3.3 percent** if the host track is a harness track;
- **5.5 percent** if the host track is a dog track;
- **7.1 percent** if the host track is a jai alai fronton;
- **0.5 percent** if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder currently conducting a live race meet.

The tax on handle for intertrack wagering on rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent of the handle and 1.5 percent of the handle for intertrack wagering on rebroadcasts of simulcast harness horseraces. The tax is deposited into the Pari-mutuel Wagering Trust Fund.[166]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2021A	CS/CS/HB 7A	Latvala, Robinson, W.	Hutson	Removed requirements for greyhound permitholders, jai alai permitholders, and harness horse permitholders to conduct live racing or games.

OTHER RESOURCES:

Florida Gaming Control Commission

Florida Thoroughbred Horsemen's Association

Florida Thoroughbred Breeders' and Owners' Association

Gulfstream Park

Tampa Bay Downs

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[164] S. 550.0951(3), F.S.
[165] S. 550.0951(3)(c)1., F.S.
[166] *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Thompson

A bill to be entitled

An act relating to gambling; amending s. 16.712, F.S.; revising the contents of an annual report by the Florida Gaming Control Commission; amending s. 16.713, F.S.; prohibiting certain employment for a period before or during service with the commission; amending s. 16.715, F.S.; revising standards of conduct for the commission; prohibiting certain post-employment activities for former commissioners and employees for a specified period; amending s. 546.10, F.S.; authorizing certain organizations to petition the commission before purchasing, installing, or operating a game or machine on its premises before petitioning for and being issued a specified declaratory statement from the commission if the organization is unsure if such game or machine is an amusement machine; prohibiting such organizations from purchasing or installing a game or machine until an outstanding declaratory statement is issued; prohibiting such organizations from seeking a declaratory statement if the game or machine in question is the subject of a criminal investigation; requiring the commission to issue a declaratory statement within a specified timeframe; prohibiting the commission from denying a petition if it was validly requested; specifying the

information that must be included in a request for a declaratory statement; providing that the declaratory statement is valid only for the game or machine for which it is requested; providing that the declaratory statement is invalid if the specifications for the game or machine have been changed; providing that the declaratory statement is binding on the commission and may be introduced as evidence in subsequent proceedings; providing construction; amending s. 550.002, F.S.; revising the definition of the term "ultimate equitable owner"; amending s. 550.01215, F.S.; authorizing thoroughbred permitholders to elect not to conduct live racing or games; specifying that such permitholders retain certain permits, eligibility, exemptions, and licenses; providing that certain permitholders are eligible to be a guest track; requiring certain thoroughbred permitholders to continue to offer live racing until providing a specific notification to the commission; providing notice requirements; providing applicability; amending ss. 550.0351, F.S.; conforming provisions to changes made by the act; amending s. 550.054, F.S.; revising when commission approval is needed for transfers of stock or other evidence of ownership of certain pari-mutuel permitholders; amending s. 550.0951, F.S.;

removing a requirement for live racing for purposes of certain taxes; amending s. 550.09512, F.S.; removing provisions requiring reissuance of escheated harness horse permits; amending s. 550.09515, F.S.; prohibiting reissuance of horse permits to certain permitholders who do not pay tax on handle for live races for a specified period; removing provisions requiring reissuance of escheated horse permits; amending ss. 550.2614, F.S.; conforming provisions to changes made by the act; amending s. 550.26165, F.S.; providing legislative purpose; requiring certain moneys to be used for a specified purpose; requiring awards be given at a uniform rate pursuant to a specified plan; requiring such plan be published in the Florida Administrative Register by a date certain; authorizing the commission to use flexibility in the development and implementation of a certain program; providing the source of amounts available for distribution; requiring permitholders to make certain payments by a specified date; revising thoroughbred breeders' awards; providing eligibility requirements for awards; requiring a specified association to maintain certain records; authorizing such association to require a fee for specified services; requiring purses be funded in a specified manner and paid at a

specified rate; requiring awards to be paid by a certain time; requiring the Florida Gaming Control Commission maintain certain records; requiring a certain association to remit to the state specified funds immediately; requiring such funds to be placed in a specified account; authorizing awards to be paid for races in other states or countries; requiring the commission to adopt certain rules; providing underpayment requirements for permitholders; authorizing the commission to adopt emergency rules; repealing s. 550.2625, F.S., relating to Horseracing, minimum purse requirement, Florida breeders' and owners' awards; amending ss. 550.2633, and 550.26352, F.S.; conforming provisions to changes made by the act; amending s. 550.3345, F.S.; revising composition of a certain board of directors; revising provisions related to the conversion of quarter horse permits to a limited thoroughbred permit; authorizing such permit locations to be moved to a licensed thoroughbred training center that meets certain requirements; providing for the licensing of thoroughbred training centers; prohibiting such centers from being issued certain licenses; providing an exception; authorizing the commission to adopt rules for such licensing and oversight; providing for board membership of the not-

for-profit corporation; providing legislative findings; preempting certain local laws, charters, ordinances, resolutions, regulations, policies, initiatives, or referendums; providing application; amending s. 550.3551, F.S.; revising the entity responsible for approving changes to live racing minimums; repealing s. 550.625, F.S., relating to Intertrack wagering, purses, and breeders' awards; amending s. 550.6305, F.S.; revising the entity to be paid certain breeders' awards; amending s. 551.104, F.S.; revising specified requirements for thoroughbred permitholders who have certain slot machine licenses; amending s. 571.265, F.S.; defining the term "commission"; revising entities receiving certain funds from the Department of Agriculture and Consumer Services; providing for use of such funds; providing requirements to receive such funds; authorizing the department to adjust certain funding caps beginning a certain breeding season; authorizing the department to adopt emergency rules; providing legislative necessity; exempting the department from certain rulemaking requirements; authorizing a certain association to charge a specified registration fee for program participants; requiring a certain association to make to the commission a certain report annually by

a date certain and include specified information; authorizing alternate distribution if certain permitholders no longer offer live racing; amending s. 838.12, F.S.; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; providing criminal penalties; amending s. 849.01, F.S.; revising criminal penalties for offenses involving keeping a gambling house; amending s. 849.02, F.S.; increasing criminal penalties for specified offenses by agents or employees of a keeper of a gambling house; amending s. 849.03, F.S.; revising criminal penalties for offenses involving renting a house for gambling purposes; amending s. 849.08, F.S.; defining the terms "Internet gambling" and "Internet sports wagering"; prohibiting Internet gambling and Internet sports wagering and related offenses; providing criminal penalties; providing an exception; amending s. 849.086, F.S.; revising requirements for certain permitholders who have cardroom licenses; prohibiting specified actions relating to manipulation of card games; providing criminal penalties; creating s. 849.0932, F.S.; defining the term "fantasy sports contest"; requiring such contests to meet specified requirements; providing penalties for violations; authorizing the

commission to investigate and refer violations for prosecution; authorizing enforcement actions by the Attorney General and state attorneys; providing criminal penalties for certain violations; amending s. 849.11, F.S.; prohibiting certain offenses related to games of chance involving the Internet; providing criminal penalties; repealing s. 849.142, F.S., relating to exempted activities; amending s. 849.13, F.S.; providing enhanced criminal penalties for second or subsequent violations of certain provisions; amending s. 849.14, F.S.; revising criminal penalties for betting or wagering on certain activities; amending s. 849.15, F.S.; providing definitions; providing criminal penalties for specified offenses relating to the manufacture, possession, and sale of slot machines or devices; creating s. 849.155, F.S.; prohibiting trafficking in slot machines, devices, or parts thereof; providing criminal penalties; providing for the deposit of fines into a specified trust fund for specified purposes; creating s. 849.157, F.S.; prohibiting the making of a false or misleading statement regarding the legality of slot machines or devices for specified purposes; providing criminal penalties; repealing s. 849.23, F.S., relating to penalties for violations of specified provisions;

creating s. 849.47, F.S.; defining the term "illegal gambling"; prohibiting the transportation of specified numbers of persons or persons of certain ages for the purpose of facilitating illegal gambling; providing criminal penalties; creating s. 849.48, F.S.; defining the term "illegal gambling"; prohibiting specified gambling or gaming advertisements; providing criminal penalties; providing construction; creating s. 849.49, F.S.; preempting to the state the regulation of gaming, gambling, lotteries, or specified activities; amending s. 921.0022, F.S.; ranking offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; amending ss. 772.102 and 895.02, 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. Paragraph (i) of subsection (3) of section 16.712, Florida Statutes, is redesignated as paragraph (k), paragraph (h) of that subsection is amended, and new paragraphs (i) and (j) are added to that subsection, to read:

16.712 Florida Gaming Control Commission authorizations, duties, and responsibilities.—

(3) By December 1 of each year, the commission shall make

an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include all of the following:

(h) A summary of actions taken and investigations conducted by the commission, including the number of investigations that led to criminal charges or an information being filed and the resolution of such criminal case.

(i) The number of complaints received by the commission categorized by subject matter or type of complaint and a summary of the action taken on each complaint by the commission.

(j) A list of property seized by the commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 16.713, Florida Statutes, are amended to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.—

(a) A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission:

1. Hold a permit or license issued under chapter 550 or a

license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee;

2. Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), of such entity;

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; ~~or~~

4. Be a bingo game operator or an employee of a bingo game operator; or

5. Be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity

regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

(b) A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she violated paragraph (a) or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial relationship with, or is a relative of:

1. Any person or entity who is an applicant, licensee, or registrant with the commission; ~~or~~

2. Any officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; any contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or any ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

3. Any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

For the purposes of this subsection, the term "relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-

law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Section 3. Paragraph (b) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of

regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the

commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in s. 16.713(2)(b).

5. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission.

6. A commissioner may not serve as the representative of

any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

7. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

8. A commissioner or an employee may not act in an unprofessional manner at any time during the performance of official duties.

9. A commissioner or an employee must avoid impropriety in all activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or a subsidiary of any person regulated by the

commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

11. A commissioner may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission in an official capacity.

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(b) A commissioner, the executive director, or an employee of the commission may not, for the 2 years immediately following the date of resignation or termination from the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; ~~or~~ be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities;

2. Accept employment by or compensation from a business entity that, directly or indirectly, owns or controls a person regulated by the commission; from a person regulated by the commission; from a business entity which, directly or indirectly, is an affiliate or subsidiary of a person regulated by the commission; ~~or~~ from a business entity or trade

association that has been a party to a commission proceeding within the 2 years preceding the member's resignation or termination of service on the commission; from any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

3. Be a bingo game operator or an employee of a bingo game operator.

(c) A person employed by the commission may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

2. Be a bingo game operator or an employee of a bingo game operator.

Section 4. Present subsections (8) and (9) of section 546.10, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to

that section, to read:

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. A game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would

be authorized under this section or would be a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged

violation of this chapter, chapter 24, part II of chapter 285, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

Section 5. Subsection (37) of section 550.002, Florida Statutes, is amended to read:

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

(37) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls ~~5 percent or more of~~ an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

Section 6. Paragraph (b) of subsection (1) of section 550.01215, Florida Statutes, is amended to read:

550.01215 License application; periods of operation; license fees; bond.—

(1) Each permitholder shall annually, during the period between January 15 and February 4, file in writing with the

commission its application for an operating license for a pari-mutuel facility for the conduct of pari-mutuel wagering during the next state fiscal year, including intertrack and simulcast race wagering. Each application for live performances must specify the number, dates, and starting times of all live performances that the permitholder intends to conduct. It must also specify which performances will be conducted as charity or scholarship performances.

(b)1. A greyhound permitholder may not conduct live racing. A jai alai permitholder, thoroughbred permitholder, harness horse racing permitholder, or quarter horse racing permitholder may elect not to conduct live racing or games. ~~A thoroughbred permitholder must conduct live racing.~~ A greyhound permitholder, jai alai permitholder, thoroughbred permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games retains its permit; is a pari-mutuel facility as defined in s. 550.002(23); if such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license pursuant to s. 551.104(3), and is exempt from ss. 551.104(10) ~~ss. 551.104(4)(c) and (10)~~ and 551.114(2); is eligible, but not required, to be a guest track and, if the permitholder is a harness horse racing permitholder or a thoroughbred permitholder, to be a host track

for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, ~~550.625,~~ and 550.6305; and remains eligible for a cardroom license. A thoroughbred permitholder who operates a slot machine facility or cardroom shall offer a full schedule of live racing until such permitholder notifies the commission that it will no longer offer live racing. Notice under this subparagraph is not valid unless it is delivered on or after July 1, 2027, and contains the date on which the permitholder will no longer offer live racing, which may not be earlier than 3 years after the date of the notice. The permitholder is not required to deliver such notice when relocating under s. 550.3345.

2. A permitholder or licensee may not conduct live greyhound racing or dogracing in connection with any wager for money or any other thing of value in the state. The commission may deny, suspend, or revoke any permit or license under this chapter if a permitholder or licensee conducts live greyhound racing or dogracing in violation of this subparagraph. In addition to, or in lieu of, denial, suspension, or revocation of such permit or license, the commission may impose a civil penalty of up to $5,000 against the permitholder or licensee for a violation of this subparagraph. All penalties imposed and collected must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

Section 7. Subsection (4) of section 550.0351, Florida

Statutes, is amended to read:

550.0351 Charity days.—

(4) The total of all profits derived from the conduct of a charity day performance must include all revenues derived from the conduct of that performance, including all state taxes that would otherwise be due to the state, except that the daily license fee as provided in s. 550.0951(1) and the breaks for the promotional trust funds ~~as provided in s. 550.2625(3), (4), (5), (7), and (8)~~ shall be paid to the commission. All other revenues from the charity performance, including the commissions, breaks, and admissions and the revenues from parking, programs, and concessions, shall be included in the total of all profits.

Section 8. Paragraph (b) of subsection (11) and subsection (12) of section 550.054, Florida Statutes, are amended to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(11)

(b) If a permit to conduct pari-mutuel wagering is held by a corporation or business entity other than an individual, the transfer of <u>any</u> ~~10 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 pursuant to s. 550.1815.

(12) Changes in ownership or interest of a pari-mutuel permit of <u>any</u> ~~5 percent or more~~ of the stock or other evidence

of ownership or equity in the permitholder shall be approved by the commission before ~~prior to~~ such change~~, unless the owner is an existing owner of that permit who was previously approved by the commission~~. ~~Changes in ownership or interest of a pari-mutuel permit of less than 5 percent shall be reported to the commission within 20 days of the change.~~ The commission may ~~then~~ conduct an investigation related to a request for ~~to ensure that the permit is properly updated to show~~ the change in ownership or interest.

Section 9. Paragraph (c) of subsection (3) of section 550.0951, Florida Statutes, is amended to read:

550.0951 Payment of daily license fee and taxes; penalties.—

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance. If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.

(c)1. The tax on handle for intertrack wagering is 2.0 percent of the handle if the host track is a horse track, 3.3 percent if the host track is a harness track, 5.5 percent if the host track is a dog track, and 7.1 percent if the host track is

a jai alai fronton. The tax on handle for intertrack wagering is 0.5 percent if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder ~~currently conducting a live race meet~~. The tax on handle for intertrack wagering on rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent of the handle and 1.5 percent of the handle for intertrack wagering on rebroadcasts of simulcast harness horseraces. The tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

2. The tax on handle for intertrack wagers accepted by any dog track located in an area of the state in which there are only three permitholders, all of which are greyhound permitholders, located in three contiguous counties, from any greyhound permitholder also located within such area or any dog track or jai alai fronton located as specified in s. 550.615(6) or (9), on races or games received from the same class of permitholder located within the same market area is 3.9 percent if the host facility is a greyhound permitholder and, if the host facility is a jai alai permitholder, the rate shall be 6.1 percent except that it shall be 2.3 percent on handle at such time as the total tax on intertrack handle paid to the commission by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the commission by the permitholder during the 1992-1993 state fiscal

year.

Section 10. Subsection (3) of section 550.09512, Florida Statutes, is amended to read:

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years shall be void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated harness horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated harness horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a harness horse facility anywhere in the same county in which the~~

~~escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 11. Subsection (3) of section 550.09515, Florida Statutes, is amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse performances for a full schedule of live races during any 2 consecutive state fiscal years shall be void and shall not be reissued ~~escheat to and become the property of the state~~ unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be~~

~~authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 12. Subsection (1) of section 550.2614, Florida Statutes, is amended to read:

550.2614 Distribution of certain funds to a horsemen's association.—

(1) Each licensee that holds a permit for thoroughbred horse racing in this state shall deduct from the purses ~~required by s. 550.2625~~, an amount of money equal to 1 percent of the total purse pool and shall pay that amount to a horsemen's association representing the majority of the thoroughbred racehorse owners and trainers for its use in accordance with the stated goals of its articles of association filed with the Department of State.

Section 13. Section 550.26165, Florida Statutes, is amended to read:

(Substantial rewording of section.
See s. 550.26165, F.S., for present text.)

550.26165 Breeders' incentives, purses and special racing awards plan.—

(1) A purse structure for racehorse owners which is competitive with the purses offered in other states is an important factor in attracting the entry of well-bred horses in

race meets in this state. The availability of awards to the owners and the breeders of Florida-bred racehorses, including the owners of Florida-based stallions, is an important factor used to incentivize the purchase of Florida-bred horses at auction and to induce well-bred stallions and mares to engage in breeding activities in the state. In turn, the availability of these financial awards help to ensure the continuing viability of the thoroughbred industry in the state while simultaneously producing maximum revenues from licensed racing activity for the state and the counties. The purpose of this section is to encourage the agricultural activity of owning, breeding, and racing Florida-bred racehorses.

(2) Moneys dedicated in this chapter for use as purse supplements to the owners of Florida-bred racehorses as breeders' awards and stallion awards are to be used to incentivize the ownership and the breeding of registered Florida-bred horses. Such awards shall be given at a uniform rate pursuant to an annual plan developed by the commission. The annual plan shall be developed with input from the Department of Agriculture and Consumer Services, stakeholders in the thoroughbred racing and breeding industry, and the general public and published in the Florida Administrative Register by January 1 for implementation during the next licensed racing year. The awards programs described in this chapter must be responsive to rapidly changing incentive programs in other

states and to accomplish this goal, the commission is authorized to use flexibility in the design and implementation of a competitive awards programs. The plan approved by the commission shall allocate, for distribution by category, breeders' awards, stallion awards, and Florida-bred purse supplements available for distribution in the ensuing licensing year. The amount available for distribution shall be derived from the following sources:

(a) A minimum amount equal to 0.955 percent on all pari-mutuel pools conducted on all wagering during each race meet, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3). This paragraph also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.3551(3).

(b) A minimum amount equal to 3.475 percent of the gross revenue derived by the thoroughbred permitholder when serving as the host track for wagering on any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2).

The permitholder conducting the races shall make the payments authorized in this section to the commission for deposit into the Pari-mutuel Wagering Trust Fund. The permitholder shall remit to the commission such payments by the 5th day of each

calendar month for such sums accruing during the preceding calendar month and provide any corresponding reporting as prescribed by the commission. Such payments together with any interest earned shall be used exclusively for the payment of breeders', stallion, or special racing awards in accordance with the plan established pursuant to this section.

(3) In order for a breeder of a Florida-bred thoroughbred horse to be eligible to receive a breeder's award, the horse must have been registered as a Florida-bred horse with the Florida Thoroughbred Breeders' Association and the Jockey Club certificate for the horse must show that the horse has been duly registered as a Florida-bred horse. The Florida Thoroughbred Breeders' Association may charge the registrant a reasonable fee for this verification and registration not to exceed $75 per horse.

(4) In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association and the live breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state between February 1 and June 15 of each year or, if the stallion is dead, must have stood permanently in this state for a period of at least 1 year immediately before its death. The removal of a stallion from this state during the period of time between

February 1 and June 15 of any year for any reason other than exclusively for prescribed medical treatment, as approved by the Florida Thoroughbred Breeders' Association, renders the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired before removal, however, if a removed stallion is returned to this state, all offspring sired subsequent to the return make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The Florida Thoroughbred Breeders' Association may charge the stallion owner a reasonable fee for this service not to exceed $75 per stallion.

(5) Purses shall be funded from the pari-mutuel pools conducted by the permitholder. A thoroughbred permit shall pay as purses during its race meets an amount equal to 7 percent of all wagers placed pursuant to s. 550.615 as purses during its current race meet.

(6) A permitholder conducting a thoroughbred horse race under the provisions of this chapter shall, within 30 days after

the end of the race meet during which the race is conducted, certify to the commission such information relating to the thoroughbred horses winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeders', stallion, and special racing awards.

(7) The commission shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state and shall maintain complete records showing awards earned, received, and distributed.

(8) Any funds in the possession of the Florida Thoroughbred Breeders' Association which had been paid by any thoroughbred permitholder as required by any provision of chapter 550 or chapter 551 in effect when the payment was made or by the Florida Department of Agriculture and Consumer Services as required by any provision of chapter 571 in effect when the payment was made shall be immediately paid to the commission for deposit to the Pari-mutuel Wagering Trust Fund. The commission shall authorize payment from such funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable plan of distribution.

(9) Breeders' awards or stallion awards authorized under this chapter, if authorized by a rule of the commission, may be paid with respect to thoroughbred horse races taking place in

other states or countries.

(10) The commission shall adopt reasonable rules to ensure the timely and accurate payment of all amounts withheld by horserace permitholders regarding the distribution of purses, owners' awards, and other amounts collected for payment to owners and breeders pursuant to this section and this chapter.

(11) Each permitholder that fails to pay out all moneys collected for payment to owners and breeders shall, within 10 days after the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate interest-bearing account established by the commission, which moneys shall be distributed to owners and breeders in accordance with commission rules.

(12) The commission may at any time adopt emergency rules pursuant to s. 120.54 to implement this section. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to benefit the statewide thoroughbred racing and breeding industry. The Legislature further finds that the unique nature of breeding and racing operations require, from time to time, that the commission respond as quickly as is practicable to changes in the marketplace. Therefore, in adopting such emergency rules, the commission need not make the findings required by s. 120.54(4)(a). Emergency rules adopted under this section are exempt from s. 120.54(4)(c) and shall

remain in effect until replaced by other emergency rules or by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act.

Section 14. Section 550.2625, Florida Statutes, is repealed.

Section 15. Subsection (2) of section 550.2633, Florida Statutes, is amended to read:

550.2633 Horseracing; distribution of abandoned interest in or contributions to pari-mutuel pools.—

(2) All moneys or other property which has escheated to and become the property of the state as provided herein and which is held by a permitholder authorized to conduct pari-mutuel pools in this state shall be paid annually by the permitholder to the recipient designated in this subsection within 60 days after the close of the race meeting of the permitholder. Section 550.1645 notwithstanding, the moneys shall be paid by the permitholder as follows:

(a) Funds from any harness horse races shall be paid to the Florida Standardbred Breeders and Owners Association and shall be used for the payment of breeders' awards, stallion awards, stallion stakes, additional purses, and prizes for, and for the general promotion of owning and breeding of, Florida-bred standardbred horses~~, as provided for in s. 550.2625~~.

(b) Funds from quarter horse races shall be paid to the Florida Quarter Horse Breeders and Owners Association and shall

be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing quarter horses in this state, as provided for in s. 550.2625.

Section 16. Subsection (7) of section 550.26352, Florida Statutes, is amended to read:

550.26352 Breeders' Cup Meet; pools authorized; conflicts; taxes; credits; transmission of races; rules; application.—

(7) The permitholder conducting the Breeders' Cup Meet shall be exempt from the payment of purses and other payments to horsemen on all on-track, intertrack, interstate, and international wagers or rights fees or payments arising therefrom for all races for which the purse is paid or supplied by Breeders' Cup Limited. The permitholder conducting the Breeders' Cup Meet shall not, however, be exempt from breeders' awards payments for on-track and intertrack wagers ~~as provided in ss. 550.2625(3) and 550.625(2)(a)~~ for races in which the purse is paid or supplied by Breeders' Cup Limited.

Section 17. Subsection (2) of section 550.3345, Florida Statutes, is amended, and subsections (4) and (5) are added to that section, to read:

550.3345 Conversion of quarter horse permit to a limited thoroughbred permit.—

(2) Notwithstanding any other provision of law, the holder of a quarter horse racing permit issued under s. 550.334 may,

within 1 year after the effective date of this section, apply to the commission for a transfer of the quarter horse racing permit to a not-for-profit corporation formed under state law to serve the purposes of the state as provided in subsection (1). The board of directors of the not-for-profit corporation must be comprised of 11 members, 4 of whom shall be designated by the applicant, 4 of whom shall be designated by the commission ~~Florida Thoroughbred Breeders' Association~~, and 3 of whom shall be designated by the other 8 directors, with at least 1 of these 3 members being an authorized representative of another thoroughbred permitholder in this state. The not-for-profit corporation shall submit an application to the commission for review and approval of the transfer in accordance with s. 550.054. Upon approval of the transfer by the commission, and notwithstanding any other provision of law to the contrary, the not-for-profit corporation may, within 1 year after its receipt of the permit, request that the commission convert the quarter horse racing permit to a permit authorizing the holder to conduct pari-mutuel wagering meets of thoroughbred racing. Neither the transfer of the quarter horse racing permit nor its conversion to a limited thoroughbred permit shall be subject to the mileage limitation or the ratification election as set forth under s. 550.054(2) or s. 550.0651. Upon receipt of the request for such conversion, the commission shall timely issue a converted permit. The converted permit and the not-for-profit

corporation shall be subject to the following requirements:

(a) All net revenues derived by the not-for-profit corporation under the thoroughbred horse racing permit and any license issued to the not-for-profit corporation under chapter 849, after the funding of operating expenses and capital improvements, shall be dedicated to the enhancement of thoroughbred purses and breeders', stallion, and special racing awards under this chapter; the general promotion of the thoroughbred horse breeding industry; and the care in this state of thoroughbred horses retired from racing.

(b) From December 1 through April 30, no live thoroughbred racing may be conducted under the permit on any day during which another thoroughbred permitholder is conducting live thoroughbred racing within 125 air miles of the not-for-profit corporation's pari-mutuel facility unless the other thoroughbred permitholder gives its written consent.

(c) After the conversion of the quarter horse racing permit and the issuance of its initial license to conduct pari-mutuel wagering meets of thoroughbred racing, the not-for-profit corporation shall annually apply to the commission for a license pursuant to s. 550.5251.

(d) Racing under the permit may take place only at the location for which the original quarter horse racing permit was issued, which may be leased by the not-for-profit corporation for that purpose; however, the not-for-profit corporation may,

without the conduct of any ratification election pursuant to s. 550.054(13) or s. 550.0651, move the location of racing under the permit to either:

1. Another location in the same county provided that such relocation is approved under the zoning and land use regulations of the applicable county or municipality; or.

2. To a licensed thoroughbred training center located in a county which has previously authorized pari-mutuel wagering. In order to be licensed as a thoroughbred training center, it must be designed and operated for the purpose of training, boarding, and caring for thoroughbred racehorses and be capable of providing instruction for sundry equestrian activities related to such horses. The facility must have permanent stabling for at least 1,000 horses and operate multiple racecourses of varying surfaces for the training of thoroughbred racing. Each racecourse must be at least 50 feet wide and 3,200 feet in length. The training facility may include riding arenas, viewing stands, pastures, grooming and veterinary care areas, and related amenities. Notwithstanding any other provision of law, such training center may not operate a cardroom, and such permitholder operating the training center may not be issued a cardroom operating license unless such permitholder held a valid cardroom license issued before January 1, 2025. Notwithstanding any other provision of law, such training center may not operate a slot machine facility, and such permitholder operating the

training center may not be issued a slot machine facility operating license.

(e) A permit converted under this section and a license issued to the not-for-profit corporation under chapter 849 are not eligible for transfer to another person or entity.

(4) In order to foster and protect the statewide importance and impact of thoroughbred racing and breeding throughout the state, the commission may adopt rules for the licensing and oversight of thoroughbred training centers in Florida which host live thoroughbred racing in conjunction with their training activities. Racing at such facilities shall only be conducted by a permit converted under this section that has provided sufficient evidence to the commission that the governance of the not-for-profit corporation is controlled by board comprised of three appointees from owner of the training center, an individual appointed by the chair of the commission, and an individual appointed by the Commissioner of the Department of Agriculture and Consumer Services. The board members may expand the board membership and make additional appointments to the board from time to time pursuant to the bylaws of the corporation.

(5) The Legislature finds and declares that it has exclusive preemptive authority over the conduct of all aspects of the business operations conducted at licensed thoroughbred training centers authorized under this section to conduct pari-

mutuel wagering activities at such facilities, including, but not limited to, the regulation of all equestrian activities, all wagering activities, and land use. As provided by law, only the commission shall administer this section and regulate the equestrian and pari-mutuel wagering activities conduced at, and land use applicable to, licensed thoroughbred training centers as authorized in this section and the rules adopted by the commission with respect thereto. Any provision of a local law, a charter, an ordinance, a resolution, a regulation, a policy, an initiative, or a referendum which is in conflict with this section and which existed before, on, or after July 1, 2025, is prohibited, void, and expressly preempted to the state.

Section 18. Paragraph (c) of subsection (3) and paragraphs (a) and (b) of subsection (6) of section 550.3551, Florida Statutes, are amended to read:

550.3551 Transmission of racing and jai alai information; commingling of pari-mutuel pools.—

(3) Any horse track licensed under this chapter may receive broadcasts of horseraces conducted at other horse racetracks located outside this state at the racetrack enclosure of the licensee, if the horse track conducted a full schedule of live racing during the preceding state fiscal year, or if the horse track does not conduct live racing as authorized under s. 550.01215.

(c) All forms of pari-mutuel wagering are allowed on races

broadcast under this section, and all money wagered by patrons on such races shall be computed as part of the total amount of money wagered at each racing performance for purposes of taxation under ss. 550.0951, 550.09512, and 550.09515. ~~Section 550.2625(2)(a), (b), and (c) does not apply to any money wagered on races broadcast under this section. Similarly,~~ The takeout shall be increased by breaks and uncashed tickets for wagers on races broadcast under this section, notwithstanding any contrary provision of this chapter.

(6)(a) A permitholder conducting live races or games may not conduct fewer than eight live races or games on any authorized race day except as provided in this subsection. A thoroughbred permitholder may not conduct fewer than eight live races on any race day without the written approval of the ~~Florida Thoroughbred Breeders' Association and the Florida Horsemen's Benevolent and Protective Association, Inc., unless it is determined by the commission that another~~ entity that represents a majority of the thoroughbred racehorse owners and trainers conducting racing during the licensed meet ~~in the state~~. If conducting live racing, a harness permitholder may conduct fewer than eight live races on any authorized race day. Any harness horse permitholder may receive full-card broadcasts of harness horse races conducted at harness racetracks outside this state at the harness track of the permitholder and accept wagers on such harness races.

(b) Notwithstanding any other provision of this chapter, any harness horse permitholder accepting broadcasts of out-of-state harness horse races when such permitholder is not conducting live races must make the out-of-state signal available to all permitholders eligible to conduct intertrack wagering and shall pay to guest tracks located as specified in ss. 550.615(6) and 550.6305(9)(d) 50 percent of the net proceeds after taxes and fees to the out-of-state host track on harness race wagers which they accept. A harness horse permitholder shall be required to pay into its purse account 50 percent of the net income retained by the permitholder on account of wagering on the out-of-state broadcasts received pursuant to this subsection. ~~Nine-tenths of a percent of all harness wagering proceeds on the broadcasts received pursuant to this subsection shall be paid to the Florida Standardbred Breeders and Owners Association under the provisions of s. 550.2625(4) for the purposes provided therein.~~

Section 19. Section 550.625, Florida Statutes, is repealed.

Section 20. Paragraphs (a), (b), and (e) of subsection (9) of section 550.6305, Florida Statutes, are amended to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(9) A host track that has contracted with an out-of-state horse track to broadcast live races conducted at such out-of-

state horse track pursuant to s. 550.3551(5) may broadcast such out-of-state races to any guest track and accept wagers thereon in the same manner as is provided in s. 550.3551.

(a) For purposes of this section, "net proceeds" means the amount of takeout remaining after the payment of state taxes, purses required pursuant to s. 550.0951(3)(c)1., the cost to the permitholder required to be paid to the out-of-state horse track, and breeders' awards paid to the commission ~~Florida Thoroughbred Breeders' Association~~ and the Florida Standardbred Breeders and Owners Association, to be used as set forth in this chapter ~~s. 550.625(2)(a) and (b)~~.

(b) Notwithstanding any provision of this chapter to the contrary ~~the provisions of subsection (1) and s. 550.625(1) and (2)(a)~~, the distribution of the net proceeds that are retained by a thoroughbred host track from the takeout on an out-of-state race rebroadcast under this subsection shall be as follows:

1. One-third of the remainder of such proceeds shall be paid to the guest track;

2. One-third of the remainder of such proceeds shall be retained by the host track; and

3. One-third of the remainder of such proceeds shall be paid by the host track as purses at the host track.

(e) Notwithstanding any provision of this chapter to the contrary ~~the provisions of subsection (1) and s. 550.625(1) and (2)(b)~~, the proceeds that are retained by a harness host

facility from the takeout on a race broadcast under this subsection shall be distributed as follows:

1. Of the total intertrack handle on the broadcast, 1 percent shall be deducted from the proceeds and paid to the Florida Standardbred Breeders and Owners Association, Inc.~~, to be used as set forth in s. 550.625(2)(b)~~;

2. One-third of the remainder of such proceeds shall be paid to the guest facility;

3. One-third of the remainder of such proceeds shall be retained by the host facility; and

4. One-third of the remainder of said proceeds shall be paid by the host facility as purses at the host facility.

Section 21. Paragraphs (d) through (j) of subsection (4) and paragraphs (b) through (d) of subsection (10) of section 551.104, Florida Statutes, are redesignated as paragraphs (c) through (i) and (a) through (c), respectively, and paragraph (c) of subsection (4) and paragraph (a) of subsection (10) are amended, to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

~~(c) If a thoroughbred permitholder, conduct no fewer than a full schedule of live racing or games as defined in s. 550.002(10). A permitholder's responsibility to conduct live~~

~~races or games shall be reduced by the number of races or games that could not be conducted due to the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the control of the permitholder.~~

(10)~~(a)1. No slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the commission a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel facility. In addition, no slot machine license or renewal thereof shall be issued to such an applicant unless the applicant has on file with the commission a binding written agreement between the applicant and the Florida Thoroughbred Breeders' Association, Inc., governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility. The agreement governing purses and the agreement governing awards may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses and awards shall be subject to the terms of chapter 550. All sums for breeders', stallion, and special racing awards shall be remitted monthly to the Florida Thoroughbred Breeders'~~

~~Association, Inc., for the payment of awards subject to the administrative fee authorized in s. 550.2625(3).~~

~~2. No slot machine license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of quarter horse racing unless the applicant has on file with the commission a binding written agreement between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicant's eligible facility, governing the payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses shall be subject to the terms of chapter 550.~~

Section 22. Paragraph (b) of subsection (1) and subsection (4) of section 571.265, Florida Statutes, are redesignated as paragraph (c) and renumbered as subsection (5), respectively, subsection (3) is amended, and a new paragraph (b) is added to subsection (1) and a new subsection (4) is added to that section, to read:

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

(1) For purposes of this section, the term:

(b) "Commission" means the Florida Gaming Control Commission.

(3) The department shall distribute the funds made available under this section as follows:

(a) Five million dollars shall be distributed to the commission ~~association~~ to be used for the following:

1. One million five hundred thousand dollars shall be used for a program established by the department for the recruitment and retention of thoroughbred stallions and mares for breeding. The department shall adopt rules and administer a grant program to implement this section which shall be available to new stallions and mares registered with the association after July 1, 2025. Funds may be used to assist with the cost of relocation of out-of-state stallions and mares and to subsidize the costs of breeding to registered Florida stallions. Reimbursement rates under the program shall be as follows:

a. Twenty-five thousand dollars shall be available after verification by the department of the relocation and the registration with the association of a new stallion from out of state. No more than ten new stallions each year that relocate to Florida and register with the association may be eligible for funds under this paragraph.

b. Up to $15,000 in additional funds shall be available for each stallion registered with the association after July 1, 2025, subject to performance criteria as a stud established by

the department for payment at the conclusion of the first foaling season following year after its registration.

c. One thousand five hundred dollars per mare that has previously been bred to a thoroughbred stallion in an out-of-state location upon the mare's relocation to Florida and the mare's registration with the association after July 1, 2025,to assist in the costs associated with the mare's relocation to Florida and registration with the association.

d. One thousand dollars per mare located in Florida that at the time of registration with the association has not previously been bred to a thoroughbred stallion.

2. Three million five hundred thousand dollars shall be used to provide for the reimbursement of stallion fees to the owner of mares registered with the association after the mare produces a live foal from a breeding with a stallion participating in the program. The owner of a mare may seek reimbursement after the mare produces a live foal and the foal's registration with the association. The owners of mares registered with the association may seek reimbursement for stallion stud fees from the department under the following criteria:

a. Owners of mares may only seek reimbursement for stallion stud fees that were $10,000 or less at the time of the breeding.

b. The owner of a mare registered with the association

before July 1, 2025, or the owner of a mare registered after July 1, 2025, that received reimbursement for a stallion stud fee resulting in a live foal under sub-paragraph c. shall receive reimbursement of fifty percent of the stallion fee, up to $7,500.

c. The owner of a mare registered with the association after July 1, 2025, shall receive a reimbursement of one hundred percent of the stallion stud fee, up to $10,000 for its first live foal that the mare produces from a breeding to a stallion participating in the program.

d. The department may adjust the caps established under sub-subparagraph a. in the annual program adopted by the department beginning with the 2028 breeding season and in sub-subparagraph b. beginning with the 2029 breeding season.

The owner of any horse participating in or receiving funds from this program may only sell the participating mare or stallion in a private sale or via a public sale at a sales venue located in this state and licensed by the department pursuant to s. 535.01. The department may at any time adopt emergency rules, forms, and audit procedures pursuant to s. 120.54. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people participating in the annual program in order to provide these additional funds to benefit the public. The Legislature further

finds that the unique nature of thoroughbred breeding operations requires, from time to time, that the department respond as quickly as is practicable to changes in the marketplace. Therefore, in adopting such emergency rules, the department need not make the findings required by s. 120.54(4)(a). Emergency rules adopted under this section are exempt from s. 120.54(4)(c) and shall remain in effect until replaced by other emergency rules or by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act. The association may charge a registration fee not to exceed $75 for each registered mare participating in the program and shall submit to the commission and the department annually by July 30 a report detailing the new and current owners and horses participating in the program.

~~1. Purses or purse supplements for Florida-bred or Florida-sired horses registered with the association that participate in Florida thoroughbred races.~~

~~2. Awards to breeders of Florida-bred horses registered with the association that win, place, or show in Florida thoroughbred races.~~

~~3. Awards to owners of stallions who sired Florida-bred horses registered with the association that win Florida thoroughbred stakes races, if the stallions are registered with the association as Florida stallions standing in this state.~~

~~4. Other racing incentives connected to Florida-bred or~~

~~Florida-sired horses registered with the association that participate in thoroughbred races in Florida.~~

~~5. Awards administration.~~

~~6. Promotion of the Florida thoroughbred breeding industry.~~

(b) Five million dollars shall be distributed to Tampa Bay Downs, Inc., to be used as purses in thoroughbred races conducted at its pari-mutuel facilities and for the maintenance and operation of that facility~~, pursuant to an agreement with its local majority horsemen's group~~.

(c) Fifteen million dollars shall be distributed to Gulfstream Park Racing Association, Inc., to be used as purses in thoroughbred races conducted by either Gulfstream Park Racing Association or Gulfstream Park Thoroughbred Aftercare and Retirement Association at their current pari-mutuel facility as allowed under ss. 550.475 and 550.3345(2)(d) and for the maintenance and operation of its facility ~~at its pari-mutuel facility and for the maintenance and operation of its facility, pursuant to an agreement with the Florida Horsemen's Benevolent and Protective Association, Inc~~.

(d) Two and one-half million dollars shall be distributed as follows:

1. One ~~Two~~ million dollars to Gulfstream Park Racing Association, Inc., and Gulfstream Park Thoroughbred Aftercare and Retirement Association, to be used as purses and purse

supplements for Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races at the permitholder's racing location ~~pari-mutuel facility,~~ pursuant to a written agreement filed with its majority horsemen's group ~~the department establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the association, and the Florida Horsemen's Benevolent and Protective Association, Inc~~.

2. One million dollars to Gulfstream Park Racing Association, Inc., to be used as restricted purses for Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races conducted at the permitholder's pari-mutuel facility between May 1 and November 1 pursuant to a written agreement with its majority horsemen's group. The plan for payment of the restricted purses shall be submitted to the commission and incorporated into its annual plan for purses and purse supplements. Funds allocated under this paragraph shall be for racing purses only, and no administrative fees shall be deducted from these funds.

3.~~2.~~ Five hundred thousand dollars to Tampa Bay Downs, Inc., to be used as purses and purse supplements for Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races at the permitholder's pari-mutuel facility, pursuant to an annual plan established by the commission ~~a written agreement filed with the department~~

~~establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the association, and the local majority horsemen's group at the permitholder's pari-mutuel facility~~.

(4) If either permitholder referenced to in paragraphs (3)(b) or (c) elects to no longer offer live racing performances such permitholder's allocation of the fund shall be distributed to any other permitholder which is licensed to offer a full calendar of live racing at a location that is more than 125 miles from the location of a permitholder which did not elect to discontinue offering live performances. If there is more than one, the funds shall be prorated proportionately according to live race days. If there are no permitholders offering live racing performances outside the 125-mile restricted area, the nonelecting permitholder shall receive 100 percent of the funds subject to offering a full racing calendar.

Section 23. Section 838.12, Florida Statutes, is amended to read:

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any

relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to influence him or her or them to lose or cause to be lost any game, contest, match, race or sport, or to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game, contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or

agreement whatsoever, with intent to lose or cause to be lost any game, contest, match, race or sport, or to limit his, her, their or any person's or any team's margin of victory in any game, contest, match, race or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 24. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—A person who ~~Whoever~~ by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any

person to play for money or other valuable thing at any game whatever, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 25. Section 849.02, Florida Statutes, is amended to read:

849.02 Agents or employees of keeper of gambling house.—A person who ~~Whoever~~ acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 commits:

(1) For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent therein mentioned~~.

Section 26. Section 849.03, Florida Statutes, is amended to read:

849.03 Renting house for gambling purposes.—A person who ~~Whoever~~, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

(1) For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084

~~shall be punished in the manner and to the extent mentioned in s. 849.01~~.

(2) For a second or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 27. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

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

(a) "Internet gambling" means to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(b) "Internet sports wagering" means to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device. The term does not include fantasy sports contests as defined in s. 849.0932, or any activity conducted pursuant to ch. 550.

(2) A person who ~~Whoever~~ plays or engages in Internet

gambling, or any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes illegal gambling, Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of illegal gambling, Internet gambling or Internet sports wagering, or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts, all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified

and approved under s. 285.710(3), or any gaming activities authorized under ch. 550.

Section 28. Paragraph (c) of subsection (5) and paragraph (d) of subsection (13) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(c) Notwithstanding any other provision of law, a pari-mutuel permitholder, other than a permitholder issued a permit pursuant to s. 550.3345 or a purchaser, transferee, or assignee holding a valid permit for the conduct of pari-mutuel wagering approved pursuant to s. 550.054(15)(a), may not be issued a license for 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. In order for an initial cardroom license to be issued to a thoroughbred permitholder issued a permit pursuant to s. 550.3345, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least a full schedule of live racing. ~~In order for a cardroom license to be renewed by a thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by~~

~~such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year~~.

(13) TAXES AND OTHER PAYMENTS.—

(d)1. Each jai alai permitholder that conducts live performances and operates a cardroom facility shall use at least 4 percent of such permitholder's cardroom monthly gross receipts to supplement jai alai prize money during the permitholder's next ensuing pari-mutuel meet.

~~2. Each thoroughbred permitholder or harness horse racing permitholder that conducts live performances and operates a cardroom facility shall use at least 50 percent of such permitholder's cardroom monthly net proceeds as follows: 47 percent to supplement purses and 3 percent to supplement breeders' awards during the permitholder's next ensuing racing meet.~~

2.~~3.~~ No cardroom license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of quarter horse racing and conducting live performances unless the applicant has on file with the commission a binding written agreement between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicant's eligible facility, governing the

payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses shall be subject to the terms of chapter 550.

(12) PROHIBITED ACTIVITIES.—

(e) A person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 29. Section 849.0932, Florida Statutes, is created to read:

849.0932 Fantasy sports contests; conditions for conduct.—

(1) As used in this section, the term "fantasy sports contest" means a contest in which a participant pays an entry fee and manages a fantasy or simulation sports team composed of athletes from a professional sports organization with the opportunity to win a cash prize. The term includes a simulation sports game.

(2) Fantasy sports contests must meet all of the following requirements:

(a) Prizes and awards for the winning participants are

established and disclosed to contest participants before entry.

(b) All winning outcomes reflect the relative knowledge and skill of the fantasy sports contest participant.

(c) All winning outcomes are determined predominantly by accumulated statistical results of the performance of more than one individual.

(d) A winning outcome may not be based on:

1. The score, point spread, or performance of a team or combination of teams.

2. The single performance of an individual in a single event or a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002 as of January 1, 2025.

3. A game of poker or other card game.

4. The performance of participants in collegiate, high school, or youth sporting events.

(e) Casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are not displayed or depicted.

(3)(a) A violation of this section is punishable by a fine of $1,000 in addition to civil and criminal penalties.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is punishable by a fine of up to $100,000 per violation.

(4) The Florida Gaming Control Commission shall

investigate and refer violations of this section for prosecution. The Attorney General or state attorney may also institute proceedings to enjoin any person found to be violating this section.

(5)(a) A person who willfully and knowingly violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever sets up, promotes or~~ plays in person or in any other manner, including but not limited to, by the use, at least in part, of the Internet, at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of

value offered for the purpose of conduct prohibited in subsection (1), or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 31. Section 849.13, Florida Statutes, is amended to read:

849.13 ~~Punishment on~~ Second or subsequent offense ~~conviction~~.—A person who commits a second or subsequent violation of the same ~~Whoever, after being convicted of an~~ offense ~~forbidden by law~~ in connection with lotteries for which there is no penalty specified for a second or subsequent offense shall have the offense reclassified to an offense of the next higher degree~~, commits the like offense, shall be guilty of a misdemeanor of the first degree~~, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

Section 32. Section 849.14, Florida Statutes, is amended to read:

849.14 Unlawful to bet on result of trial or contest of skill, etc.—A person who: ~~Whoever~~

(1) Stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast;

(2) ~~, or whoever~~ Receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;

(3) ~~, or whoever~~ Knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result;~~,~~ or

(4) ~~whoever~~ Aids, or assists, or abets, or influences in any manner in any of such acts,

~~all of which are hereby forbidden,~~ commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 33. Section 849.142, Florida Statutes, is repealed.

Section 34. Section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of slot machines or devices prohibited.—

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

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether

adjudication is withheld or a plea of nolo contendere is entered.

(b) "Ownership interest" means being an officer, director, or managing member of a business, establishment, premises, or other location at which a slot machine or device is offered for play.

(c) "Person of authority" means a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

1. Actual authority to act on behalf of the business, establishment, premises, or other location; or

2. Any ownership interest in the business, establishment, premises, or other location.

(2)~~(1)~~ It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance

or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1. At the time of the violation, the person was a person of authority; or

2. The person has one prior conviction for a violation of subsection (2).

(c) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1.a. At the time of the violation, the person was a person of authority; and

b. The violation involves five or more slot machines or devices; or

2. The person has two or more prior convictions for a

violation of subsection (2).

(4) ~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.

ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

Section 35. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts.—A person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity of slot machines or devices or any parts thereof involved is:

(1) More than 15 slot machines or devices or any parts thereof, but less than 25 slot machines or devices or any parts thereof, such person shall be fined $100,000.

(2) Twenty-five slot machines or devices or any parts thereof or more, but less than 50 slot machines or devices or any parts thereof, such person shall be fined $250,000.

(3) Fifty slot machines or devices or any parts thereof or more, such person shall be fined $500,000.

(4) Pursuant to section 2 of the chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved

January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s.

551.109(2)(a).

Notwithstanding any other law, all fines imposed and collected pursuant to this section must be deposited into the Pari-mutuel Wagering Trust Fund and may be used for the enforcement of chapters 546, 550, and 551 and this chapter by the Florida Gaming Control Commission.

Section 36. Section 849.157, Florida Statutes, is created to read:

849.157 Making a false or misleading statement regarding the legality of slot machines or devices to facilitate sale.—

(1) Except as provided in subsection (2), a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1) when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 37. Section 849.23, Florida Statutes, is repealed.

Section 38. Section 849.47, Florida Statutes, is created to read:

849.47 Transporting or procuring the transportation of persons to facilitate illegal gambling.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of chapter 546, chapter 550, chapter 551, or this chapter that occurs at any business, establishment, premises, or other location.

(2) Except as provided in subsection (3), a person who knowingly and willfully transports, or procures the transportation of, five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who transports, or procures the transportation of, 12 or more persons in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who commits a second or subsequent violation

of subsection (2) within a 2-year period commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 39. Section 849.48, Florida Statutes, is created to read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of this chapter, chapter 546, chapter 550, or chapter 551 which occurs at any business, establishment, premises, or other location.

(2)(a) Except as otherwise specifically authorized by law, a person may not knowingly and intentionally make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling.

(b) Except as otherwise specifically authorized by law, a person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

(c) A person who violates this subsection commits:

1. For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. For a second or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not prohibit the printing or producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited.

Section 40. Section 849.49, Florida Statutes, is created to read:

849.49 Preemption.—A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10 or this chapter, except as otherwise expressly provided by the State Constitution, general law, or special law.

Section 41. Paragraphs (a), (c), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount $1,000 or more but less than $20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322.212(5)(a)	3rd	False application for driver license or identification card.

414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value $1,000 or more.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
713.69	3rd	Tenant removes property upon which lien has accrued, value $1,000 or more.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).

815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s.

		893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
~~849.09(1)(a)-(d)~~	~~3rd~~	~~Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes,~~

		~~or dispose of property or money by means of lottery.~~
~~849.23~~	~~3rd~~	~~Gambling-related machines; "common offender" as to property rights.~~
~~849.25(2)~~	~~3rd~~	~~Engaging in bookmaking.~~
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.

319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431	3rd	Taking, disturbing, mutilating,

	(1)(e)5.		destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1933			
	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
1934			
	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
1935			
	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
1936			

400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.

697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.

817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment

			instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.	
836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.	
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	
838.12(3)	3rd	Betting on predetermined or prearranged professional or amateur game, contest, match, race, or sport.	
849.01	3rd	Keeping gambling house.	

849.02(2)	3rd	Agents or employees of keeper of gambling house.
849.03(1)	3rd	Renting house for gambling purposes.
849.086(12)(e)	3rd	Tampering with cards or card games.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.09(1)(e), (f), (g), (i), or (k)	3rd	Conducting unlawful lottery; second or subsequent offense.
849.09(1)(h) or (j)	3rd	Conducting unlawful lottery; second or subsequent offense.

849.11(2)	3rd	Offenses relating to games of chance.
849.14	3rd	Betting on result of trial or contest of skill, etc.
849.15(3)(b)	3rd	Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction.
849.157(1)	3rd	False or misleading statement to facilitate sale of slot machines or devices.
849.25(2)	3rd	Engaging in bookmaking.
849.47(3)(a) & (b)	3rd	Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.
847.01385	3rd	Harmful communication to a minor.

860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1.,

			(2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
1988			
	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
1989			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1990			
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1991			
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1992			
	893.13(7)(a)10.	3rd	Affix false or forged label to

			package of controlled substance.
1993			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
1994			
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
1995			
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
1996			
	893.13(8)(a)3.	3rd	Knowingly write a prescription

			for a controlled substance for a fictitious person.
1997			
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
1998			
	918.13(1)	3rd	Tampering with or fabricating physical evidence.
1999			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
2000			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2001			
	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365(2)(c)1.	3rd	Violation of rules relating to:

			willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
2011			
	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2012			
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
2013			

381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01(3)	3rd	Unlawful carrying of a

		concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition;

		offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)(c)	3rd	Commercial digital voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.

812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.

817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
849.02(3)	2nd	Agents or employees of keeper of gambling house, third or subsequent offense.
849.03(2)	2nd	Renting house for gambling purposes; second or subsequent offense.
849.15(3)(c)	2nd	Manufacture, sale, or possession of slot machine; by

			person of authority of five or more machines or two or more prior convictions.
2057			
	849.157(2)	2nd	False or misleading statement to facilitate sale of slot machines or devices; five or more machines.
2058			
	849.25(3)	2nd	Bookmaking; second or subsequent offense.
2059			
	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2060			
	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
2061			
	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

			drugs).
2062			
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
2063			
	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
2064			
	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s.

			893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st		Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd		Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd		Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration,

		permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.

461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.

483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.

560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.

784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.

784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.

790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation;

			consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
2127			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
2128			
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
2129			
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2130			
	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2131			
	800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older

			but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2132			
	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
2133			
	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2134			
	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2135			
	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2136			
	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
2137			
	812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law

			enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.	
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.	
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.	
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.	

812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341	1st	Making false entries of

	(2)(b) & (3)(b)		material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2151			
	817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
2152			
	817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
2153			
	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
2154			
	817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
2155			
	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or

			disfigurement.
825.103(3)(b)		2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)		2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)		3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)		2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)		2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)		3rd	Giving false information about

			alleged capital felony to a law enforcement officer.
2162			
	838.015	2nd	Bribery.
2163			
	838.016	2nd	Unlawful compensation or reward for official behavior.
2164			
	838.021(3)(a)	2nd	Unlawful harm to a public servant.
2165			
	838.22	2nd	Bid tampering.
2166			
	843.0855(2)	3rd	Impersonation of a public officer or employee.
2167			
	843.0855(3)	3rd	Unlawful simulation of legal process.
2168			
	843.0855(4)	3rd	Intimidation of a public officer or employee.
2169			
	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
849.155	1st	Trafficking in slot machines or devices or any parts thereof.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child

			care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
2176			
	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
2177			
	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
2178			
	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2179			
	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200

			grams.
2180			
	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
2181			
	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2182			
	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
2183			
	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2184			
	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2185			
	893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.

893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.

896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 42. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of

cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 43. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is

legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 44. This act shall take effect October 1, 2025.

COMMERCE COMMITTEE

PCS for HB 1467 by Rep. Snyder
Gambling

AMENDMENT SUMMARY
April 15, 2025

Amendment 1 by Rep. Esposito (between lines 1067-1068):

- 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.
- Requires such permitholders to conduct at least 59 live performances.
    - Fifty nine (59) is the number associated with jai alai permitholders' former May-August summer permit.

Amendment to Amendment by Rep. Esposito (line 20):

- Revises the requirement that the permitholders conduct at least 59 live performances to instead require 20 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: Commerce Committee
Representative Esposito offered the following:

Amendment (with title amendment)

Between lines 1067 and 1068, insert:

Section 19. 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 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 minimum of 59 live performances using such permitholder's existing permit and may not operate under the lessor's permit ~~premises~~.

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

Remove line 107 and insert:
minimums; amending s. 550.475, F.S.; authorizing holders of a valid pari-mutuel permit to lease certain facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessees to apply for a certain license; prohibiting such lessees from operating a cardroom or slot machine at the leased facility; requiring certain jai alai permitholders to conduct a minimum number of live performances using their existing permit; prohibiting operation under a lessor's permit; repealing s. 550.625, F.S., relating to

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: Commerce Committee

Representative Esposito offered the following:

Amendment to Amendment (PCS for HB 1467 a1) by Representative Esposito

Remove line 20 of the amendment and insert:

accordance with this section must conduct a minimum of 20 live